

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

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

Outcome **WORKPLACE AUTHORITY**

Question No. **EW614_09**

Senator Fisher asked on 3 June 2008, EEWHR Hansard page 18:

Question

How many employees are waiting for back pay as a result of workplace agreements that have failed your test?

Answer

The Workplace Authority has provided the following response:

All employees whose agreements have ceased to operate and where the employer has not indicated that they would either vary the agreement, reinstate the protected award conditions, or pay the higher rate necessary to compensate for the removal of certain conditions and whose agreements passed after the employer has provided an undertaking to reinstate conditions or to pay a higher rate of pay are entitled to back pay.

To 30 June 2008, 19 676 agreements had ceased to operate and 30 111 agreements passed following a change by the employer under the fairness test.

No agreements had ceased to operate or passed after variation under the no disadvantage test at the end of June 2008.

Agreements which cease to operate are referred to the Workplace Ombudsman to confirm that back pay has been provided.