

New rules for enterprise agreements and bargaining

This fact sheet provides you with an overview of the [rules](#) for **enterprise agreements** and **bargaining** that started on 6 June 2023 and [changes](#) about 'zombie agreements'. It also tells you where to go for more help if you need it.

What are enterprise agreements?

Enterprise agreements are legal documents that cover certain employers and employees and set out minimum employment terms and conditions. For more information see our [Agreements page](#) at fairwork.gov.au/agreements

What is enterprise bargaining?

Enterprise bargaining is the process of negotiating with the goal of making an enterprise agreement. This is generally between the employer or employers, their employees, and their bargaining representatives.

There are rules about this process, including about starting bargaining, the content of enterprise agreements, and how an agreement is made and approved. For more information including [the process to make an agreement](#) visit fwc.gov.au/enterprise-agreements

Why did the rules change?

The Government has changed some of the rules to improve access to enterprise agreements and bargaining, including removing barriers to multi-employer bargaining.

The changes were introduced as part of the Secure Jobs Better Pay amendments to the Fair Work Act.

What rules changed?

There were changes to:

- **Making agreements** including changes to the [better off overall test](#) (BOOT) and the introduction of a new statement of principles that the Fair Work Commission (the Commission) must take into account when determining whether an enterprise agreement has been genuinely agreed to by employees.

- **Multi-enterprise agreements.** There are now 3 types of multi-enterprise agreements:
 - **Single interest employer agreements** for 2 or more employers who are certain franchisees or have common interests and who want to bargain for the same agreement.
 - **Supported bargaining agreements** which replaced previous provisions known as low-paid bargaining arrangements.
 - **Cooperative workplace agreements** for employers who have agreed to bargain together in some circumstances.
- Requirements that must be met before a vote on a new or variation to a multi-enterprise agreement.

Please note: Single enterprise agreements are currently the most used type of enterprise agreements. The only change to these agreements as part of these amendments are changes to the BOOT.

- **Zombie agreements** (certain types of agreements made before 2010) that were still in operation on 6 December 2023 automatically ended ('sunsetted') on 7 December 2023 unless an application was made to extend the agreement and the Commission:
 - granted an extension, or
 - had not yet made a decision.

Relevant employers must have notified affected employees of the zombie agreement ending in writing before 7 June 2023. After a zombie agreement has ended, minimum pay and conditions will typically be set by the relevant award, unless a new enterprise agreement is made. For more information on [sunsetting of zombie agreements](#) visit fwc.gov.au/agreements-awards/enterprise-agreements/sunsetting-pre-2010-agreements-zombie-agreements-changes-7

From 6 June 2023 there were also changes to:

- bargaining disputes
- industrial action (protected action ballots).

Who do the changes affect?

If you're covered by an enterprise agreement or looking to start bargaining, you might be affected by the changes to enterprise agreements and bargaining. You might also be affected by zombie agreements sunsetting as set out above.

The changes apply to all businesses, not just small businesses.

Where can I get help or more information?

The Fair Work Commission is the national workplace tribunal and regulator of registered organisations. Many of the changes to agreement-making and bargaining are administered by the Commission.

For more information about the changes, including help understanding how they apply to you, visit the Commission's [Supporting you to bargain and make agreements from 6 June 2023 page](#) at fwc.gov.au/secure-jobs-better-pay/bargaining-support-6-june-23 and the Commission's [Sunsetting of pre-2010 agreements \(zombie agreements\) – changes from 7 December 2023 page](#) at fwc.gov.au/agreements-awards/enterprise-agreements/sunsetting-pre-2010-agreements-zombie-agreements-changes-7

CONTACT US

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Fair Work Infoline: **13 13 94**

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Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: **13 36 77**

Ask for the Fair Work Infoline **13 13 94**

Speak & Listen: **1300 555 727**

Ask for the Fair Work Infoline **13 13 94**

The Fair Work Ombudsman is committed to providing you with advice that you can rely on. The information contained in this fact sheet is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or a workplace relations professional.

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