

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION, RIGHT-OF-ENTRY PRIVILEGES,
ABUSE

584. Hon. C.L. Edwardes to the Minister for Consumer and Employment Protection

I refer the Minister to correspondence received from BGC Construction, dated 24 April 2002, expressing dismay and concern about abuses by the CFMEU over union right-of-entry privileges and ask: -

- (a) has the Minister investigated the circumstances outlined in the letter;
- (b) has the Minister had the circumstances in the letter investigated;
- (c) if not, why not;
- (d) does the letter represent an accurate account of what transpired;
- (e) what action does the Minister propose to take against the action of the union officials;
- (f) does the Minister acknowledge that employers have a right for protection against improper actions by union officials;
- (g) will the Minister outline what action the employers can take as protection against improper actions by union officials;
- (h) if not, why not;
- (i) does the Minister regard the allegations outlined in the letter from BGC Constructions as serious?

Mr J.C. KOBELKE replied:

- (a) No
- (b) No
- (c) The letter was not registering a complaint on right of entry but illustrating the deficiencies on right of entry under the Industrial Relations Act at the time. The author was questioning how the Government's new legislation would assist employers to deal with abuses of right of entry.
- (d) I cannot comment on the accuracy of the account.
- (e) If the author had made a complaint to the Building Industry and Special Projects Inspectorate (BISPI) the matter would have been investigated. BGC Construction had made a number of complaints to BISPI about union right of entry under the previous law, and these were investigated by BISPI. However, the deficiencies in that law made it difficult for BISPI to effectively police abuses of right of entry. BGC Construction was not complaining but enquiring about how the new law would help BGC deal with abuses of right of entry.
- (f) Yes
- (g) The new legislation allows employers to apply to the WA Industrial Relations Commission (WAIRC) for revocation or suspension of a union representative's authority to enter premises if the union representative has engaged in improper behaviour or intentionally and unduly hindered work.
- (h) N/A
- (i) I do not condone any improper behaviour when union representatives exercise their power of right of entry. There is now a process in place for the WAIRC to deal with any allegations of inappropriate behaviour and if necessary suspend or revoke union representatives power of right of entry.