

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

**2003-2004 SUPPLEMENTARY BUDGET ESTIMATES HEARING
6 NOVEMBER 2003**

OFFICE OF THE EMPLOYMENT ADVOCATE

QUESTIONS ON NOTICE

Question Number: W160-04

Question:

Senator Webber asked in writing:

How does the OEA confirm that participation/consultation takes place between the employer and the employees during the preparation of the AWA?

Answer:

The relevant delegate in the OEA in assessing AWAs is required to be satisfied that the filing requirements in section 170 VO of the *Workplace Relations Act 1996* and the additional approval requirements in section 170VPA of the *Workplace Relations Act 1996* have been met, and sure that the AWA passes the no-disadvantage test.

One of the additional approval requirements is that the employer explained the effect of the AWA to the employer. Employers are required to submit a declaration confirming that they have explained the effect of the AWA. In addition, all employees are sent a letter to their home address advising them to contact the OEA in relation to any issues of genuine consent regarding the AWA.

As part of the OEA's broader role to advise and assist employers and employees the OEA does provide extensive material on its web site for employers and employees, an information statement for employees, a National telephone advisory service and funding to a range of community legal centres and working women's' centres.