

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

Outcome **WORKPLACE AUTHORITY**

Question No. **EW511_09**

Senator Abetz provided in writing.

Question

No Disadvantage Test – Policy Guide

Do you have a breakdown of the type of prohibited content that is being included in agreements?

Answer

The Workplace Authority has provided the following response:

25 workplace agreements have been varied to remove prohibited content since 1 January 2007.

Below is a table containing a breakdown of the type of prohibited content that has been found to be included in these agreements.

	Types of clauses struck out – clause dealing with:	Number of clauses
(i)	Imposition of a penalty on an employee as a result of: <ul style="list-style-type: none"> - an employee failing to comply with the notice and evidence requirements to substantiate an entitlement to sick leave; and - being absent from work due to an illness, injury or emergency. 	17
(ii)	Union participation in a dispute settlement procedure	7
(iii)	Restriction on the ability of a party bound by the agreement to offer, negotiate or enter into an AWA	7
(iv)	Restriction on the engagement of independent contractors and labour hire workers	6
(v)	Paid leave to attend union meetings/training	6
(vi)	Matters not pertaining to an employment relationship eg. union notice boards	6
(vii)	Conferring a right or remedy in relation to the termination of employment of an employee bound by the agreement for a reason that is harsh, unjust or unreasonable	7
(viii)	Provision of information to a trade union	4

(ix)	Objectionable provisions within the meaning of the Workplace Relations Act 1996	5
(x)	Right of entry for an official of an organisation of employers or employees	3
(xi)	Discrimination	2
(xii)	Union deductions	2
(xiii)	Renegotiation of a workplace agreement	2
(xiv)	Permitting a party to the agreement to engage in or organise industrial action	1
(xv)	Union membership encouragement	1