This information statement gives you important information you need to know about your Australian workplace agreement (AWA).

You should read it carefully.

If you have any questions about any of this information, you should call the Workplace Infoline on 1300 363 264 or visit www.workplaceauthority.gov.au

Important points

• An AWA is an agreement in writing between you and your employer about your job. It relates to things like how much you are paid and the hours you work.

• You can ask someone to help you talk to your employer about your AWA.

• Your AWA starts to operate when your employer lodges a copy of it along with a declaration form with the Workplace Authority. You will be sent a letter from the Workplace Authority telling you when this has happened.

• You can’t be forced to sign an AWA to keep your current job.

• If you are being offered a job with a new employer, they can make signing an AWA a condition of hiring you (unless the new employer has taken over the business of your old employer).

• AWAs do not replace important state laws on occupational health and safety and discrimination. AWAs do not automatically remove protected conditions (see page 3 for what protected conditions are).

• A Fairness Test applies to AWAs lodged on or after 7 May 2007 for people earning less than $75,000 per year in industries or jobs where awards usually apply. The Fairness Test makes sure you receive fair compensation if your AWA changes certain protected conditions.

• There are guaranteed key conditions such as basic rates of pay, leave and casual loadings. This is called the Australian Fair Pay and Conditions Standard (the Standard). The conditions in the Standard will apply if your AWA does not meet these key conditions.

More details on these and other important issues can be found in this information statement and at www.workplaceauthority.gov.au

What is an Australian workplace agreement (AWA)?

An AWA is an individual written agreement between you and your employer setting out the terms and conditions of your employment. These include things like how much you are paid, your hours of work, and other things relating to your job.

What steps are involved in making an AWA?

Step 1

You should discuss the content of your AWA with your employer. You are also allowed to discuss your AWA with anyone you want to. If you want to you can also ask someone to help you talk to your employer about making, varying or terminating your AWA. This person is called a bargaining agent. You have to appoint your bargaining agent in writing and give a copy of the letter to your employer. Your employer can appoint a bargaining agent too.

A bargaining agent can be a friend, relative, union representative, solicitor or any other person whose advice you trust. Bankrupts, people under the age of 18 and some others can not be appointed bargaining agents.

Step 2

Before you sign your AWA your employer must:

• Give you a copy of this information statement and a copy of your AWA

• Give you at least seven days to read and think about this information statement and your AWA before it is approved

• If your AWA includes the terms of an award, another workplace agreement or industrial instrument, then the employer should give you access to that document in writing for at least seven days.

After you have been given all of the above documents, you can tell your employer you don’t need the full seven day period if you want to. You must do this in writing and it must be signed and dated by you.
Step 3
Your AWA is approved when both you and your employer sign and date the AWA, and your signatures are witnessed. If you are under the age of 18, an appropriate adult, such as your parent or guardian, must also sign and date your AWA and have their signature witnessed.

Step 4
Your employer must lodge a declaration and a copy of your AWA with the Workplace Authority within 14 days of it being approved. Your employer must give you a copy of the lodged AWA as soon as they can after it is lodged. The Workplace Authority will send you a receipt stating the date your employer’s declaration was received.

Step 5
Your AWA starts to operate on the day the Workplace Authority receives your employer’s declaration.

Do I have to sign an AWA?
No. You can choose to sign, or not to sign, an AWA. If you are an existing employee you cannot be forced to sign an AWA in order to keep your current job.

If you are starting a new job, your employer can generally make your job offer conditional on signing an AWA, unless the new employer is taking over the business of your old employer.

What does an AWA do?
• It replaces any award, workplace agreement or other industrial instrument that would have otherwise applied to you, however certain conditions (called protected conditions) may become part of the AWA (see the Fairness Test below)
• It overrides employment conditions created by state or territory laws, if your AWA deals with those conditions, but
• It does not override state or territory laws covering occupational health and safety, workers’ compensation or certain laws dealing with training arrangements, child labour, equal employment opportunity and discrimination.

