

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Agency - Fair Work Building and Construction

Department of Employment Question No. EMSQ16-000138

Senator Cameron asked on 12 February 2016 on proof Hansard page 27

Question

FWBC - Code of conduct investigations

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Senator CAMERON: Mr Hadgkiss, have any Fair Work Building and Construction officers who have made complaints about bullying or harassment subsequently been the subject of code-of-conduct investigations?

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Senator CAMERON: Have Fair Work Building and Construction officers who have made complaints about bullying or harassment subsequently been the subject of a code-of-conduct investigation? I am aware of three officers.

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Senator CAMERON: Haslam, Lanigan-O'Keeffe and Ritson.

Mr Hadgkiss: I am familiar with all those, and I am happy to take that now. Ms Haslam has been named; I would not ordinarily name her. She was already the subject of a code-of-conduct investigation.

Senator CAMERON: Could I just correct this? Haslam was not terminated.

Mr Hadgkiss: No. She was the subject of a code-of-conduct investigation, following which she made complaints of bullying and went to the Fair Work Commission. It was mediated by the deputy president. She then withdrew that bullying complaint. Mr Lanigan-O'Keeffe I think we have dealt with at length; he is the gentleman in the car park who made a complaint following, again, a code-of-conduct complaint. He was the subject of a code-of-conduct investigation for making complaints. The last person, a Mr Ritson, was terminated in recent days.

Ms Cato: That is why we need to take it on notice—to get—

Mr Hadgkiss: We will take that one on notice.

Answer

There are three employees at the agency who have been subject of code of conduct investigations, and who have also made a complaint about bullying and harassment, whether before or after the code of conduct investigation. In each case, the code of conduct investigation was unrelated to the making of the complaint.

In respect of one staff member, the code of conduct investigation related to various interactions between that staff member and a junior employee. The conduct subject of the investigation was substantiated and a sanction was imposed on the staff member. That staff member has recently resigned from employment.

In respect of a second employee, the employee was found to have breached the code of conduct in not acting with integrity and honesty and repeatedly failing to comply with lawful and reasonable directions to cease using agency car parking in the Sydney CBD when the staff member was not authorised to do so.

A third employee was found to have breached the code of conduct in not acting with integrity and honesty and failing to comply with lawful and reasonable directions related to the employee undertaking outside employment without seeking or obtaining approval.

A fourth employee – named in the question – was not subject of a code of conduct investigation. The employee was terminated under sub-section 29(3)(f) of the *Public Service Act 1999* (PS ACT) for failure to meet a condition imposed under subsection 22(6)(a) of the PS Act. This condition is; (6) The engagement of an APS employee may be made subject to conditions notified to the employee, including conditions dealing with any of the following matters. In this instance the relevant condition was 'probation'.