

Enterprise Bargaining 2010



After twelve months the Fair Work bargaining laws are still unfolding and much depends on how the case law continues to develop.

The first twelve months of enterprise bargaining under the Fair Work Act has delivered a better understanding of the agreement making laws. However, the full extent of the laws is not finalised and some decisions handed down by members of Fair Work Australia (FWA) continue to surprise. Ai Group continues to be the 'cop on the beat' keeping a watchful eye on developments to protect the interests of members. Ai Group has successfully pursued appeals or intervened in appeals in a substantial number of cases.

In Ai Group's view most of the bargaining decisions of FWA have been sensible and practical.

Many employers are being approached by unions to collectively bargain for the first time, due, in large part, to the relaxed right of entry rules for unions into workplaces.

Bargaining has been progressing at a fairly intense rate, particularly in 2010 due to a slower bargaining period during the global financial crisis last year. Union and employee expectations about wage outcomes have heightened due to media reports of economic improvement.

It is relevant to be asking the following:

- **How are the tribunals interpreting the new laws?**
- **What can employers take from the decisions that have been handed down so far?**

- **What do employers need to do to comply with the bargaining laws and what are the sensitive areas?**

Some of the contentious issues include notice of employee representational rights, dispute settling terms in agreements, flexibility provisions, majority support determinations, scope orders and procedural requirements for agreement making. It is clear that unions continue to pursue issues that were prohibited content under WorkChoices and pressing for extremely limited flexibility provisions. Wage claims are ambitious and in many cases unsustainable.

Is your company facing agreement renewal this year, are you aware of developments in the case law related to bargaining and have you developed a strategy in preparation for agreement negotiations?

To assist members, Ai Group is scheduling half day seminars to prepare for agreement making in this year and beyond.

The program will include:

- **Common union claims**
- **Latest decisions on the bargaining provisions of the Fair Work Act**
- **Bargaining process alerts**
- **Bargaining Wage Outcomes**
- **Agreement making process – procedural requirements**
- **Strategic planning**

A member of Fair Work Australia will report on their experiences to date in dealing with bargaining matters and provide advice on meeting tribunal requirements in the approval process.

There will be an opportunity for companies to exchange information on bargaining experiences and progress.

DATE AND VENUE

ROWVILLE

31 August 2010
 Kingsford Smith Course
 1000-1002 Kingsford Smith Avenue
 Rowville VIC 3178

Registration: 8.30am
 Seminar: 9.00am – 12.30pm

MELBOURNE

17 September 2010
 Ai Group
 20 Queens Road
 Melbourne VIC 3004

Registration: 8.30am
 Seminar: 9.00am – 12.30pm

BRISBANE

31 August 2010
 Christie Conference Centre
 320 Adelaide Street
 Brisbane QLD 4000

Registration: 8.30am
 Seminar: 9.00am – 12.30pm

MERRYLANDS

31 August 2010
 Holroyd Centre
 Miller Street
 Merrylands NSW 2160

Registration: 8.30am
 Seminar: 9.00am – 12.30pm

PRICES

Member: \$297 per participant
 2 or more participants \$264

Non member: \$385 per participant
 2 or more participants \$341

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FULL

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Payment must be made at time of registration. All prices are GST inclusive. Australian Industry Group – ABN 76 369 958 788			
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TELEPHONE		FACSIMILE No.	
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COMPANY			
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