

# ENTERPRISE AGREEMENTS

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MADE EASY

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checklists

## Checklist - Introduction

- ☑ Check out the key dates to start planning the negotiation project. Is there a current agreement? When is the nominal expiry date of that agreement? If it's a new agreement, are there any critical dates by which the agreement needs to be completed by?
- ☑ Access current information from the Fair Work Commission website. Start to read up on agreement requirements and any recent changes, particularly around the timely completion of paperwork.
- ☑ Look out for and if possible attend any seminars or information sessions on the industrial environment, IR legislation and industry trends.
- ☑ Start to develop your project plan. You can use the headings of the chapters of this book as a guide.

## Checklist – Chapter 1

### Preparing the Organisation's Negotiation Team

- ☑ Determine the skills, knowledge and expertise required for the team.
- ☑ Assign team responsibilities and roles.
- ☑ Identify and address any skill (etc.) gaps in the team.
- ☑ Ensure team members have their manager's support and are provided adequate time for enterprise negotiation activities.
- ☑ Provide IR information and training (as appropriate) to the negotiating team.
- ☑ Discuss and agree team behaviours.
- ☑ Develop a communication and stakeholder plan now and start communicating now!!

## Checklist – Chapter 2

### Research, Research, Research

- ☑ Plan and allocate what research needs to take place and by when.
- ☑ If possible, access a copy of the organisation's strategy.
- ☑ Review the existing document, specifically looking for issues and errors.
- ☑ Talk to employees about what they would like to see changed in the agreement.
- ☑ Do some research on the other parties to the negotiation (e.g. the union(s) and their representatives).
- ☑ Read up and talk to experts about the current IR environment and any trends in agreement negotiations.

## Check List – Chapter 3

### Planning Your Approach

- ☑ Agree the negotiation approach.
- ☑ Establish the expected approach of the other parties.
- ☑ Finalise the organisation's claim items (pending approval).
- ☑ Develop the Negotiation Plan.
- ☑ Agree the specifics of each team member's role, pre, during and post the negotiations.

## Checklist – Chapter 4

### Preparing the Organisation's Leaders

- ☒ Determine and agree who will be the Executive Sponsor.
- ☒ Schedule a meeting with the LT.
- ☒ Research the industrial environment and relevant industry agreements (see Chapter 2).
- ☒ Prepare the LT presentation. (Anticipate and address any questions the LT may have.)
- ☒ Meet with the LT.
- ☒ Ensure LT endorsement of the claim items and negotiation strategy.
- ☒ With the LT, agree a regular update and issue escalation process.
- ☒ Follow up and report back on any outstanding issues or questions from the meeting.

## Checklist – Chapter 5

### Contingency Planning

- ☒ How likely is industrial action? Use the chart to plot the likelihood.
- ☒ If it is likely, do you have a good industrial lawyer? Get specialist advice now.
- ☒ What's the tolerance for risk within the organisation?
- ☒ Make sure you know your numbers. What's the value of one day of production versus the cost of the claim?
- ☒ What conversations do you need to have with which stakeholders to determine the risk tolerance?
- ☒ Do you have a contingency plan? If not, start developing a plan if there is a high tolerance for risk and a high likelihood of industrial action.
- ☒ Go back to your communication plan. Have you consulted with those who are key stakeholders?

## Checklist – Chapter 6

### The Technical Elements

- ☑ In your project plan, include the requirements to have an agreement approved, including specific timeframes.
- ☑ Ensure that the log of claims does not include any unlawful content.
- ☑ Ensure that you understand what type of agreement the agreement is, and comply with requirements relating to that type of agreement.



## Checklist - Chapter 7

### The First Meeting

#### Before the meeting

- ☒ Arrange a suitable venue
- ☒ Advise attendees of time, venue etc. and any special arrangements (parking etc.) and to bring their diaries
- ☒ Collate your reference materials (enterprise agreements, awards etc.)
- ☒ Prepare sufficient copies of all documents to be shared at the meeting

#### At the meeting

- ☒ Introduce all parties
- ☒ Ensure everyone is familiar with the enterprise agreements process
- ☒ Agree negotiation ground rules and meeting process
- ☒ Agree expected behaviours
- ☒ Review each party's Claim items—seek clarification as required
- ☒ Set dates for future meetings
- ☒ Review and confirm action items

## Checklist – Chapter 8

### The On-going Negotiations

- ☑ Maintain complete records and files.
- ☑ Determine who will draft clauses on behalf of the organisation. Is a legal review required?
- ☑ Draft clauses throughout the course of the negotiations for review in meetings.
- ☑ Ensure appropriate behaviours are communicated and maintained at meetings.
- ☑ Fully discuss and understand the reasons behind all claims, particularly those in dispute.
- ☑ Get help if you need it.
- ☑ Ensure accurate and timely updates are provided to (and from) impacted employees.

## Checklist – Chapter 9

### So It's All Over

- ☒ Have you developed a strategy to sell the agreement?  
Is it a joint strategy?
- ☒ Have you created a simple document to explain the terms of the agreement in a way that meets the requirements of the Act?
- ☒ Have you complied with the requirements of the Act to lodge the agreement?
- ☒ Have you undertaken the BOOT test?
- ☒ Have you completed the relevant paperwork to lodge the agreement?
- ☒ Have you developed a review and implementation plan?
- ☒ Celebrate!