



# EMPLOYER DECLARATION FORM – INDIVIDUAL TRANSITIONAL EMPLOYMENT AGREEMENT VARIATION AGREEMENT – MADE IN RESPONSE TO THE NO-DISADVANTAGE TEST

## Read these instructions before completing the form:

1. Use this form to lodge an individual transitional employment agreement (ITEA) variation agreement(s) that is made because the ITEA did not pass the no-disadvantage test only.
2. Do not use this form to lodge an ITEA variation agreement that is **not** made in response to the no-disadvantage test.
3. Do not use this form to lodge an ITEA, an agreement terminating an ITEA, or a variation to a collective agreement. You need to use different forms to lodge other kinds of agreements.
4. Use a black pen and print clearly in BLOCK LETTERS. Put a cross in the relevant boxes. Do not use whiteout or covering stickers.
5. To lodge your ITEA variation agreement(s):
  - i. Make, sign and date the declaration at the start of the form. (Knowingly making a false declaration is a serious offence.)
  - ii. Answer the questions on the form. The Agreement number for the ITEA being varied must be provided. Refer to the Declaration Receipt issued when the individual transitional employment agreement was lodged.
  - iii. Attach a copy of the ITEA variation agreement(s) in the following manner:

If you are lodging one ITEA variation agreement:

1. *Employer Declaration Form – Individual transitional employment agreement variation agreement- made in response to the no-disadvantage test*
2. ITEA variation agreement for the employee.

If you are lodging ITEA variation agreements for a number of employees, the documents should be placed in the following order ensuring that the ITEA variation agreement and matching *Employer Declaration Form – Individual transitional employment agreement variation agreement – made in response to the no-disadvantage test Part C: Employee details* for the relevant employee are placed together:

1. *Employer Declaration Form – Individual transitional employment agreement variation agreement– made in response to the no-disadvantage test* (one copy for the batch of employees which includes the details for the first employee)
2. ITEA variation agreement for the first employee
3. *Employer Declaration Form – Individual transitional employment agreement variation agreement – made in response to the no-disadvantage test Part C: Employee details* (for second employee)
4. ITEA variation agreement for second employee (and so on).

- iv. Mail the documents to this address:

Workplace Authority  
Locked Bag 4000  
Matraville NSW 2036

6. Your ITEA variation agreement(s) that is made in response to the no-disadvantage test must be lodged with the Workplace Authority within 30 days, commencing on the seventh day after the date of the letter telling you the ITEA did not pass the no-disadvantage test.
7. You and the employee(s) will be sent a letter acknowledging receipt of the variation agreement.
8. Your ITEA as varied by the variation agreement will be subject to the no-disadvantage test. You will be sent a further letter telling you whether or not your agreement as varied passes the no-disadvantage test.
  - If you receive a letter telling you your ITEA as varied in response to the no-disadvantage test passes, your agreement as varied will start to operate:
    - For ITEAs that were made with new employees and are in operation: on the day of lodgement – ie the day the Workplace Authority receives the variation agreement; or
    - For ITEAs that were made with existing employees and are not yet in operation: on the seventh day after the date of issue specified in the letter.
  - If you receive a letter telling you your ITEA as varied in response to the no-disadvantage test does not pass, then:
    - For ITEAs that were made with new employees and are in operation: the ITEA will stop operating on the seventh day after the date of that letter; or
    - For ITEAs that were made with existing employees and are not in operation: the ITEA does not come into operation because it does not pass the no-disadvantage test.
9. If you have any questions or need assistance, you can call the Fair Work Infoline on 13 13 94 between 8:00am and 7:00pm Monday to Friday.
10. Record the date on which you posted this completed form to the address above:  

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11. Record the number of ITEA variation agreement(s) you are lodging:  

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12. Tear off this page and retain for your records. This page is not required by the Workplace Authority.

# EMPLOYER DECLARATION FORM – INDIVIDUAL TRANSITIONAL EMPLOYMENT AGREEMENT VARIATION AGREEMENT – MADE IN RESPONSE TO THE NO-DISADVANTAGE TEST

The employer makes this declaration and completes the declaration form when lodging an agreement varying an individual transitional employment agreement because the individual transitional employment agreement did not pass the no-disadvantage test.

The employer's declaration applies to the individual transitional employment agreement variation agreement for each employee party identified in the declaration form. The declaration form includes Part A: Employer's declaration, Part B: Employer details and Part C: Employee details.

The employer makes this declaration and completes the declaration form under caution that the provision of any information or document to the Workplace Authority the employer knows to be false or misleading is a serious offence under the *Criminal Code Act 1995*. The maximum penalty is 12 months imprisonment.

## Part A: Employer's declaration

The employer party to the individual transitional employment agreement variation agreement lodged declares that: *(Please mark boxes with 'X' to indicate)*

- The information provided in the declaration form is true and correct to the best of the employer's knowledge.
- The agreement being lodged is a copy of the signed individual transitional employment agreement variation agreement.
- The agreement has been signed by the employer and the employee who will be subject to the agreement.
- The variation agreement has been made because the individual transitional employment agreement did not pass the no-disadvantage test.
- The individual transitional employment agreement variation agreement was approved before lodgement because:
  - the individual transitional employment agreement variation agreement was signed and dated by both the employer and employee and the signatures were witnessed; and
  - if the employee was under the age of 18, an appropriate adult (such as a parent or guardian, but not the employer) also signed the individual transitional employment agreement variation agreement and that signature was witnessed.
- The employer has recognised an employee's bargaining agent (if one was appointed in writing and a copy of that appointment was provided to the employer).
  
- the individual transitional employment agreement variation agreement was lodged with the Workplace Authority within 30 days commencing on the seventh day after the date of issue specified in the notice advising that the individual transitional employment agreement did not pass the no-disadvantage test.

### Name of person making the declaration

Family name or surname

Given name(s)

I am: *(mark appropriate box with an 'X')*

- the employer, or
- an agent appointed by the employer and given authority to make this declaration.

Signature

Date of declaration

### PRIVACY STATEMENT

The Workplace Authority treats the privacy of an individual's personal information seriously. Personal information is any information that would identify a natural person.

Any personal information provided by you in the declaration form will only be used or disclosed for the purposes of sending correspondence about your agreement, providing information to the Minister and conducting research related to the Workplace Authority's promotional, educational, advice and assistance functions under the saved provisions of the *Workplace Relations Act 1996* (the Act). This information may also be disclosed to Fair Work Inspectors.