What is the Fairness Test?
The Fairness Test ensures you are fairly compensated if your AWA removes or changes certain conditions called protected conditions. If you were covered by a state or federal award or a former state award or agreement, any of the following protected conditions may apply to you:
• Public holidays, including substituted days and payment for public holidays
• Rest breaks
• Incentive-based payments and bonuses
• Annual leave loadings
• Monetary allowances for employment expenses, responsibilities or skills, and disabilities for performing certain tasks or working in particular conditions or locations
• Penalty rates and shiftwork or overtime loadings
• Outworker conditions (although your AWA can’t remove or change outworker conditions to provide a less favourable outcome for the employee)

The Fairness Test applies to your AWA (or in the case of a variation your varied AWA) if:
• your job or industry is usually covered by a federal award or where prior to 27 March 2006 a state award usually applied. It also applies if the employee was covered by a former state award or agreement immediately prior to the agreement coming into operation
• you earn less than $75,000 each year
• your AWA or variation agreement changes or removes any protected conditions
• your AWA or variation agreement is lodged with the Workplace Authority on or after 7 May 2007.

If you have any questions, you can call the Workplace Authority on 1300 363 264, or visit www.workplaceauthority.gov.au
If you meet these four requirements, but are not in fact covered by an award or former state award or agreement, the Workplace Authority must decide whether there is an appropriate award to do the Fairness Test (this is called the designated award).

The Workplace Authority will send you and your employer a letter to let you know whether or not your AWA has to go through the Fairness Test. After the test has been conducted, another letter will be sent to you and your employer about whether or not your AWA has passed the Fairness Test.

You can’t be forced to remove or change any protected conditions that would otherwise apply to you. However, you and your employer can agree to remove or change any of these protected conditions, except for outworker conditions, in exchange for fair compensation.

You can choose to tell the Workplace Authority why you think your AWA gives you fair compensation for changing any protected conditions. You can fill in the Fairness Statement attached to this form for your employer to send to the Workplace Authority along with your AWA. This statement will help the Workplace Authority consider your views when it conducts the Fairness Test.

What if my AWA does not pass the Fairness Test?

The Workplace Authority will explain to you and your employer about how your AWA can be changed to make it pass the Fairness Test, and that back pay may be payable to you. There are then two options:

1. You and your employer can agree on how to vary your AWA so that it passes the Fairness Test. You can appoint a bargaining agent to assist or represent you in these discussions; or
2. Your employer can give the Workplace Authority an undertaking that is enforceable as part of the AWA.

If the necessary changes outlined above are not lodged with the Workplace Authority within 14 days of the Workplace Authority’s letter, your AWA will stop operating. If this occurs, you will be covered by the industrial instruments that previously applied to you, or that would have applied to you if there had not been an AWA made. If there are no such industrial instruments, your employment will be covered by the Standard and protected conditions contained in the designated award. You can recover any shortfall in payment for the period in which the AWA did not pass the Fairness Test.

Your employer cannot dismiss you because your AWA does not pass the Fairness Test.

When does an AWA stop operating?

Your AWA stops operating if it is terminated, is replaced by another AWA, or it does not pass the Fairness Test and isn’t changed to make it pass the Test. You will receive correspondence from the Workplace Authority if this occurs.

If your AWA passes its nominal expiry date, and a new AWA is not made, your existing employment conditions under your AWA continue to apply. The nominal expiry date of an AWA is a date set out in your AWA or, if no date is set out, the date is five years after the lodgement date of your AWA.

How is an AWA varied or terminated?

The procedure for varying your AWA follows the same steps as the procedure for making an AWA (see page 1). However, at step 2 you must be given a copy of the variation agreement rather than a copy of your AWA.

If you and your employer want to end your AWA, you can make a termination agreement. The procedure for making a termination agreement follows the same steps as the procedure for making an AWA (see page 1). However, at step 2 your employer must give you this information statement for the full seven days - this period cannot be shortened. Also you do not have to be given a copy of a termination agreement.

There are two other ways to terminate an AWA:

- If your AWA has passed its nominal expiry date you or your employer can terminate the agreement by giving 90 days’ written notice
- If your AWA says how it can be terminated you or your employer can terminate your AWA by giving 14 days’ written notice and following the termination procedure in your AWA.

If your AWA is terminated, your minimum employment conditions under the Workplace Relations Act 1996 will be those in the Standard and any applicable protected conditions.

If your AWA is terminated by your employer on the giving of 90 days’ written notice, you may also be covered by undertakings made by your employer or any preserved redundancy provisions that might apply for a period of up to 24 months.

