

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

**2006-2007 BUDGET SENATE ESTIMATES HEARING
29TH AND 30TH MAY 2006
EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

QUESTIONS ON NOTICE

Outcome 2: Higher productivity, higher pay workplace

Output Group 2.1: Workplace relations policy and analysis

Output 2.1.1: Workplace relations policy advice

Question Number: W143-07

Question:

Senator Wong asked in writing:

Child care workers in Victoria, Australian Capital Territory, Western Australian, South Australia, Queensland, the Northern Territory and New South Wales have recently won improved pay and conditions in pay equity claim wins before their respective tribunals. a) what guarantee is there that these recently won entitlements will survive once the notional federal agreements that apply under the Work Choices Act expire? b) does the Work Choices Act contain any protections for these conditions in the long term?

Answer:

Section 208(4) of the *Workplace Relations Act 1996* (WR Act) expressly preserves phased-in pay increases in Australian Pay and Classification Scales (APCS) derived from pre-reform wage instruments such as State awards, where the increases are on the grounds of work value or pay equity and took effect prior 27 March 2006.

This means that if the childcare workers were awarded their pay increase in an award prior to 27 March 2006, this pay increase will be protected in the relevant APCS. This will apply to childcare workers in Victoria, the Australian Capital Territory, South Australia, the Northern Territory and New South Wales.

If the childcare workers are covered by the federal system and the phased-in increases are not passed on by an employer, workplace inspectors from the Office of Workplace Services can investigate and bring proceedings to ensure entitlements are paid.