



Australian Government

# WorkChoices

## Minimum entitlements

Under WorkChoices, employee outworkers will be entitled to receive the minimum pay and leave entitlements as set out in the Australian Fair Pay and Conditions Standard (the Standard).

The Standard contains basic rates (and piece rates) of pay including casual loadings, as well as maximum ordinary hours of work, annual leave, personal/carer's leave and parental leave.

Award provisions about annual leave, personal/carer's leave and parental leave are 'preserved' award terms. Where an employee's entitlement under a preserved term is more generous than the Standard, the award term will apply.

Preserved award conditions will not form part of the Standard for agreement making.

## WorkChoices and awards

Outworker conditions are an allowable award matter under WorkChoices. This means that an award may include terms that establish conditions (but not pay) for outworkers. However, the award must only provide conditions for outworkers which allow outworkers to receive the same overall conditions as are fair and reasonable in comparison with the award conditions for employees (who are not outworkers) who perform the same kind of work as the outworkers at an employer's business or commercial premises.

## WorkChoices and agreements

Under WorkChoices, certain outworker conditions are protected award conditions. This means that those award conditions will be automatically read into a workplace agreement. Employer and employees are able to agree to modify the outworker



## WorkChoices and outworkers

conditions, but only if doing so would not result in a less favourable outcome for the employee outworker. Examples of outworker conditions are:

- chain of contract arrangements;
- registration of employers and record-keeping obligations;
- inspection provisions;
- the manner in which payments may be claimed; and
- the terms of engagement of outworkers (hours of work, stand down provisions, work on weekends and public holidays, and annual leave).

### **Contract outworkers in Victorian textile, clothing and footwear industry**

Under WorkChoices, contract outworkers in the Victorian textile, clothing and footwear industry can not be paid less than an employee outworker performing the same kind of work.

### **Australian Industrial Relations Commission's power to bind employers**

Under WorkChoices, the Australian Industrial Relations Commission will still have the power to bind appropriate businesses and employers to awards that contain outworker terms.

In the case that an outworker term in an award is breached, existing rights to apply for a penalty or the right to apply for another remedy will remain.

### **State protections continue**

Provisions in state legislation that allow union officials to enter premises and inspect documents relating to outworkers will continue to apply.

WorkChoices is a new system of workplace relations legislation that covers up to 85 per cent of Australian employees. This series of fact sheets is available to assist workers and employers to understand their rights and obligations under the legislation.

For more information call the **WorkChoices Infoline** on **1300 363 264** or visit the **WorkChoices** website **[www.workchoices.gov.au](http://www.workchoices.gov.au)**

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