

House of Representatives
Supplementary Order Paper

Tuesday, 30 October 2018

Employment Relations Amendment Bill

Proposed amendments

Hon Mark Mitchell, in Committee, to move the following amendments:

Clause 18

In *clause 18* replace *section 62A heading* with:

**Employer must share new employee information with union
provided employee consents**

Clause 18

In *clause 18*, replace *section 62A(3)(b)* with:

- (b) explains that, provided the employee consents in accordance with this section, the employer will provide the following information to each union that is a party to a collective agreement that covers the work to be done by the employee:
 - (i) the name of the employee:
 - (ii) whether the employee has, during the period,—
 - (A) notified the employer that the employee intends to join the union; or
 - (B) notified the employer that the employee does not intend to join the union.

In *clause 18*, replace *section 62A(5)* with:

- (5) The employer must, within 10 working days of the expiry of the period described in *subsection (4)*, provide the following to each union that is a party to a collective agreement that covers the work

to be done by the employee (provided the employee has consented in accordance with this section):

- (a) the name of the employee:
- (b) if the employee completes and returns a form in accordance with this section, the completed form.

Explanatory note

This Supplementary Order Paper amends the Employment Relations Amendment Bill by amending *clause 18* of the Bill.

Requiring employers to provide details of new employees to a union in an unconsented manner raises significant issues of privacy. The clause as it currently stands requires the employer to provide personal information about an employee to a union, regardless of the employee's consent to the transfer of this personal information. *Clause 18* specifies that failure to fill out a form is the same as not objecting to the transfer of information. This is a clear breach of privacy, as an individual should consent first to their personal information being transferred, especially in an environment where they may be "leaned on" in relation to their membership of a union. This amendment would ensure an employer gains consent from their employee before transferring their personal information to a union.