

**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: W161-04**

**Question:**

Senator Webber asked in writing:

If an employee disputes the substance of a contract being issued to him, does he have the right to appeal to the OEA for resolution?

**Answer:**

The question is answered on the basis that the Senator is referring to an AWA.

An existing employee cannot be compelled to sign, or not sign, an AWA. A new employee, if there are no other issues, may be made an offer of employment on an AWA and can accept or reject that employment as they choose.

An employee who is a party to an AWA – or that employee's bargaining agent - may make submissions to the OEA concerning the filing, approval, variation or termination of the agreement.

If there is duress alleged in the AWA process an employee can complain to the OEA. The OEA has a statutory function of investigating such complaints.

The OEA can seek undertakings if the AWA does not meet the no-disadvantage test.