

SINGLE INTEREST MULTI- EMPLOYER BARGAINING

What is it, and what is new?

This is a new mechanism that allows for multi-employer bargaining.

It creates a new stream where multiple employers can be required to participate in (subject to meeting the prerequisites) a multi-employer bargain without their consent.

It also provides access to the full set of bargaining rights including good faith bargaining requirements, FWC assistance in bargaining disputes and protected industrial action.

Strategic considerations

Coordinate:

- » Employers can avoid single interest bargaining where they are already bargaining under another stream, how do we coordinate across unions to address this?

Precedent:

- » There are many new, untested components of the test for single interest bargaining. How do we coordinate and take a strategic approach to ensure we are winning the best possible precedents for the movement.

Grow:

- » Employers may try to avoid single interest bargaining by making single enterprise agreements (or dispersing expiry dates). What are the pros and cons of this for growth, resourcing, and industry standard setting?
- » Majority support ballots are a central prerequisite for this bargaining stream. What are the pros and cons of this for growth, power, and resourcing?
- » New employers can be added to an authorisation for bargaining, or to an approved single interest agreement. How to we capitalize this opportunity to grow?

What are the key rights and requirements?

- » There are specific industries and circumstances where employers cannot be required to engage in single interest bargaining. The excluded groups are as follows:

Who is excluded	Under what circumstances
General building and construction employers	Excluded entirely, even if they wanted to consent
Small businesses with less than 20 employees	Excluded except where they voluntarily agree
Employers whose current agreement has not passed its nominal expiry date	Excluded except where they voluntarily agree
Employers who are already subject to a supported or single interest employer authorisation	Excluded as long as the existing authorisation remains, even if they want to consent
Employers already engaging in bargaining for a single enterprise agreement	Excluded where they don't voluntarily agree and: <ul style="list-style-type: none"> - they are currently bargaining in good faith, - have a history of doing so, and - their current agreement is less than 9 months past its nominal expiry.

- » While bargaining can be initiated without applying to the FWC, you cannot access bargaining rights (like good faith bargaining or protected action) unless you have sought and been granted a single interest employer authorisation.
- » Once an authorisation is made, employers cannot attempt to engage in another form of bargaining or vary existing agreements to include the effected groups of employees.
- » To be granted a single interest employer authorisation you must demonstrate the employers are part of a franchise, of that they have an identifiable common interest.
- » Common interest is not yet defined but the employers must be reasonably comparable in operations and activities and factors considered in common interest can include:
 - Geographical location,
 - Regulatory regime
 - The nature of the enterprises, and
 - The terms and conditions of employees.
- » Where an employer does not voluntarily consent to the authorisation, the FWC must be satisfied of majority support from employees for that employer.
- » You must have at least one member for each employer you want to include in the single interest bargain in order to be a default bargaining representative.

- » For single interest bargaining the minimum notice period for taking action is 120 hours.
- » Protected action ballots and orders will be conducted separately for each employer in the single interest bargain.
- » An authorisation can be varied to remove an employer either where the employer has less than 50 employees and a majority of its employees vote to do so, or where an employer's circumstances have changed warranting their removal.
- » An authorisation can be varied to add an employer where the other prerequisites are met, and a majority of employees vote in support of doing so.
- » A final, approved single interest agreement may be varied to include new employers, where the prerequisites for the authorisation are met and where employees vote in majority to support the agreement.
- » An agreement can only be put out to vote with the consent of all registered union bargaining representatives, unless the FWC orders otherwise.
- » The final agreement will only cover those employers whose own employees voted in majority to support the agreement.

**EQUIP
PLAN
WIN**

