



More information

Workplace Infoline 1300 363 264

At a glance:

- Fairness Test introduced
- Provides greater protection to workers employed under Australian Workplace Agreements and collective agreements
- The Workplace Authority will conduct the Fairness Test
- The Workplace Ombudsman will investigate and prosecute employers who break the law

The workplace relations system. Know where you stand.

On Saturday 19 May 2007, the Minister for Employment and Workplace Relations, the Hon Joe Hockey MP, announced a straight-forward advertising campaign to tell people how the workplace relations laws affect them and where they stand.

To view these advertisements visit workplace.gov.au or for more information call the **Workplace Infoline on 1300 363 264**.

Australia's workplace relations system has a set of rules and obligations that all employers are required, by law, to comply with.

No one can be forced to sign an agreement.

Any agreement signed by an employee aged under 18 must also be signed by a parent or guardian.

Other obligations include:

- Minimum wages
- Working hours
- Four weeks paid annual leave
- Ten days paid sick leave
- One year unpaid maternity leave.

The Workplace Authority

The Workplace Authority, previously known as the Office of the Employment Advocate, will check agreements against a Fairness Test to make sure you get a fair deal. If an agreement doesn't pass the Fairness Test, it will need to be changed so that it is fair and the employer will have to make up any back pay.

The Workplace Ombudsman

The Workplace Ombudsman, previously known as the Office of Workplace Services, will investigate and prosecute employers who break the law. The Workplace Ombudsman will provide additional protection for employees and will take on a greater role in ensuring that employers comply with their legal obligations.

If you need information about the Fairness Test or for advice or assistance on workplace relations please phone the Workplace Infoline 1300 363 264 or visit the Workplace website workplace.gov.au.



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The Fairness Test

The Fairness Test applies to employees covered by an Australian Workplace Agreement and earning under \$75 000 a year who have had protected award conditions removed or changed in an agreement. This includes the following award conditions:

- Penalty rates
- Shift and overtime loadings
- Monetary allowances
- Annual leave loadings
- Public holidays
- Rest breaks and
- Incentive based payments and bonuses.

The Fairness Test also applies to all collective agreements which remove or change protected award conditions.

Employees must receive fair compensation for changes to these conditions and payments. In most cases this will mean a higher rate of pay.

In establishing what is fair compensation, like the old no-disadvantage test, the Workplace Authority will consider the work obligations of the employee, for instance, whether the employee would be required to work shift work or at weekends.

The Fairness Test applies to workplace agreements lodged on or after Monday 7 May 2007. Agreements made before this date will not change.

As an additional protection for workers, employers will not be able to dismiss an employee because their agreement does not meet the Fairness Test. An employer must also not force an existing employee to agree to remove or vary a protected award condition.

Who will conduct the Fairness Test?

The Fairness Test will be conducted by the Workplace Authority. The Workplace Authority is the number one contact point for people to receive straightforward information and advice on workplace relations, including agreements.

Employers are encouraged to request a Fairness Test pre-lodgement review of their workplace agreements. This will assist people to make fair and clear agreements from the start.

Where an agreement fails the Fairness Test, back pay must be paid to the employee.

Whether you're an employee or employer, there's one place you can go for information, help and advice. Call the Workplace Infoline on **1300 363 264 or alternatively visit the Workplace website at workplace.gov.au.**

The workplace
relations system

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