If you have any questions, you can call the Workplace Authority on 1300 363 264, or visit www.workplaceauthority.gov.au
Other important information

What is the Australian Fair Pay and Conditions Standard?

The Australian Fair Pay and Conditions Standard (the Standard) contains five key employment conditions. The conditions in the Standard will apply where the conditions in your AWA are less favourable. The conditions in the Standard are:

1. **Guaranteed basic rates of pay and guaranteed casual loadings**
   - A Federal Minimum Wage or guaranteed basic rate of pay under an applicable Australian Pay and Classification Scale. For casual employees, a casual loading set by the Australian Fair Pay Commission.

2. **Hours of work**
   - Maximum ordinary hours of work limited to 38 hours per week (which can be averaged over a period of up to twelve months) and reasonable additional hours.

3. **Annual leave**
   - Four weeks paid annual leave per year (five weeks for some continuous shiftwork employees), except for casual workers. Up to two weeks of this leave can be cashed out at the employee’s written election where their workplace agreement allows it.

4. **Personal leave**
   - Ten days paid personal/carer’s leave per year and two days paid compassionate leave for each relevant occasion, except for casual workers. Where this paid personal leave has been used up, two days unpaid carer’s leave for each carer’s leave occasion. This unpaid leave is available to casuals.

5. **Unpaid parental leave**
   - For all employees other than certain casual employees, up to 52 weeks unpaid parental leave

The conditions set out above are based on a full-time employee working up to 38 hours per week and apply on a pro-rata basis according to the hours worked by the employee.

Is there anything that should not be included in my agreement?

Yes. **Prohibited content** cannot be included in AWAs. Any prohibited content in an AWA has no effect and cannot be enforced. Employers can be fined if they recklessly lodge an AWA that contains prohibited content.

For more detailed information about what terms contain prohibited content please visit www.workplaceauthority.gov.au

Why are AWAs for some Victorian employees different?

If you work in Victoria and your employer is not a ‘constitutional corporation’ (for example, they are not a company) your AWA must contain guarantees of minimum wage rates and casual loadings. If it doesn’t, the AWA will have no effect.

Are my personal details kept private?

The Workplace Authority treats the privacy of individuals’ personal information very seriously. The Workplace Authority asks your employer to provide certain information about you, such as your name and address. This information is used to send you a receipt acknowledging your employer’s lodgement and to send you letters about your AWA. It may also be used to get your feedback on the services provided by the Workplace Authority.

Where required by law personal information may also be used to provide information to the Minister, government agencies or departments.
Fairness Statement

You can choose to make this statement to help the Workplace Authority conduct the Fairness Test on your AWA. If you need help to make this statement you can call the Workplace Infoline on 1300 363 264.

It gives you the opportunity to say why you have agreed to changing or removing protected conditions. These conditions can include:

- Public holidays, including substituted days procedures for substituting days and payment for public holidays
- Rest breaks
- Incentive-based payments and bonuses
- Annual leave loadings
- Monetary allowances for employment related expenses, responsibilities or skills not included in your rate of pay, and disabilities for performing certain tasks or working in particular conditions or locations
- Penalty rates and shiftwork or overtime loadings.

You can either tick the box below that best describes your point of view, write your comments in the box further down the page, or do both.

I am happy with any changes made to my protected conditions in my AWA because:

- [ ] I get more pay for every hour I work
- [ ] they help me balance my work and personal commitments
- [ ] I get to work the hours I prefer
- [ ] I get extra benefits like child care, car parking or paid study leave
- [ ] I get extra paid holidays or personal leave
- [ ] I get time off for overtime or weekend work

If you like, you can give us more detail in the box below. Here are some examples:

- I’m happy to work half a day on Saturday for the same as I would get for half a day worked Monday to Friday because I can leave earlier on weekdays
- I prefer to start work at 5am rather than 9am in summer to avoid working outside in the heat of the late afternoon
- I’m happy to work nights for a standard hourly rate so I can go to university lectures during the day.

You should sign below and give this page to your employer when you sign your AWA. It will be sent to the Workplace Authority by your employer with your AWA. If you are under 18, your parent or guardian should also sign this statement.

I have made this statement freely and would like the Workplace Authority to consider it when it conducts the Fairness Test on my Australian workplace agreement (AWA).

