



Australian Government

WorkChoices

Union greenfields agreements

A union greenfields agreement is an agreement between a union(s) and an employer in relation to a new project, business or undertaking that an employer is proposing to establish. The agreement is negotiated between an employer and a union on behalf of an employer's future employees. A union greenfields agreement must be made before the employer employs anyone who is necessary for the operation of the business and will be covered by the agreement.

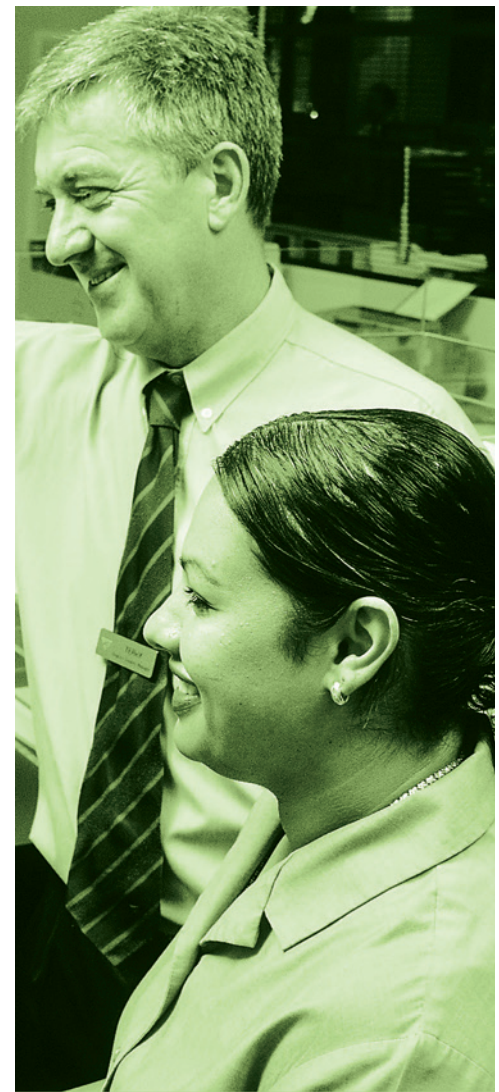
Employers must lodge the agreement within 14 days of the agreement being made. Late lodgement of agreements may result in a penalty being imposed. The agreement comes into operation when the employer lodges the written agreement and other required documents with the Office of the Employment Advocate (OEA). Once an agreement has been lodged, the OEA will issue a receipt to both the employer and the relevant trade union/s.

Union greenfields agreements have a maximum nominal expiry date of five years. After that date has passed, the agreement will continue to operate. However, subject to complying with the rules for doing so, the parties may take protected action in support of a new agreement.

Employer greenfields agreements

An employer greenfields agreement is an agreement in relation to a new project, business or undertaking an employer is proposing to establish. An employer greenfields agreement must be made before the employer employs anyone who is necessary for the operation of the business and will be covered by the agreement.

Employers must lodge the agreement within 14 days of the agreement being made. Late lodgement of agreements may result in a penalty being imposed. The agreement comes into



WorkChoices and greenfields agreements

operation when the employer lodges the written agreement and other required documents with the OEA. Once an agreement has been lodged, the OEA will issue a receipt to the employer.

Unlike other workplace agreements, employer greenfields agreements have a maximum nominal expiry date of 12 months. After that date has passed, the agreement will continue to operate. However, the parties may take protected action in support of a new agreement.

Existing agreements

Greenfields agreements made prior to the commencement of WorkChoices will continue to operate until terminated or replaced by a new workplace agreement under WorkChoices.

Lodgement

For a greenfields agreement to come into operation it must be lodged with the OEA.

All agreements that are lodged with the OEA must be accompanied by a declaration signed by the employer.

If an employer lodges an agreement which it says is a greenfields agreement, but it does not conform to the requirements for a greenfields agreement (e.g. it is not for a new business, project or undertaking), a court may find the agreement is not a workplace agreement for the purposes of the Workplace Relations Act and therefore did not come into operation.

Content requirements

Greenfields agreements must comply with the same content requirements as other workplace agreements.

All greenfields agreements must provide terms and conditions that are no less favourable than those provided for by the Australian Fair Pay and Conditions Standard (the Standard). The Standard will prevail over a greenfields agreement to the extent to which, in a particular respect, the Standard provides a more favourable outcome for the employee.

For more information about greenfields agreements call the OEA's Workplace Agreement Information Service on 1300 366 632 or visit www.oea.gov.au.

WorkChoices is a new system of workplace relations legislation that covers up to 85 per cent of Australian employees. This series of fact sheets is available to assist workers and employers to understand their rights and obligations under the legislation.

For more information call the **WorkChoices Infoline** on **1300 363 264** or visit the **WorkChoices** website www.workchoices.gov.au

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