



Australian Government

WorkChoices

The Australian Government has established the Office of Workplace Services (OWS) as an independent agency with an expanded scope to monitor workplaces and give advice to employees and employers under WorkChoices.

Workplace inspectors engaged by OWS will ensure that the rights and obligations of workers and employers under the Workplace Relations Act 1996 are understood and enforced fairly.

Mr Nicholas Wilson has been appointed as the Director of OWS. OWS will have a total budget of around \$97 million over the next four years. This is the most significant boost to employee protections ever undertaken by a government in Australia.


The OWS is currently undergoing significant expansion with offices in each capital city now open and offices in a large number of regional locations to open by the end of the year. Across Australia, the number of workplace inspectors will increase to over 200. This will ensure national access to OWS compliance services.

A workplace inspector can enforce penalties for breaches of the following categories of employee entitlements:

- a term of the Australian Fair Pay and Conditions Standard;
- a term of a workplace agreement (as well as a pre-reform certified agreement or pre-reform AWA);
- a term of an award or order of the Australian Industrial Relations Commission (as well as a transitional award);
- meal break entitlements;
- public holiday entitlements; or
- extended parental leave entitlements.



WorkChoices and the Office of Workplace Services



Penalties can also be sought for breaches of:

- workplace determinations;
- undertakings about post-termination terms and conditions; and
- various provisions of the Workplace Relations Act (WR Act) and Workplace Relations Regulations 2006 (WR Regulations).

Workplace inspectors will be able to take legal action on an employee's behalf for breaches of the above employee entitlements or provisions of the WR Act or the WR Regulations.

Workplace inspectors can also seek the imposition of penalties if a workplace agreement is lodged without the pre-lodgement requirements being met. For example, employers are required to provide a consideration period of at least seven days for a new agreement presented to an employee for their approval. If this consideration period is not provided, penalties can be applied for by OWS.

Employees and employers can ask the OWS for assistance and, if necessary, the workplace inspectors can prosecute any breaches.

For further information:

- visit the WorkChoices website at **www.workchoices.gov.au**;
- visit the OWS website at **www.ows.gov.au**; or
- call the WorkChoices Infoline on **1300 363 264**.

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**

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