

## APPENDIX

## DEFINITIONS AND ABBREVIATIONS

<b>Adviser</b>	A person appointed as an inspector under s.84 of the Act, including State public servants who are given powers to exercise the functions of inspectors under s.84(3).
<b>the Act</b>	The <i>Workplace Relations Act 1996</i> and associated regulations.
<b>AIR</b>	Australian Industrial Registry
<b>AIRC</b>	The Australian Industrial Relations Commission.
<b>AWA</b>	An Australian workplace agreement approved under Part VID of the Act.
<b>BIT</b>	Building Industry Taskforce
<b>breach</b>	A provision in a federal award, a certified agreement or relevant workplace relations legislation that has not been complied with as determined by an inspector/Adviser.
<b>certified agreement</b>	An agreement certified under Division 4 of Part VIB of the Act and agreements (including enterprise flexibility agreements) certified or approved under the <i>Industrial Relations Act 1988</i> .
<b>claim</b>	An alleged breach of a federal award, certified agreement or the Act. Claims must be in writing from an identifiable person. Breaches detected through OWS initiated activities (eg targeted compliance/educative campaign) are treated as claims for the purposes of these guidelines.
<b>client</b>	A person or body seeking information, advice or assistance from the Department and those to whom the Department seeks to provide a service (eg, employers who are the subject of a claim and those who form part of the target audience of our educative and information activities).
<b>Contracted State</b>	A State Government which has formally contracted to deliver federal award inquiry and compliance services on behalf of the Commonwealth (i.e. Queensland, South Australia, Western Australia and Tasmania).
<b>correspondence</b>	A written request for information, advice or assistance (including an alleged claim which is referred to a State) about the provisions of a federal award, Schedule 1A, a certified agreement or the Act.

- complaint** Formal contact from a client expressing dissatisfaction with the service they have received or the manner in which they have been dealt with by an officer or the Department.
- not sustained** A claim is regarded as not sustained where the facts do not show that there has been a breach.
- employee litigation** Court action under s.178 or s.179 of the Act taken by an employee in order to seek a penalty or recover payments due under a federal award, Schedule 1A (s.506(2)) for Victorian employees or a certified agreement (see small claims procedure below). In some cases, it may be possible to settle matters under State legislation.
- federal award** An award or order made and issued in writing by the AIRC under s.143(1) of the Act.
- finalised claim** A claim is regarded as finalised when it reaches one of the following resolutions:
- No prima facie breach (ie where after preliminary assessment the evidence does not show there has been a breach);
  - not sustained (ie where evidence does not show there has been a breach);
  - not proceeded with (ie A claim has received one of the following outcomes: the employee withdraws their claim; the matter does not fall within the federal jurisdiction; insolvency; OWS withdraws from the claim/case; etc)
  - sustained, is an outcome of either:
    - . voluntary compliance (see definition below);
    - . the claimant has been advised of their right to litigate their claim; or
    - . Department litigation approved,and the claimant has been advised in writing.
- NOTE:** A claims is not considered finalised while OWS is taking action, other than litigation action, to recover payments.
- No further action (NFA) eg, employer insolvency; the Department withdraws the case; death of the employer/employee
- inquiry** A request for information, advice or assistance about the provisions of an award, agreement or workplace relations legislation. It includes matters handled over the counter, operator assisted calls, calls to

interactive voice response units, correspondence, claim forms, emails and faxes. One inquiry might cover several questions.

<b>inspector</b>	A person appointed under s.84 of the Act, including State public servants who are given powers to exercise the functions of inspectors under s.84(3).
<b>investigation</b>	The process of assessing a claim, interviewing appropriate parties, providing reports and collecting evidence for prosecution purposes, if appropriate.
<b>Ministerial Directions</b>	Directions made by the Secretary of the Department (under delegation from the Minister) under s.84(5) of the Act which specify how the powers or functions of inspectors are to be carried out, exercised or performed.
<b>OEA</b>	Office of the Employment Advocate
<b>OWS</b>	Office of Workplace Services. References to OWS will generally include the contracted States, unless specified otherwise.
<b>Schedule 1A</b>	Schedule 1A and Part XV of the Act outline the minimum terms and conditions of employment, including minimum wages, which apply to all employees in Victoria not covered by a federal award or agreement.
<b>small claims procedure</b>	Court action under s.179 of the Act (using the s.179D procedure) taken by an employee against an employer in order to recover payments due under a federal award or a certified agreement, which do not exceed \$10,000.
<b>sustained</b>	A claim is regarded as sustained when an officer is satisfied that at least one breach has occurred.
<b>voluntary compliance</b>	An outcome of a sustained claim where the employer has voluntarily rectified the breach(es).

**NOTE:** Some of the above definitions vary slightly from the definitions contained in OWS' contracts with Contracted States and those in the Workplace Relations Ministers' Council's report on Benchmarking of Commonwealth and State Workplace Relations Inquiry and Compliance Services. In respect of the Contracted States, the definitions in their contracts prevail to the extent of any inconsistencies.