

EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

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

Outcome **WORKPLACE AUTHORITY**

Question No. **EW504_09**

Senator Abetz provided in writing.

Question

No Disadvantage Test – Policy Guide

Is it possible for a new individual statutory agreement or a collective agreement to reduce redundancy entitlements?

Answer

The Workplace Authority has provided the following response:

For an employee on a workplace agreement, redundancy entitlements are governed by the provisions of the agreement. The no-disadvantage test ensures that if the entitlements in the workplace agreement are reduced in relation to the reference instrument, that the agreement will only pass the test if the agreement does not, on balance, reduce an employee's overall terms and conditions of employment under a reference instrument relating to the employee. To achieve this the agreement might, for example, provide a higher rate of remuneration.