

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

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

Agency **Workplace Ombudsman**

DEEWR Question No. EW631_09

Senator Abetz asked on 3 June 2008, EEWHR Hansard page 57.

Question

The Workplace Ombudsman's investigation into Theatre Royal

The fifth paragraph from the bottom reads: 'The claimant alleged she was underpaid during the period of her employment because on commencement she was informed that she would be paid as per an Australian Workplace Agreement; however she claimed not to have seen or signed the document.' Whilst I accept and understand that allegation may have been put to you, and that was repeated to you in good faith, are you in fact aware that an Australian Workplace Agreement does exist, and is allegedly signed by the complainant? First of all, are you aware that there is a workplace agreement in existence, because I understand a copy was provided to your office when the initial investigation took place?

Answer

The Workplace Ombudsman has provided the following response:

The Workplace Ombudsman received a document labelled as an Australian Workplace Agreement from the employer in response to a Notice to Produce Documents which was served during the course of the investigation. This document was not signed by the employer or lodged with the Workplace Authority and was therefore never an operational or statutory agreement.

The document appears to be signed by the claimant; however, the claimant stated in an interview on 30 October 2006 that although she had been advised by Theatre Royal that her employment was to be covered by an AWA, she had not seen an AWA.

The Workplace Ombudsman can not verify if the signature on the document provided is that of the claimant or that it belongs to the proposed AWA as the document was not stapled and the sheet containing the signature has no reference to Theatre Royal.

The claimant has denied that she signed the AWA.