

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

2003-2004 BUDGET ESTIMATES HEARING – 2 JUNE 2003

OFFICE OF THE EMPLOYMENT ADVOCATE

QUESTIONS ON NOTICE

Outcome: 2 Higher productivity, higher pay workplace

Output Group: 2.2 Workplace Relations Implementation

Outputs: 2.2.3 Assistance to the Employment Advocate

Question Number: W006-04

Question:

Senator Carr asked in writing:

How can you then justify the AWA framework as meeting the no-disadvantage test if its superannuation provision is less than the award?

Answer:

The Employment Advocate cannot approve an AWA unless it passes the no-disadvantage test (NDT).

The NDT is a global test which compares the terms and conditions of an Australian workplace agreement (AWA) with the terms and conditions enjoyed by the employee under the relevant, or designated, award, and relevant laws. It is possible - indeed, common - for some AWA conditions to be less beneficial, and others more beneficial, when compared to the corresponding award conditions. As long as the AWA does not disadvantage the employee *overall*, the NDT is passed.