



Australian Government

Workplace Authority

25 September 2008

Agreement number: 073679364

Katie Hawkins
QUEENSLAND CHAMBER OF COMMERCE AND IND
Industry House
375 Wickham Terrace
BRISBANE QLD 4001

Attention: Katie Hawkins

Your collective agreement has passed the Fairness Test

The Workplace Authority has previously notified you that the Fairness Test must be applied to the collective agreement named Dawsons Maintenance Contractors Collective Agreement 2007 (**the Agreement**) lodged by the employer DAWSONS MAINTENANCE CONTRACTORS PTY LTD on 25 October 2007. As previously notified, the Agreement began operating on that day.

What is the Fairness Test?

The Fairness Test applies to collective agreements (including greenfields agreements) lodged on or after 7 May 2007 that change or remove certain protected conditions.

It only applies to agreements which cover employees who work in industries or jobs where a federal award usually applies, or where prior to 27 March 2006 a State award usually applied. It also applies if any employees were covered by a former state award or agreement.

The Fairness Test determines whether in its overall effect on employees covered by the Agreement, fair compensation is provided for changing or removing any of the following protected conditions:

- penalty rates, including for working on public holidays and weekends;
- shift work and overtime loadings;
- monetary allowances for employment related expenses, responsibilities or skills not included in the employee's rate of pay, and disabilities for performing certain tasks or working in particular conditions or locations;
- annual leave loadings;
- public holidays including substituted days and procedures for substitution;
- rest breaks; and
- incentive based payments and bonuses.

Does my Agreement pass?

The Agreement has been assessed, and on the basis of information available to the Workplace Authority, it passes the Fairness Test. The Workplace Authority is satisfied that on balance, the Agreement provides fair compensation for the removal or modification of protected conditions. Your Agreement continues to operate from the date it was lodged with the Workplace Authority.

For the purposes of the Fairness Test, the Engineering Award State (AN140107) was used in relation to the employees subject to this Agreement.

Other requirements

This notice relates only to whether a workplace agreement passes the Fairness Test. It does not verify that an agreement complies with the other requirements of the *Workplace Relations Act 1996*, for example that it does not contain prohibited content.

Please be aware that the Workplace Authority conducts the Fairness Test on the basis that the minimum entitlements of the Australian Fair Pay and Conditions Standard (**the Standard**) are included in the Agreement. This is because these entitlements apply by law where the Agreement provides a less favourable entitlement. It is the responsibility of employers to ensure that employees receive the entitlements contained in the Standard. More information about the Standard is available from the Workplace Authority.

To ensure that future agreements pass the Fairness Test, it is recommended that employers request pre-lodgement advice from the Workplace Authority. Details about how to do this can be found at www.workplaceauthority.gov.au.

The employer must take reasonable steps to give copies of this letter to all employees whose employment is subject to the Agreement at the time the employer receives this letter. An employer may be liable for a fine of up to \$3,300 (for an individual) or up to \$16,500 (for a corporation) if the employer doesn't do this as soon as they can.

Where a union(s) is a party to the collective agreement, the union(s) will also receive this letter from the Workplace Authority.

If you have any questions concerning this letter, you can get more information about the Fairness Test from www.workplaceauthority.gov.au. You can also call the Workplace Infoline on 1300 363 264 quoting the above Agreement number.

Please retain a copy of this notice for your records.

Please note that changes to the Workplace Relations Act 1996 have been passed by the federal parliament. These prevent the making of new AWAs. A special transitional agreement - an Individual Transitional Employment Agreement (ITEA) - is available for limited use by users of AWAs as at 1 December 2007 during the transition to the new workplace relations system. ITEAs have a nominal expiry date of no later than 31 December 2009 and must not disadvantage an employee against an applicable collective agreement, or where there is no collective agreement, the applicable award and the Australian Fair Pay and Conditions Standard. Collective Agreements can continue to be lodged. The legislation has introduced a new no-disadvantage test which applies to all new agreements made after the amendments take effect. Agreements awaiting Fairness Test assessments will remain in operation and subject to the previous legislation. Further information regarding workplace agreements is available at www.workplaceauthority.gov.au.

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