

Memorandum of Understanding between:

Fair Work Australia

Fair Work Building & Construction

Fair Work Ombudsman

1. Introduction

- 1.1 This Memorandum of Understanding (MoU) is between Fair Work Australia (FWA), the Office of the Fair Work Building Industry Inspectorate (operating as Fair Work Building & Construction (FWBC)) and the Office of the Fair Work Ombudsman (FWO) (collectively the Parties).

2. Context & Purpose

- 2.1 The Parties have complementary and potentially overlapping roles in undertaking their statutory functions under the *Fair Work Act 2009* (FW Act) and, in respect of Fair Work Building & Construction, the *Fair Work Building Industry Act 2012*, particularly in relation to:

- facilitating the object of the FW Act to “provide a balanced framework for cooperative and productive workplace relations”;
- in respect of the FWO and FWBC their function to “promote harmonious, productive and cooperative workplace relations”; and
- engagement with industry and the provisions of education, assistance and advice.

- 2.2 The Report of the Review of the Fair Work Act 2009 - ‘Towards more productive and equitable workplaces: An evaluation of the Fair Work legislation’ included a recommendation in the following terms:

“The Panel recommends that the role of the Fair Work institutions be extended to include the active encouragement of more productive workplaces. This activity may, for example, take the form of identifying best-practice productivity enhancing provisions in agreements and making them more widely known to employers and unions, encouraging the development and adoption of model workplace productivity enhancing provisions in agreements, and disseminating information on workplace productivity enhancement through conferences and workshops. The Panel does not consider that amendments to the FW Act are required to implement this recommendation.”

- 2.2 The Parties intend to work together to minimise the potential for duplication of effort to ensure the proper use of the Commonwealth resources for which the Parties are responsible and so that their respective efforts can be most effectively targeted.

3. Agreement as to Main Areas of Focus

- 3.1 The Parties agree to meet regularly at officer level to share information about proposed activities and initiatives with a view to minimising duplication.
- 3.2 The Parties have agreed that the objects of the Fair Work Act are best met by an agreed understanding as to the main areas of focus for each party as follows:

- *Fair Work Australia*

FWA's functions include providing assistance and advice about its functions and activities. FWA must also perform its functions and exercise its powers in a manner that promotes harmonious and cooperative workplace relations.

FWA will principally focus on engagement, assistance and advice in relation to large infrastructure projects (that are allocated to the Major Project Panel within FWA) and large employers, registered organisations and peak bodies.

Activities will include encouraging better workplace relations, facilitating discussions at the workplace and industry level around major issues affective productivity and competitiveness.

- *Fair Work Ombudsman*

The FWO's functions include promoting harmonious, productive and cooperative workplace relations and ensuring compliance with Commonwealth workplace laws. These functions apply in respect to all national system employers and employees, outworkers and outwork entities.

The FWO will continue its focus on providing education, assistance and advice in relation to rights and obligations under the national workplace relations system, with particular expertise in relation to small and medium enterprises.

- *Fair Work Building and Construction*

FWBC is charged with promoting harmonious, productive and cooperative workplace relations, and ensuring compliance with laws, in the building and construction industry and with the Building Code.

FWBC will continue its focus on providing education, advice and assistance and engaging with employers, employees and contractors in the building and construction industry where the projects concerned are not a part of the Major Project Panel within FWA.

4. Further Areas of Collaboration

The Parties agree to collaborate wherever practicable, for example by:

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- jointly facilitating professional development activities to build capability in their respective organisations;
- encouraging and supporting the promotion and proliferation of advanced leadership, culture and management practices that support more innovative, productive and fulfilling workplaces;
- collecting, analysing and sharing relevant industry data and information held by the Parties and communicating and sharing the latest research findings;
- collaborating on the development of consistent education materials including e-learning tools and training programs.



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Fair Work Australia

12/9/2012



Leigh Johns
Chief Executive
Fair Work Building & Construction

6/9/2012



Nicholas Wilson
Fair Work Ombudsman

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