

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

**2005-2006 SUPPLEMENTARY BUDGET SENATE ESTIMATES HEARING
2 and 3 NOVEMBER 2005**

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: W602-06

Question:

Senator Marshall asked in writing:

Does 3.3 mean that if a workplace previously worked under an award with a leave standard higher than the FPAC standard, that, under *WorkChoices*, an employer can offer an agreement with the lower FPAC leave standard without compensating employees for the leave standard they have lost?

Answer:

The preserved award conditions relating to annual, personal/carer's and parental leave apply to all award-reliant employees, existing and new, covered by the relevant award.

The Australian Fair Pay and Conditions Standard is the benchmark for all new agreements. Agreements cannot include leave provisions that are lower than the Fair Pay and Conditions Standard.

Employers and employees can negotiate to include leave entitlements in excess of the Fair Pay and Conditions Standard in an agreement.