

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

2003-2004 BUDGET ESTIMATES HEARING – 2 JUNE 2003

OFFICE OF THE EMPLOYMENT ADVOCATE

QUESTIONS ON NOTICE

Outcome 2: Higher productivity, higher pay workplace

Output Group 2.2: Workplace Relations Implementation

Outputs 2.2.3: Assistance to the Employment Advocate

Question Number: W007-04

Question:

Senator Carr asked in writing:

Given that the AWA Framework for the construction industry appears to fail the no-disadvantage test in the important areas of casual loadings, minimum engagement periods, inclement weather, annual leave, redundancy and superannuation will the OEA now remove the Framework AWA from its website?

Answer:

The no-disadvantage test is a global test which compares the terms and conditions of an Australian workplace agreement (AWA) with the terms and conditions enjoyed by the employee under the relevant, or designated, award, and relevant laws. The test can only be performed when *all* of the terms and conditions of the AWA – particularly the pay rates - are known. The AWA framework, which is the subject of the Senator's question, does not include pay rates.