

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

**2005-2006 BUDGET SENATE ESTIMATES HEARING
30, 31 MAY and 3 JUNE 2005**

EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

QUESTIONS ON NOTICE

Office of the Employment Advocate

Question Number: W244-06

Question:

Senator Marshall asked at *Hansard* page 79:

Can the OEA provide to the committee a copy of the standard letter and information sheet that is sent to every employee who has had an AWA lodged?

Answer:

A copy of the standard letter is attached.

Attachments

YOUR AUSTRALIAN WORKPLACE AGREEMENT

Date
Employer Name:
Trading as:
Agreement number:

Given Name Surname
Address1
Address2
Suburb State Post Code

Why have I received this letter?

This letter is to confirm that you recently made an Australian workplace agreement (AWA) with your employer. The AWA is currently being considered by our office. If approved, the AWA will provide the legal basis for your pay and other employment conditions.

Am I required to reply to this letter?

You do not need to reply to this letter if the following statements are true

- *I signed the AWA.*
- *I genuinely consented to making the AWA.*
- *My employer explained the effect of the AWA to me before I signed it.*
- *I received the AWA the required number of days before signing it.*
 - *Required days if signing after commencement of the employment to which the AWA relates=14 days*
 - *Required days if signing before or at the time of commencement of the employment to which the AWA relates=5 days*

If one or more of the statements above is not true, what should I do?

You should reply to this letter within 14 days from the date of this letter. You will need to advise this Office which statements are false. There are two ways you may reply to this letter:

- *You may telephone the Office of the Employment Advocate (OEA) on 1300 366 632 for the cost of a local call; or*
- *You may send a letter with the relevant information to the OEA at GPO Box 9842 in your capital city.*

If you are a person under 16 years of age, the Employment Advocate suggests that you discuss your AWA with your parent or guardian. Also, make sure that you check out the website at <http://youthservices.oea.gov.au/> for important information you should know about your rights. If you or your parent or guardian have any matters they wish to discuss about the AWA, you are encouraged to contact the OEA on 1300 366 632.

If you are an apprentice or a trainee you may wish to access material this office has prepared for employees such as you at its website at <http://www.oea.gov.au>.

In your AWA there may be a clause that allows you to choose, voluntarily, some or all of your working hours. If you make such a choice, these hours are called 'preferred hours', and may be paid at the 'ordinary' pay rate, even if they are worked in the evening, or on weekends, or as extra hours. Under an award, these hours are usually paid at a higher penalty rate.

In assessing your AWA, it will not be considered a disadvantage if you are paid at the ordinary rate of pay, rather than at a higher penalty rate, for any preferred hours which you choose. But your employer must give you a genuine opportunity to choose.

If you have chosen to work preferred hours – or choose to in the future – and are concerned that you did not have a genuine choice, you should contact the OEA.

A fact sheet about preferred hours is available from the OEA's website or by calling the OEA.

How will I know if my AWA has been filed and /or approved?

Your employer has a receipt showing the AWA was filed by this office. You should receive a copy of this filing receipt from your employer. If your AWA is approved, your employer must also provide you with a copy of the AWA and approval notice.

If the OEA has not heard from you within 14 days of the date of this letter it will be understood that you genuinely consented to making the AWA. If the AWA you signed complies with the other requirements of the Workplace Relations Act 1996, the AWA will be approved.

