

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Supplementary Budget Estimates 2010-2011**

**Outcome 5 - Workplace Relations**

**DEEWR Question No.EW0605\_11**

Senator Abetz asked on 20/10/2010, Hansard page 111.

**Question**

*Bullying clauses in agreements*

**UNION CAMPAIGN**

Senator ABETZ—Has the government given any consideration to, as I understand it, a union campaign where: Employers would be forced by the courts to move bullies away from their victims under an aggressive industrial strategy to be rolled out across Victoria and then Australia by a large blue-collar union. Are you aware of that, and do you have any views on that? Ms Paul—No. Senator Chris Evans—I think you need to be more specific. It does not ring any bells with me. Senator ABETZ—It was in the Age on 16 September, and it was interesting that it was the CFMEU, of all unions, albeit— Senator Chris Evans—Is this supposed to be a Commonwealth program? Senator ABETZ—No. They are saying, if they got their way, that employers would be forced. So I wonder if the CFMEU has made submissions or representations to the government for that to become part of the workplace— Ms Paul—Not that I am aware of, but it is a tough reference to pin down. Perhaps we will take it on notice and go to that article.

**Answer**

Media reports suggest that the Construction, Forestry, Mining and Energy Union's Forestry and Furnishing Division would ask employers to agree to include a term in enterprise agreements committing them to:

- act quickly on bullying complaints in a fair, proper, impartial investigation
- provide adequate support to victims
- keep records of meetings, and
- develop anti-bullying policy and training.

To the extent that such issues are about the permitted matters set out in subsection 172(1) of the *Fair Work Act 2009* they are capable of inclusion in an enterprise agreement where agreed between an employer and employees.