

#### KEY ISSUES

- *Institutions who would normally be seen as single entities, and who can show that they operate within a common framework, may be able to negotiate as a Single Interest Employer.*
- *If the Federal Minister issues a Declaration allowing them to negotiate collectively, employers must then seek an authorisation from the FWA.*
- *The authorisation will be granted if the requirements of the Act are met.*
- *Catholic employers may bargain as two separate entities.*
- *Industrial rights are the same as with agreements made under a Single Enterprise Agreement.*

#### ACTION

- *Chapter meetings should be held to brief members on developments.*
- *Authorised protected action meetings in authorised action schools to be held on 11 November 2009. This fact sheet should be discussed.*

#### CONTACTS

IEUA-QNT  
Phone: (07) 3839 7020  
Fax: (07) 3839 7021  
Freecall: 1800 177 937  
Email Enquiries:  
enquiries@qieu.asn.au  
Internet:  
www.qieu.asn.au

#### Q. What is a Single Interest Employer?

A. Certain institutions that operate within a common framework and which substantially satisfy a set of criteria may be granted authority to negotiate as a Single Interest Employer.

#### Q. How is a Single Interest Employer Declaration obtained?

A. A Single Interest Employer Authorisation is obtained by initially applying to the Minister for a declaration. The key elements considered by the Minister in issuing a Ministerial Declaration are:

- the history of bargaining of each of the relevant employers, including whether they have previously bargained together;
- the interests that the relevant employers have in common, and the extent to which those interests are relevant to whether they should be permitted to bargain together;
- whether the relevant employers are governed by a common regulatory regime;
- whether it would be more appropriate for each of the relevant employers to make a separate enterprise agreement with its employees;
- the extent to which the relevant employers operate collaboratively rather than competitively;
- whether the relevant employers are substantially funded, directly or indirectly, by the Commonwealth, a State or a Territory; and
- any other matter the Minister considers relevant.

#### Q. What processes do the employers have to go through to satisfy Fair Work Australia (FWA) for a Single Interest Employer Authorisation?

A. FWA will grant authorisation if it is satisfied that:

- the employers that will be covered by the agreement have agreed to bargain together;
- no person coerced any of the employers to agree to bargain together; and
- that the requirements of the Act for such an authorisation are met.

#### Q. How is this different from what was in place before?

A. Prior to employers making application to access this provision, each employing authority negotiated a collective bargaining agreement relevant to that employer. Under the *Fair Work Act* (the Act) a group of employers who operate in a related way or share a common interest may be granted permission to bargain together as a single interest employer.

#### Q. What is occurring now in the Catholic Sector?

A. Catholic Employing Authorities have yet again shifted the ground on which negotiations are set.

They have made an application to the Minister for a Single Interest Employer Declaration, which has been granted. Catholic Employing Authorities next step is to apply to FWA for a Single Interest Employer Authorisation.

#### Q. What does this mean for Catholic Employers?

A. If the Single Interest Employer Authorisation is granted by FWA, the five Diocesan and eighteen (18) Religious Institute Employing Authorities now may bargain as two separate entities namely: Diocesan Employing Authorities and Religious Institute Employing Authorities.

#### Q. What are your Industrial Rights?

A. Under a Single Interest Employer Agreement, employees have the same rights as an agreement made under a Single Enterprise Agreement. This means employees may take protected industrial action, obtain bargaining and serious breach declarations and acquire majority support determinations.