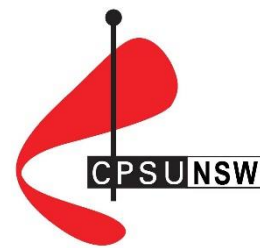


Enterprise bargaining questions



What is an Enterprise Agreement and where can I find the agreements?

An enterprise agreement is an agreement made between an employer and its employees that covers wages and conditions of employment.

Enterprise agreements are negotiated in good faith through collective bargaining primarily by your Union. You can find the current agreements at www.cpsunsw.org.au

What is Enterprise Bargaining?

Enterprise bargaining is the negotiation process by which the employer and its employees

with the unions representing them, negotiate wages and conditions of employment.

Bargaining usually occurs during a series of meetings that are held to negotiate a new enterprise agreement, which is then put to vote by all employees covered by the particular agreement.

Enterprise bargaining usually starts where the employer agrees to, or initiates bargaining, when the current enterprise agreement is nearing, or past its nominal expiry date.

Who represents me in enterprise negotiations with my employer?

An important part of the enterprise bargaining process that your Union, the CPSU NSW, is automatically your bargaining representative for the agreement. Some employees may choose to nominate themselves or a colleague to undertake the negotiations. This can be risky as management often tries to divide the bargaining representatives against each other to push wage and conditions down. By being Union, all employees are stronger together.

How long will bargaining take?

There is no set time for bargaining to finish, although it is in everyone's interests to reach agreement in a timeframe as efficiently as possible. It doesn't seem to be in anyone's interest to have a long term, extended bargaining timeframe.

Do I have to vote for a new Enterprise Agreement?

The CPSU NSW will seek endorsement from members before recommending staff to approve or reject a proposed Agreement. This provides Union members with direct input into their future wages and conditions. Under the Fair Work Act, the rules are that all employees can vote, including non-union employees.

Some employers try to get their staff to vote for an agreement Union members don't want to accept. For this reason, it is important that all Union members understand that we need to work together to protect and improve members' wages and conditions. By asking your colleagues to Join the CPSU NSW, and by helping your Union colleagues campaigns, everyone can have their wages and conditions protected and improved together.

When will I have to vote?

Seven days before voting for an agreement you will be given a copy of the agreement and any other materials to assist in explaining the terms of the agreement and to help you with the voting process.

What is good faith bargaining?

Everyone involved in the bargaining process is required by the Fair Work Act to bargain in good faith. This means that the employer, unions, employees and their representatives must:

- > attend, and participate in, meetings at reasonable times
- > disclose relevant information (other than confidential or commercially sensitive information) in a timely manner
- > respond to proposals made in a timely manner
- > give genuine consideration to proposals and give reasons for responses to the proposals
- > refrain from capricious or unfair conduct that undermines freedom of association or collective bargaining
- > recognise and bargain with the other bargaining representatives for the agreement.

The good faith bargaining requirements do not require a bargaining representative to:

- > make concessions during bargaining for the agreement
- > reach agreement on the terms that are to be included in the agreement.

How does enterprise bargaining work?



The process for enterprise bargaining is regulated by the Fair Work Act 2009. There are 3 stages in a typical bargaining process:

1

BARGAIN

Bargaining begins when the employer agrees to bargaining or initiates bargaining.

Unions that are entitled to represent employees are bargaining representatives.

There can be one or more Unions representing employees depending on who they cover. Where this happens the unions usually work together representing their respective membership.

Bargaining meetings are held with bargaining representatives to negotiate terms and conditions of employment for the new enterprise agreement.

2

VOTE

Once the employer and unions have finished negotiating the agreement, a vote of union members is conducted. Where the Union members accept or reject the proposed agreement, the employer may put the agreement out to vote for all employees.

All the employees who will be covered by the agreement can vote for it.

Employees are advised when, where and how the voting will take place before the start of the access period.

Seven days before voting for an agreement (this is called the 'access period') eligible employees will be given a copy of the agreement and any other materials to assist in explaining the terms of the proposed agreement.

An enterprise agreement must be approved by the majority of employees who cast a valid vote. This means more than 50% of people who vote (people who choose not to vote are not counted) must vote 'yes' to approve an agreement.

If there is no majority 'yes' vote, the bargaining representatives would usually return to the bargaining stage.

3

APPROVE

Once a successful vote has been achieved, the enterprise agreement is lodged with the Fair Work Commission within 14 days.

The Fair Work Commission will make sure the agreement passes the 'Better off overall test'. This test makes sure that employees are better off under the agreement than the relevant Modern Award. They also check that it meets other requirements of the Fair Work Act.

The agreement comes into effect 7 days after the Fair Work Commission approves it (or later if the agreement specifies a later date).