



FREQUENTLY ASKED QUESTIONS (FAQs)

About Enterprise Bargaining

What is an Enterprise Agreement and where can I find the current Enterprise Agreements?

An Enterprise Agreement is an agreement made between an employer and its employees that covers terms and conditions of employment. Enterprise Agreements are negotiated in good faith through collective bargaining.

On 30 June 2019, Metro's three Enterprise Agreements covering Rail Operations, Infrastructure and Rolling Stock expired. These Enterprise Agreements can be viewed by clicking on the below links:

- [Infrastructure \(PDF\)](#)
- [Rail Operations \(PDF\)](#)
- [Rolling Stock \(PDF\)](#)

The terms of these Enterprise Agreements continue to operate until new agreement is reached.

What is Enterprise Bargaining?

Enterprise Bargaining is the negotiation process by which Metro and its employees through their bargaining representatives (in most cases, the unions), negotiate terms and conditions of employment. Bargaining usually occurs during a series of meetings that are held to negotiate a new Enterprise Agreement, which is then voted upon by all employees that will be covered by the particular Enterprise Agreement.

When does Enterprise Bargaining start?

Enterprise Bargaining usually starts when the employer agrees to, or initiates bargaining, when the current Enterprise Agreement is nearing its nominal expiry date. Metro commenced bargaining in February 2019 for three new Enterprise Agreements covering Rail Operations, Infrastructure and Rolling Stock.

Why do we need to negotiate?

The Fair Work Act 2009 sets out a framework for employers and employees to bargain in good faith to establish an Enterprise Agreement. While parties to an Enterprise Agreement may have different interests and priorities, the intent is for employees and the employer to negotiate the terms and conditions of employment. Metro commenced negotiations to reach new Enterprise Agreements in February 2019.

What is a 'log of claims'?

In preparing for negotiations, each party usually prepares a list of issues/items ("log of claims") that are important to them. This ensures that all the issues are discussed during the negotiations.

What are employee representational rights?

Metro must take all reasonable steps to notify employees of their right to be represented during negotiations. This notice is referred to as the 'Notice of Employee Representational Rights'. This notice sets out important information about negotiating an Enterprise Agreement including how to appoint a bargaining representative. During negotiations, Metro has had a management negotiation



team negotiating on behalf of Metro.

When will you reach agreement?

We commenced negotiations for our next Enterprise Agreements in February 2019. Regular negotiation meetings have been held for all three Agreements with your unions. Following the slow progress of the Rail Operations bargaining process, in early May we sought the assistance of the Fair Work Commission (FWC) to progress negotiations with the RTBU and reach an Agreement for our people. We remain committed to reaching an Agreement with our employees as soon as possible.

What is the role of the Fair Work Commission?

Once we reach in-principle agreement with the unions for a proposed Enterprise Agreement, all eligible Metro employees covered under the proposed agreement will have the opportunity to vote to accept or decline the proposed terms and conditions. You do not have to be a member of a union to vote in the employee ballot.

If that proposed Agreement is then voted up by our employees, the Agreement then proceeds to the Fair Work Commission (FWC) for approval. The FWC must be satisfied that a number of matters have been met. These include the following:

- that the procedural requirements set out by the Fair Work Act 2009 have been met;
- that the Enterprise Agreement has been genuinely agreed to by the employees that will be covered by the Enterprise Agreement;
- the scope of the Enterprise Agreement has been fairly chosen;
- that the terms of the Enterprise Agreement do not contravene the National Employment Standards;
- that the employees will be “better off overall” under the Enterprise Agreement than they would be under their applicable modern award(s);
- that there are no unlawful or designated outworker terms in the Agreement; and
- that good faith bargaining principles have been upheld.

If any of the above requirements are not met, the Fair Work Commission may reject the proposed Enterprise Agreement or seek additional information to assist them.

Where can I find Metro's log of claims?

Since negotiations started on 12 February, we have openly communicated with employees to describe the sorts of changes the business would like to achieve and why these are important. The log of claims is essentially a ‘wishlist’ of the changes or amendments each party would like to see made in the next Enterprise Agreement. It is not expected that all the business or all of your representatives’ claims will be implemented. We will continue to provide more details on the claims as the negotiations progress. This is why a bargaining process is so important – we will work with your representatives to negotiate a position we are all comfortable with for the next three years.

It's important to us that your questions are answered and your voice is heard.

You can submit your questions at any time to enterpriseagreement@metrotrains.com.au

We'll keep adding to our FAQs section based on the common questions our colleagues are asking.