



Australian Government

Workplace Authority

12 September 2008

Agreement number: 073679728

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

Attention: Katie Hawkins

The Fairness Test will be applied to your collective agreement

The Workplace Authority has previously notified you of the lodgement of a collective agreement named Woodfield Engineering Employee Collective Agreement 2007 (**the Agreement**) by the employer DAWSON & ZOLLNER PTY LTD on 25 October 2007. As previously notified, your 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 will determine 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.

Will the Fairness Test be applied to my Agreement?

The Workplace Authority has determined that the Fairness Test must be applied to your Agreement

Other requirements

This notice relates to whether the Fairness Test must be applied to a workplace agreement. 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.

Employers must also meet the minimum entitlements of employment contained in the Australian Fair Pay and Conditions Standard. Those conditions will apply where an agreement gives less favourable entitlements.

What happens now?

The Workplace Authority may contact you again for extra information that is needed to conduct the Fairness Test. This may include details of employee responsibilities, hours worked, pay, or shift work rosters.

The Workplace Authority will inform you when the Fairness Test has been completed, whether or not your Agreement passed, and what to do if it has not passed. In the meantime, the Agreement continues to operate.

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.

If a union(s) is 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 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.

Workplace Authority