



ENTERPRISE BARGAINING 2015

Building a TAFE NSW for the future



TAFENSW

www.tafensw.edu.au/enterprise-bargaining



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Building a TAFE NSW for the future

The changes in our environment today are profound. Students and employers have greater choices and technologies are opening new opportunities for how and where training is delivered. Smart and Skilled reforms have introduced even more competition and our training sector is now global. Change is everywhere and it's real.

Our people are highly skilled, passionate and committed but to succeed in this environment we need to create a more modern workplace with a flexible workforce that provides our people with satisfying jobs and careers for the future.

Working together with our staff to agree on our next Enterprise Agreements is a high priority for us all. These new agreements will help us shape our workforce for the future and together build a successful, competitive and sustainable TAFE NSW.

I encourage you all to find out more about enterprise bargaining and work together to build a TAFE NSW for the future.

Pam Christie
Managing Director

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. You can find the current agreements at www.tafensw.edu.au/enterprise-bargaining.

What is Enterprise Bargaining?

Enterprise bargaining is the negotiation process by which TAFE NSW and its employees, and 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 TAFE NSW?

An important part of the enterprise bargaining process is your right to represent yourself or to nominate a bargaining representative to participate in the negotiations on your behalf. You can find out how to nominate a bargaining representative at www.tafensw.edu.au/about-tafensw/enterprise-bargaining/representation. If you are a member of a union that is entitled to represent you, your union will automatically be your bargaining representative for the agreement.

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?

Every employee should have a say over their conditions and wages and you can do this by staying informed and voting when the ballot is held. You aren't obliged to vote but we ask that you consider voting when the time comes to make sure your voice is heard.

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.

Where can I find out more about Enterprise Bargaining generally?

The Fair Work Commission provides general information about enterprise agreements and enterprise bargaining at fwc.gov.au/awards-and-agreements/agreements.

What is good faith bargaining?

TAFE NSW is committed to bargaining in good faith. Everyone involved in the bargaining process is required by the Fair Work Act to bargain in good faith. This means that TAFE NSW, 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 (TAFE NSW) agrees to bargaining or initiates bargaining.

Employers and employees may be represented by a bargaining representative. TAFE NSW represents itself. Unions that are entitled to represent TAFE NSW employees are bargaining representatives. Employees can also appoint a representative, or represent themselves.

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 employees have finished negotiating the agreement, a vote is conducted. 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).


Get involved

HOW WILL I STAY UP-TO-DATE?

We will keep you up to date with regular updates to let you know how bargaining is progressing.

You can find information about the progress of bargaining at:

 [www.tafensw.edu.au/
about-tafensw/enterprise-
bargaining](http://www.tafensw.edu.au/about-tafensw/enterprise-bargaining)

 [enterprisebargaining2015@
tafensw.edu.au](mailto:enterprisebargaining2015@tafensw.edu.au)

HOW DO I PROVIDE MY FEEDBACK?

You can email your feedback to:

 [enterprisebargaining2015@
tafensw.edu.au](mailto:enterprisebargaining2015@tafensw.edu.au)

We are interested in what you have to say and will listen to your feedback and take it into account.

If you are a member of a union, or have appointed a bargaining representative you can also provide them with your feedback.

WHAT IF I HAVE QUESTIONS?

You can email us with any questions to:

 [enterprisebargaining2015@
tafensw.edu.au](mailto:enterprisebargaining2015@tafensw.edu.au)

You can also talk to your People and Culture or HR team.

There are also FAQs at:

 [www.tafensw.edu.au/
about-tafensw/enterprise-
bargaining/faq](http://www.tafensw.edu.au/about-tafensw/enterprise-bargaining/faq)





TAFE NSW