Name ________________________________

EMPLOYEE’S NAME

PARENT’S/GUARDIAN’S SIGNATURE

Signed ________________________________ Date _____/_____/_____

EMPLOYEE’S SIGNATURE DD MM YY

If you have any questions, you can call the Workplace Authority on 1300 363 264, or visit www.workplaceauthority.gov.au
Community language information

English
This receipt was issued by the Workplace Authority and provides information about workplace agreements. If you cannot read English and need help in understanding this information, please call the Workplace Authority through the Translating and Interpreting Service on 13 14 50. This telephone interpreting service will be paid for by the Workplace Authority.

Arabic
هذه الرسالة من جهاز مكان العمل الذي يوضح معلومات عن اتفاقيات مكان العمل. إذا كانت لديك مشاكل في قراءة اللغة العربية، يرجى الاتصال بجهاز مكان العمل بحيث يمكن للترجمة المتلقية وترجمة المترجم المحترف السليمة. الرسالة ستتم دفعها من قبل جهاز مكان العمل.

Chinese
此文件由工作场所管理局发出。它提供了有关工作场所协议的信息。如果您不能阅读中文并需要帮助理解此信息，请通过翻译和口译服务（电话13 14 50）与工作场所管理局联系。该电话口译服务由工作场所管理局支付。

Farsi
این کاغذ از سازمان کار کاری به گفته مرجع می‌باشد. اگر شما به کارکردزبانی نمی‌توانید، شما می‌توانید با سازمان کار کاری تماس بپذیرید. این خدمات به توسط سازمان کار کاری پرداخت می‌گردد.

Filipino
Ang reseptong ito ay pinalalagad ng Workplace Authority (Tagapagsalita at Pangmatikang Paglagad) at nagbibigay ng impormasyon tungkol sa mga kasanayan na pinagbilibin sa pananalitalbalita. Kung hindi nangamba o hindi makikaharap ng mga kasanayan, puwede kayang ipaliwanag sa mga kasanayan ang Workplace Authority. Sa kabila ng magandang kasanayan, nagbibigay rin ng kasanayan ang Workplace Authority.

Greek
Η οικεία ενημέρωση προέρχεται από το Workplace Authority (Ορκωμοσία Εργατών Χώρων). Κατά τη διάρκεια της συνεργασίας των ημερών, το Workplace Authority μπορεί να τηρήσει και να αναλύσει τις σχέσεις που προκύπτουν από τη συνεργασία των ημερών, περιλαμβάνοντας τις σημαντικότερες επιστημονικές συμπερασμάτες.

Hebrew
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Indonesian
Tanda terima ini ditikahkan oleh Workplace Authority (Otoritas Tempat Kerja) dan memberikan informasi tentang peraturan tempat kerja. Jika Anda tidak dapat membaca bahasa Inggris atau bahasa lain, Anda bisa menghubungi Workplace Authority untuk menerima bantuan.

Italian
La presente ricevuta è stata rilasciata dalla Workplace Authority e contiene informazioni rivolte nei confronti dei lavoratori aziendali. Se non siete in grado di leggere l’inglese o altre lingue di assistenza per comprendere queste informazioni, chiamate la Workplace Authority servendovi del servizio traduzione e interprete al numero 13 14 50. Il costo di questo servizio interprete sarà a carico della Workplace Authority.

Korean
본 문서는 Workplace Authority(직장 관리자)에서 발행한 것으로 직장 협약에 대한 정보가 실려 있습니다. 영어로 읽을 수 없거나 읽고 이해하기 어려운 경우에는 Workplace Authority에 전화해 도움을 받을 수도 있습니다.

Lao
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Macedonian
Ova povest je izdaja Workplace Authority (Upravna za radni organi) i sadrži informacije o radnim standardima. Ako ne možete da citate informacije na hrvatskom jeziku, možete se obratiti za podršku.

Malay
Ini adalah surat yang dikeluarkan oleh Workplace Authority (Lembaga Tempat Kerja) dan memberi maklumat mengenai peraturan tempat kerja. Jika anda tidak memahami bahasa Inggeris dan memerlukan bantuan untuk memahami maklumat ini, sila telefon Workplace Authority melalui Perkhidmatan Penterjemah dan Jururujuk pada nomor 13 14 50. Perkhidmatan penterjemah dan jururujuk ini akan dibayar oleh Workplace Authority.

