

The Enterprise Bargaining Process – An Overview

March 2009

Step by step in the Enterprise Bargaining Process



Issues & Tasks

<ul style="list-style-type: none"> ■ What is the business context? ■ What are the business objectives of the EBA? ■ Why are we doing this ? 	<ul style="list-style-type: none"> ■ Define the in-scope employees ■ Identify all impacted stakeholders and their likely position / attitude 	<ul style="list-style-type: none"> ■ Research awards that may be relevant to in-scope employees ■ Research choice of instrument options ■ Confirm legal status of company 	<ul style="list-style-type: none"> ■ Consult with management to determine key content components of EBA ■ Duration? ■ Analyse cost / saving implications of proposed EBA 	<ul style="list-style-type: none"> ■ Identify risks and potential impact/s ■ Consider Plan B options 	<ul style="list-style-type: none"> ■ Agree the overall tactical approach to be adopted, having regard to What, Who and How ■ Will you seek employee input on proposed process first?
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Outputs

<ul style="list-style-type: none"> ■ Statement of EBA objectives 	<ul style="list-style-type: none"> ■ Statement of in-scope employees ■ Stakeholder analysis 	<ul style="list-style-type: none"> ■ Document outlining relevant awards, available instrument options ■ Confirm jurisdiction 	<ul style="list-style-type: none"> ■ Agreed parameters and key elements of desired EBA ■ EBA costings completed 	<ul style="list-style-type: none"> ■ High level risk analysis & mitigations 	<ul style="list-style-type: none"> ■ Agreed approach (perhaps mind map), resources, timelines etc.
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Issues & Tasks

<ul style="list-style-type: none"> ■ Draft proposed EBA taking into account scope, business objectives & instrument type ■ Ensure compliance with NDT & AFPC/NES Std's 	<ul style="list-style-type: none"> ■ Based on process decision, decide on comms process – When, What, How and to Whom? ■ Prepare communication materials 	<ul style="list-style-type: none"> ■ Develop tactical approach, esp. if unions involved ■ Fall back /BATNA positions? ■ Industrial action options? ■ Consult with staff and / or unions 	<ul style="list-style-type: none"> ■ If industrial action results from consultation, develop options: next steps? 	<ul style="list-style-type: none"> ■ Arrange vote for approval of EBA ■ Ensure procedural requirements for employees are in place – e.g. Information statements, etc 	<ul style="list-style-type: none"> ■ Obtain signatures ■ lodge EBA documents with Workplace Authority ■ Complete employer declaration
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Outputs

<ul style="list-style-type: none"> ■ 1st draft of the EBA 	<ul style="list-style-type: none"> ■ Staff communication plan ■ Communication materials 	<ul style="list-style-type: none"> ■ Tactical approach agreed ■ Fall back positions clear 	<ul style="list-style-type: none"> ■ Agreed plan of action and approach 	<ul style="list-style-type: none"> ■ Compliant voting process and recorded outcome 	<ul style="list-style-type: none"> ■ Successful lodgement of EBA
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