



Bargaining and workplace relationships

Cooperative Workplaces Bargaining Stream

These amendments form part of an Australian Government commitment to ensure employees and employers have flexible options for reaching agreements.

What has changed?

The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* amends the *Fair Work Act 2009* (the Act) to improve access to multi-employer bargaining. The existing multi-employer bargaining stream has been renamed the Cooperative Workplaces Bargaining Stream and participation in the stream remains voluntary.

Under the Cooperative Workplaces Bargaining Stream, an employer can seek to join with other employers to make a cooperative workplaces agreement. At least some employees involved in bargaining must be represented by a registered employee organisation and cooperative workplaces agreements must be approved by a majority vote of employees of each employer and pass the Better Off Overall Test. Businesses can choose to opt-in to an existing agreement with the support of a majority vote of employees.

Protected industrial action is not available under the Cooperative Workplaces Bargaining Stream and conciliation and arbitration of bargaining disputes by the Fair Work Commission can only occur with the consent of all parties.

Employers and employees undertaking defined types of building and construction work are excluded from being covered by cooperative workplaces agreements.

What do these changes mean?

These amendments aim to enhance access to enterprise bargaining by providing an option for employees and employers to reach agreements and help overcome the difficulty smaller

businesses can have in bargaining for a new agreement. Employers and employees bargaining in the stream will have access to the assistance of the Commission to negotiate agreements that meet their needs.

While this voluntary form of bargaining is expected to be particularly attractive to small businesses, it will be available to businesses of any size.

When will these changes come into effect?

These changes will come into effect on 6 June 2023, or an earlier date to be fixed by proclamation.

For more information on the *Secure Jobs, Better Pay* package visit:

www.dewr.gov.au/workplace-relations.