Polish
Niniejszy dokument wydany został przez Workplace Authority (Urząd ds. Zarządzania) i zawiera ważne informacje na temat umów o pracę. Jeżeli nie czujesz się zgodnie z potrzebą pomocy w zrozumieniu zawartych w tej informacji, skontaktuj się z nami za pośrednictwem Rzuty (Przelajania i Interpreta) tel. 13 14 50. Koszt pośrednictwa tłumacza-poczta zostanie zapłacony przez Workplace Authority.

Portuguese
Este receio foi emitido pelo Workplace Authority (Autaridade para os Condicionais de Trabalho) e oferece informações sobre acordos labórais. Se você não puder entender e precisa de ajuda para compreender esta informação, favor contactar o Workplace Authority usando o Serviço de Tradução e Intérpretes através do 13 14 50. Este serviço de interpretação e tradução será pago pelo Workplace Authority.

Russian
Настоящее уведомление подписано Workplace Authority (Уведомление по предварительным отношениям) и в нем приведены важные сведения о трудовых соглашениях. Если вы не можете читать по-английски и нуждаетесь в помощи при понимании настоящих сведений о трудовых соглашениях, можно обратиться в Персональную службу TIS по тел. 13 14 50. Эти телефонные переключательные услуги будут оплачиваться Workplace Authority.

Samoan
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Spanish
Este recibo fue emitido por parte de la Agencia Local (Agencia Local de Trabajo) y ofrece información sobre acuerdos laborales. Si no puede leer en inglés y necesita ayuda para comprender esta información, favor de contactar a la Agencia Local de Trabajo usando el Servicio de Traducción e Intérpretes a través del 13 14 50. Este servicio de interpretación e traducción será pagado por la Agencia Local de Trabajo.

Serbian
Ovaj prilikom je izdano Workplace Authority (Organizacije na radnom odnosu) i na njoj se nalaze informacije o pogodbenim odnosima. Ako ne znate da čitala u engleskom i tražite pomoć u razumijevanju ove informacije, molimo vas da nazovete Workplace Authority preko Službe pomoći, u komunikaciji na 13 14 50. Tražite pomoć, važna je za svrhu pomoći.

Swahili
Hata tunaweza kujenga litera zaidi za Workplace Authority (Afya zingineza kwa njia) kwa kusaidia mafundisho na kugeuka maisha. Hata unaweza kujenga litera za Workplace Authority kwa kusaidia maisha na kugeuka maisha.

Thai
เอกสารนี้ได้ถูกเผยแพร่โดย Workplace Authority (องค์กรงานในภาคพื้นที่) และมีข้อมูลเกี่ยวกับสิทธิ์ในงานในภาคพื้นที่. หากคุณไม่สามารถอ่านภาษาอังกฤษและต้องการความช่วยเหลือในการเข้าใจข้อมูลเหล่านี้, โปรดติดต่อ Workplace Authority.

Tongan
Ke o tohi tali tetongi ko ‘eni ‘oku ‘o tua ia ‘o he Workplace Authority (Ma’a Mei Ki he Ngaauanga) ko ‘enu ‘o tua ia ‘o ha fakatasi fakatu ‘i ma ‘e ngakaua fakangakanga. ‘Opea: ‘oku ‘o tua ia ‘o he Workplace Authority, ko ‘enu ‘o tua ia ‘o ha fakatasi ‘i ma ‘e ngakaua fakangakanga. ‘Opea: ‘oku ‘o tua ia ‘o he Workplace Authority.

Turkish
Bu maddeler, Workplace Authority (Işyeri Daireleri) tarafından sunulan olarak, işverenler hakkında bilgi sağlar. İşverenler işverenler hakkında bilgi sağlar. İşverenler işverenler hakkında bilgi sağlar. İşverenler işverenler hakkında bilgi sağlar. İşverenler işverenler hakkında bilgi sağlar.

Vietnamese
Bịt ra mắt này của Cơ quan Workplace Authority (Chủ tịch đường 59 lâm) cung cấp thông tin về phòng hộ dành cho nỗi. Nếu quý vị không biết tiếng Anh và muốn được giúp đỡ hiểu những thông tin này, Xin gọi tới Cơ quan Workplace Authority bằng điện thoại để được tư vấn. Tâm thư số 13 14 50. Cơ quan Workplace Authority sẽ trả lời phỏng vấn điện thoại.