The Enterprise Bargaining Process – An Overview

July 2010
## Step by step in the Enterprise Bargaining Process

### Issues & Tasks

<table>
<thead>
<tr>
<th>Business Strategy</th>
<th>Stakeholder Analysis</th>
<th>Research</th>
<th>Agreement Content</th>
<th>Risk Analysis</th>
<th>Overall Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is the business context?</td>
<td>Define the in-scope employees</td>
<td>Research awards that may be relevant to in-scope employees</td>
<td>Consult with management to determine key content components of EBA</td>
<td>Identify risks and potential impact/s</td>
<td>Agree the overall tactical approach to be adopted, having regard to What, Who and How</td>
</tr>
<tr>
<td>What are the business objectives of the EBA?</td>
<td>Identify all impacted stakeholders and their likely position/attitude</td>
<td>Research choice of instrument options</td>
<td>Duration?</td>
<td>Consider Plan B options</td>
<td></td>
</tr>
<tr>
<td>Why are we doing this?</td>
<td></td>
<td></td>
<td>Analyse cost/saving implications of proposed EBA</td>
<td></td>
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</tr>
</tbody>
</table>

### Outputs

<table>
<thead>
<tr>
<th>Statement of EBA objectives</th>
<th>Statement of in-scope employees</th>
<th>Document outlining relevant awards, available instrument options</th>
<th>Agreed parameters and key elements of desired EBA</th>
<th>High level risk analysis &amp; mitigations</th>
<th>Agreed approach (perhaps mind map), resources, timelines etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stakeholder analysis</td>
<td></td>
<td></td>
<td>EBA costings completed</td>
<td></td>
<td></td>
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</tbody>
</table>

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Enterprise Bargaining Process

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**Issues & Tasks**
- Draft proposed EBA taking into account scope, business objectives & instrument type
- Based on process decision, decide on comms process – When, What, How and to Whom?
- Prepare communication materials
- Develop tactical approach, esp. if unions involved
- Fall back /BATNA positions? Industrial action options?
- Consult with staff and / or unions
- If industrial action results from consultation, develop options: next steps?
- Arrange vote for approval of EBA
- Ensure procedural requirements for employees are in place – e.g. Notice of Representational Rights, Information statements, etc
- Fall back /BATNA positions?
- Consult with staff and / or unions
- If industrial action results from consultation, develop options: next steps?
- Arrange vote for approval of EBA
- Ensure procedural requirements for employees are in place – e.g. Notice of Representational Rights, Information statements, etc
- Obtain signatures
- Lodge EBA documents with FWA
- Complete employer declaration

**Outputs**
- 1st draft of the EBA
- Staff communication plan
- Communication materials
- Tactical approach agreed
- Fall back positions clear
- Agreed plan of action and approach
- Compliant voting process and recorded outcome
- Successful lodgement of EBA

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