

[REDACTED]

From: [REDACTED]
Sent: Thursday, 21 January 2016 9:26 AM
To: [REDACTED]
Cc: [REDACTED]; CATO, Cathy;
Subject: RE: Agreement Assessments [DLM=Sensitive:Legal]
Attachments: Clauses for Assessment by Department - 2014 Code (3).docx

Sensitive: Legal

Hi [REDACTED]

Thank you for your email.

Please find attached an updated table which includes our views on the relevant clauses. While we haven't seen those exact clauses, we have seen clauses that are very similar.

Copy to discuss.

Regards,

[REDACTED]
Assistant Director
Building Industry Policy Team
Work Health and Safety Policy Branch
Australian Government | Department of Employment
Phone [REDACTED] | Fax [REDACTED]

From: [REDACTED]
Sent: Wednesday, 20 January 2016 11:34 AM
To: [REDACTED]
Cc: [REDACTED]; CATO, Cathy; [REDACTED]
Subject: Agreement Assessments [DLM=Sensitive:Legal]

Sensitive: Legal

Hi [REDACTED]

[REDACTED]

I would be grateful if you could consider the three clauses in the attached document and let me know your view. I would be happy to discuss this over the phone if that is easier.

Kind regards,

[REDACTED]

[REDACTED] Acting General Manager - Building Code
Fair Work Building & Construction

Tel [REDACTED] Mob [REDACTED]
PO Box 9927, Melbourne, Vic, 3134

Clause Title	Clause Wording	Code	Reason for Inconsistency	Has the Department assessed this clause against the 2014 Code. If yes, please advise outcome of assessment.
Delegates and Their Rights	<p>The delegate shall be entitled to represent members or potential members in relation to industrial matters at the workplace, and without limiting the generality of that entitlement to be involved in representing members or potential members:</p> <ul style="list-style-type: none"> • Be notified of the termination of any Employee for any reason • Be notified of the commencement of new Employees. 	13	<p>Employees should be free to be represented or not represented by industrial associations.</p> <p>Employers must protect personal information.</p>	
Union Membership	<p>The Union shall have the right to promote the benefits of Union membership.</p> <p>To assist this the Company shall:</p> <p>b) make available to Employees, documentation and applications including that of the Union covered by this Agreement, at the same time as Employees are provided with their taxation declaration form.</p> <p>c) invite the Union to meet new Employees</p> <p>d) not prevent the Union posting the Company's premises or job a copy of any official notice of the Union.</p>	13	<p>Employers must protect freedom of association. Providing employees with union membership application forms at the time they commence employment and inviting the Union to meet new Employees is adopting a policy that contributes to the incorrect belief that employees are required to join a union.</p> <p>The Employer should have discretion to remove material from the Union notice board if the material compromises freedom of association.</p>	
Union Noticeboard	<p>The Employer will provide a Union noticeboard at every workplace. The display of material upon the Union noticeboard will be under the control of the Union.</p>	13	<p>The Employer should have discretion to remove material from the Union notice board if the material compromises freedom of association.</p>	