

## **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. EMSQ16-000174**

**Senator Cameron asked on 12 February 2016 on proof Hansard page 59**

#### **Question**

##### **FWBC - Right of entry manual**

Senator CAMERON: Do your inspectors provide advice to companies on how to prevent entry by union officers seeking to exercise a right of entry?

Mr Hadgkiss: It is one of our functions to provide education advice to all industry participants, including builders. Many presentations, educations and site visits are continually made and we stress to contractors their rights and their responsibilities in respect of right of entry matters.

Senator CAMERON: Is there a guide or a document?

Mr Hadgkiss: There is. We have those rights and those responsibilities pertaining to right of entry, which have been drafted by our legal people, on our website and in hard copy.

Senator CAMERON: Could you provide me with a hard copy?

Mr Hadgkiss: Yes, I will take that on notice.

Senator CAMERON: When your organisation is contacted by building companies for advice on right of entry for union officers to enter their sites, on occupational health and safety issues, is the advice given by the officers based on the presumption that the safety issue is not genuine and entry should be denied?

Mr Hadgkiss: No, that would be improper.

Senator CAMERON: Does your guide—

Mr Hadgkiss: Sorry, I think Ms Cato has something to add.

Ms Cato: If there is a safety issue raised then they would be directing them to call the relevant safety agency or regulator in the state or territory to help determine whether they have a responsibility to bring them onto the site or whether it is their right to not have them on the site.

Senator CAMERON: If an organiser comes along and says, 'Look, there is a health and safety issue that has been reported to me on this site,' what is your advice to the company? Keep them off until the regulator comes?

Ms Cato: Absolutely not; it is a case-by-case basis. But the advice is you have rights and you have responsibilities and this is what they are. We talk to them about what they are and if they have any concerns they usually have to provide notice if there is a safety issue. If they are concerned about whether or not it is a genuine safety issue then they are advised to seek confirmation from the safety regulator.

Senator CAMERON: What happens in the meantime to the right of entry request?

Ms Cato: That is up to the contractor.

Senator CAMERON: Is this approach in your manual?

Ms Cato: Sorry?

Senator CAMERON: Does the manual contain that procedure?

Ms Cato: I would have to take on notice the exact wording of what it says.

Senator CAMERON: But does it have something about that in there?

Ms Cato: There is a whole right of entry step by step of what they should do. They have been published for years by the agency.

## **Answer**

FWBC has a range of education material about Right of Entry. This includes:

- Information available in the Rights and Responsibilities section of the FWBC website (**Attachment 1**).
- Fact sheet downloadable from the Resources section of the FWBC website (**Attachment 2**).
- Poster downloadable from Resources section of the FWBC website (**Attachment 3**).
- Pocket guide downloadable from Resources section of the FWBC website (**Attachment 4**).
- Script from the FWBC App 'FWBC On Site' relevant to Right of Entry (**Attachment 5**).
- Presentation on Right of Entry provided by Investigators (**Attachment 6**).