

# Enterprise Agreement Fact Sheet

- **WHAT IS AN ENTERPRISE AGREEMENT?**

An enterprise agreement is a legally enforceable document negotiated between you (workers and your union) and your employer. It sets out the conditions of your employment and replaces the award. An enterprise agreement will stipulate everything from pay rates and redundancy provisions to consultation procedures and dispute resolution.

- **WHY AM I BETTER OFF UNDER AN ENTERPRISE AGREEMENT?**

An EA gives you the ability to negotiate collectively for a better deal from your employer. Rather than individually trying to convince your employer to pay you a higher rate under the award union members negotiate collectively increasing your bargaining power. A fundamental principal of an Enterprise Agreement is that you must be better off than you would have been under the award, otherwise it won't pass the BOOT (better off overall test). Union workplaces that are covered by Enterprise Agreements are almost always paid higher than the award.

- **HOW DO WE SWITCH TO AN ENTERPRISE AGREEMENT?**

An employer is legally required to negotiate an enterprise agreement with their staff if a majority of staff support it. In the event that your employer refuses to negotiate your union will get you to sign a petition which will be presented to the Fair Work Commission. This is called a majority support determination.

- **HOW DO NEGOTIATIONS WORK?**

Both parties are required by law to try and find common ground and come to an agreement that everyone can support. This is called Good Faith Bargaining. Your union representatives (officials and union delegates) will negotiate on your behalf. An enterprise agreement can only progress from the negotiation stage to the ratification stage (becoming legally enforceable) after an all staff vote. Management gets to decide when the agreement will be put to vote. If the majority of staff are in favour of the agreement it becomes law, if not it's back to the drawing board.

## Not a member of the HSU?

Only union members get a say on what the union fights for in the bargaining process.

Join today and make sure that your interests are represented. You can join online at:

[hsu.asn.au/join](https://hsu.asn.au/join)

Phone: 1300 478 679 Fax: 1300 329 478 Email: [info@hsu.asn.au](mailto:info@hsu.asn.au)

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- **WHAT IF NEGOTIATIONS STALL?**

Enterprise Bargaining is the only time under Australian law when you can legally take Industrial Action. Industrial Action can take many forms ranging from wearing a badge at work letting patients know about your working environment all the way up to going on strike. In the event that negotiations stall, union members will be asked to vote on whether or not to take industrial action. It is illegal for your employer to punish you for taking part in Protected Industrial Action.

- **WHO ENFORCES THE AGREEMENT?**

Just like the award your agreement is enforced by the Fair Work Commission. They will deal with disputes arising under the agreement. Your union will ensure that the agreement is followed and take action in the commission if required.

- **HOW LONG DOES IT LAST?**

The length of your agreement is determined as part of negotiations, but they commonly last from two to three years. At the expiry of your agreement negotiations will start again for a new one.

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