

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

**SENATE LEGISLATION COMMITTEE - QUESTIONS ON NOTICE
2008-09 BUDGET ESTIMATES HEARING**

Outcome **WORKPLACE AUTHORITY**

Question No. **EW498_09**

Senator Abetz provided in writing.

Question

No Disadvantage Test – Policy Guide

Refer to Appendix 1 of the No Disadvantage Test policy guide. Are these default working patterns considered to be ordinary hours for the purposes of applying the No Disadvantage Test? How are they applied by the Workplace Authority when working patterns are not provided by the employer or employee and assessment is made?

Answer

The Workplace Authority has provided the following response:

The default working patterns are not ordinary hours, they represent the possible span of hours an employee might work within the specified industry.

An employer is asked on lodgement to provide information about working patterns that would apply to an employee. If this information is not provided on lodgement, the employer is asked by the assessor to provide this information. Generally the employer will be given 10 days to provide this information. If the Workplace Authority does not have information on working patterns at the end of this period, the assessor will apply the default working patterns which allow assumptions to be made about ordinary hours, penalty hours and overtime hours the employee is likely to work having regard to the general working patterns of the industry.