



## About the F46A application form

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### Application for an equal remuneration order

#### Who can use this form

Use this form if you want to make an application for the Fair Work Commission (the Commission) to make an equal remuneration order (ERO) and you are:

- an employee to whom the ERO will apply,
- an employee organisation that is entitled to represent the industrial interests of an employee to whom the ERO will apply, or
- the Sex Discrimination Commissioner.

#### About an application for an ERO

Part 2-7 of the *Fair Work Act 2009* (FW Act) provides for the Commission to make an ERO. The Commission may make an ERO to ensure that there is equal remuneration for men and women workers for work of equal or comparable value.

If an application for an ERO is made under s.302(3)(b), the Commission must make an ERO if it is satisfied that, for the employees that the ERO would apply to, there is not equal remuneration for work of equal or comparable value.

In deciding whether there is equal remuneration for work of equal or comparable value, the Commission must take into account the orders and determinations made in Annual Wage Reviews, and the reasons for those orders and determinations, and may take into account:

- comparisons within and between occupations and industries to establish whether the work has been undervalued on the basis of gender; or
- whether the work has been undervalued on the basis of gender historically; or
- any fair work instrument or State industrial instrument.

An ERO cannot reduce an employee's remuneration, but can provide remuneration more beneficial to an employee than the remuneration under a modern award or enterprise agreement that applies to the employee.

## How the Commission deals with an application for an ERO

ERO proceedings are public. Applications for EROs are usually published on the Commission's website together with any supporting documentation for consideration by other interested parties.

In determining an ERO application, the Commission may inform itself as it considers appropriate. This may include asking for formal submissions and supporting evidence from the applicant or other interested parties.

Interested parties can be alerted to new ERO applications and updated on existing ERO matters through the Commission's subscription service. The Commission's website contains information on how to [subscribe to the service](#).

ERO applications are determined by an Expert Panel. Applications that relate to the Care and Community Sector are determined by an Expert Panel for pay equity in the Care and Community Sector. Other applications are determined by an Expert Panel for pay equity. See sections 617 and 620 of the FW Act for information on the constitution of Expert Panels.

## Lodgment and service of your completed form

**1. Lodge this application** and any supporting documents with the Commission.

You can lodge this application and any supporting documents by post, fax, email or in person at the [Commission's office](#) in your state or territory.

**2.** You may be required by the Commission to serve your application and supporting documents on relevant parties. The Commission will specify the timeframe in which the application and supporting documents are to be served.

## Where to get help

### Commission staff & resources

Commission staff cannot provide legal advice. However, staff can give you information on:

- processes in the Commission
- how to make an application to the Commission
- how to fill out forms
- where to find useful documents such as legislation and decisions
- other organisations that may be able to assist you.

The Commission's website [www.fwc.gov.au](http://www.fwc.gov.au) also contains a range of information that may assist.

## Throughout this form



This icon appears throughout the form. It indicates information to help you complete the form.

## Legal or other representation

Representation is where another person (such as a family member or friend, lawyer or paid agent, or an employee of a union or employer organisation) speaks or acts on a person's behalf, or assists a person in certain other ways in relation to a matter before the Commission. There is no requirement to be represented at the Commission.

For more information about representation by lawyers and paid agents, see section 596 of the [Fair Work Act 2009](#), rules 11, 12 and 12A of the [Fair Work Commission Rules 2013](#) and the Commission's [practice note on representation by lawyers and paid agents](#).

## Glossary of common terms

**Applicant** – This is the person or organisation that is making an application.

**Lawyer** – This is a person who is admitted to the legal profession by a Supreme Court of a State or Territory.

**Paid agent** – In relation to a matter before the Commission, is an agent (other than a bargaining representative) who charges or receives a fee to represent a person in the matter.

**Party** – A party is a person or organisation involved in a matter or case that is brought to the Commission.

**Respondent** – The person or business responding to an application made by an Applicant.

**Service** – Serving a document means giving a copy of the document to a person or organisation, usually to the other party to the matter. You can serve a document in a number of ways, including by email, fax, express or registered post, or in person. Parts 7 and 8 of the [Fair Work Commission Rules 2013](#) deal with service.

## Privacy

The Commission collects the information (including personal information) provided to it in this form for inclusion on the case file, and may disclose this information to the other parties to this matter and to other persons. For more details of the Commission's collection, use and disclosure of this information, please see the [Privacy notice](#) for this form, or ask for a hard copy to be provided to you.



**Remove this cover sheet** and keep it for future reference – it contains useful information

# Form F46A – Application for an equal remuneration order

Fair Work Act 2009, ss.302-306

This is an application for the Fair Work Commission to make an equal remuneration order in accordance with Part 2-7 of the [Fair Work Act 2009](#).

## The Applicant



These are the details of the person who is making the application.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)			
Surname			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

**If the Applicant is an employee organisation please also provide the following details**

Organisation name	
ABN	
Contact person	

**Does the Applicant need an interpreter?**



If the Applicant has trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help for non-English speakers](#) on our website.

FAIR WORK COMMISSION

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Yes – Specify language

No

**Does the Applicant require any special assistance at the hearing or conference (eg a hearing loop)?**

Yes – Please specify the assistance required

No

**Does the Applicant have a representative?**



A representative is a person or organisation who is representing the applicant. This might be a lawyer or paid agent, a union or employer organisation, or a family member or friend. There is no requirement to have a representative.

Yes – Provide representative’s details below

No

**Applicant’s representative**



These are the details of the person or organisation who is representing the Applicant (if any).

Name of person			
Firm, organisation or company			
Postal address			
Suburb			
State or territory		Postcode	
Phone number		Fax number	
Email address			

**Is the Applicant’s representative a lawyer or paid agent?**

Yes

No

## 1. Scope of the proposed ERO

**1.1 Identify the employee or group of employees to whom the proposed ERO would apply.**

**1.2 Do the employee(s) identified in Question 1.1 work in the Care and Community Sector?**



The Care and Community Sector includes, but is not limited to, the aged care, early childhood education and care and disability care sectors.

Yes

No

Unsure

## 2. Application

**2.1 What are the details of your application?**

Outline the changes you are asking the Commission to make. You should identify the relevant industrial instrument that currently applies to the employee or group of employees set out in question 1.1 and describe the order you are asking the Commission to make.

Attach additional pages, if necessary.

## 2.2 What are the grounds being relied on?

Using numbered paragraphs, specify the grounds on which you are seeking the ERO. You must outline how (for the employees to whom the order would apply) there is not equal remuneration for work of equal or comparable value as well as any additional requirements set out in the FW Act.

Attach additional pages, if necessary.

### Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature	
Name	
Date	
Capacity/Position	



Where this form is not being completed and signed by the Applicant, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS