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The Future of Enterprise Bargaining

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Recent Enterprise Agreement Activity

- Trends in Enterprise Agreements – Federal Attorney General Report
 - Private Sector - March Quarter 2022 Report – 2.6% pa June Quarter 2022– 2.9%
- Fair Work Commission – Statistical Report 13 Aug – 26 Aug 2022 released 10 Oct 2022
 - Average Annualised Wage Increase August 2022 3.3 % pa 3 years duration of agreements
- Dec 2021 CPI – 3.5%: March 2022 CPI – 5.1% : June 2022 6.1%
- Wage Price Index (WPI) – Private Sector June – 2.7%.
- CPI June Quarter - 6.1%

Recent Enterprise Agreement Activity

- National Wage Case 1st July 2022
 - 5.2% base increase those not covered by an award
 - Modern Award increase 4.6%
- Enterprise Agreement coverage with 35.1% of all Australian employees (May 2021)
- Award Coverage 2010- 15.2% : 2021 – 23%
- Union coverage declining at 14.3% (1.4 million) in 1992 was 40% of workforce

Enterprise Agreements to Wage Rates negotiated in 2022 in Progress in the FWC

- DIC Australia – AMWU – 5%, 4.6^%, 4.6%
- ORORA Beverage Cans – AMWU – 2.5%, 2.4%, 2.25%
- Robert Bosch - AWU 6 months initially 2%, 2%pa
- Valmont (Vic) – AWU 4%, 3.5%. 3.5%, 3 %
- Adbri Masonry Qld 3%, 3% 3%
- Travelex 4%, 3.5%
- Federal Public Sector Interim Workplace Arrangements 2022 – 3% pa

Enterprise Agreement History

- **Pre 1990 – Centralised Arbitration System**
- Federal and State Laws
 - 1992 – Limited Enterprise Agreements – Union based
 - 1993/94- Enterprise Agreements Union and Non-union but predominately Union.
 - Protected Industrial Action – limited action permitted
- **1996 Howard Government Changes**
 - Union, Non-Union, Greenfield Agreements
 - Establish Safety Net
 - Protected Industrial Action- Limited Union Rights
 - AWA 's introduced

Enterprise Agreement History

2006 Work Choices

- Reduced role AIRC
- Designed to limit Unions-
 - AWA's promoted
 - Employer only Greenfield Agreements
 - Restrictions on Right of Entry
 - Restrictions on Industrial Action
- **2008 – Rudd/Gillard Reforms**
 - Abolished AWA's
 - Started Award Modernisation

Enterprise Agreement Process

2009/10 Fair Work Act

- Established one bargaining stream – Enterprise Agreements – Bargaining Rep
- Designed to promote collective bargaining
 - Greenfield Agreements – Union
 - Limits on Right of Entry
 - Limits on Industrial Action
- Abbott Turnbull
 - No real reforms
- Morrison
 - IR Omnibus Bill
 - A gutted industrial relations bill in March 2021 passed the Senate minus provisions on wage theft, award simplification, enterprise bargaining and greenfields agreements.

Enterprise Agreement Process

- Jumping through Hurdles with Enterprise Agreements
 - Single - Enterprise Agreements
 - Multi - Enterprise Agreements
 - Greenfield Agreements
- Process Established
 - Bargaining-
 - Right to Bargain
 - Notice – Peabody case
 - Bargaining Reps – CFMEU case
 - Majority Support Determination
 - Good Faith Bargaining
 - Voting – procedural
- Approval – BOOT Test – Member Assist – Fair Work assessment
- Undertakings?

Enterprise Agreements

How many Australian employees have an enterprise agreement?

Share of employees covered by current federally registered enterprise agreements, 2000-2021, Australia.



Enterprise Agreement

Job Skill Summit?

- Multi Employer Enterprise Agreements – s172 (3) *Fair Work Act 2009* (Cth)
 - Made between 2 or more employers
 - Low paid employees
 - Does not allow protected industrial action
 - Bargaining orders, scope orders majority support determinations are unavailable
- ETU acting National Secretary Michael Wright in the SMH – support industry wide agreements
- AIG – Concerns of Industry wide protected action following comments by Sally McManus on the right to strike.

Enterprise Agreement

Job Skill Summit?

- Bargain in good faith, flexibility expanded
 - Fair Commission options possible greater support training and maybe arbitration?
 - Restrict process in the termination of agreements after the nominal expiry date s225 *Fair Work Act 2009* (Cth)
 - Where Agreement is no longer utilised
 - Public Interest
 - Capacity to pay
 - Fixed Term Contracts ?
 - Same job same pay – labour hire paid site rates
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- Public Submissions available for the Employment White Paper close November 30th 2022