

Model clauses for sub-contracts

Below are the relevant clauses taken from the CFMEU template agreement with Probuild available from the Fair Work Commission's website. These clauses demonstrate alignment with the new construction EBA in relation to the following measures which contribute towards women's equality and safety:

- Family and domestic violence leave (clause 46)
- Safe and respectful workplaces (clause 67)
- Amenities for women (clause 70)

46 Family and Domestic Violence Leave

46.1 For the purposes of this clause, "family and domestic violence" and "family member" are defined in the Award.

46.2 Confidentiality

- (a) The Employer must take all reasonable measures to ensure personal information concerning an Employee's experience of family and domestic violence is kept confidential.

46.3 Leave

- (a) An Employee (other than casual Employees) experiencing family and domestic violence will have access to 10 days per year of paid family and domestic violence leave paid at the Employee's minimum weekly wage rate prescribed by clause 19.1 (a) of the Building and Construction General On-site Award 2010 as varied from time to time applicable to their classification to attend legal proceedings, counseling, and appointments with a medical or legal practitioner, relocation, the making of safety arrangements and other activities associated with the experience of family and domestic violence.
- (b) Family and domestic violence leave is in addition to any other existing leave entitlements, and may be taken as consecutive or single days or as a fraction of a day.
- (c) The Employee shall give as much notice as reasonably possible prior to taking the leave under this clause.
- (d) In addition, the Employer may require the Employee to produce evidence to support the need for family and domestic violence leave such as a document issued by the police, a court, a doctor (including a medical certificate), a family violence support service, or a statutory declaration.
- (e) For the avoidance of doubt, family and domestic violence leave does not cumulate from year to year and is not paid out on termination of employment.

67 Safe and Respectful Workplace

67.1 The Parties recognise that everyone is entitled to work in an environment that is free of discrimination, harassment and bullying. It is the Employer's responsibility to ensure it complies with relevant legislative requirements including the Equal Opportunity Act 2010 (Vic).

67.2 Accordingly, the Parties agree to the Sexual Harassment principles in Appendix K.

67.3 In accordance with those principles the following points will be covered in the Employer's on site induction:

- (a) It is everyone's responsibility to respect women's right to work without having to experience unacceptable behaviour.

- (b) Disrespectful actions and behaviours which express power inequalities between women and men and cause physical, sexual, psychological or economic harm to women are unacceptable on site.
- (c) Unacceptable behaviours that women face in the workplace include:
 - (i) stalking and intimidation;
 - (ii) threats and verbal abuse;
 - (iii) ostracism;
 - (iv) rude gestures and put downs;
 - (v) offensive language and imagery;
 - (vi) sexual innuendo / insinuations;
 - (vii) sexual suggestions and/or unwanted advances; and
 - (viii) sexual assault.
- (d) These behaviours at work present serious OHS risks which may cause significant physical and psychological injury.
- (e) This respect must also be extended to other visitors to the site and members of the public.

71 Amenities for females

- 71.1 At a minimum, the following amenities must be provided on each site for female workers:
 - (a) a separate ablution block, change room and closet with sanitary bin and privacy closure must be provided for female use only.
 - (b) on any site with less than 10 workers of which two or less are females a separate female portable toilet (with sanitary bin) will be provided solely for the use of the females.
 - (c) Upon request, an appropriate private room with a fridge for use as a lactation room.
- 71.2 In determining the location of the amenities the Employer must consider the most appropriate balance of privacy, safety and security.
- 71.3 If the female workers and the site management agree that a better alternative is available, then that alternative may be adopted.
- 71.4 Any site where the anticipated number of workers will be greater than 10 then the amenities for female will include a separate toilet (with sanitary bin) from the commencement of the project.
- 71.5 Where, as a result of consultation, a need for a feeding room is required then such a room will be provided.