

# Questions & Answers (Q&As)

## New Enterprise Agreement (EA)

### What is an enterprise agreement?

An enterprise agreement is an agreement made at the enterprise (business) level. It contains terms and conditions of employment, including wages. An enterprise agreement must have a nominal expiry date but under the Fair Work legislation the agreement will continue to operate after that date until it is replaced by a new enterprise agreement or terminated by the Fair Work Commission (FWC).

### Why do we need a new agreement?

The FWC introduced a regulation requiring organisations to terminate or “sunset” any pre-2010 employment agreements with expired terms and conditions, commonly known as “zombie agreements.” The Endeavour Foundation Union Collective Agreement (EFUCA) fell into this category. As a result, we have until 7 December 2024, to replace this with a new agreement, which is reflective of modern terms and conditions.

### What has happened so far?

We resumed regular bargaining sessions with the Services Union (TSU), the Australian Workers Union (AWU) and bargaining representatives from Endeavour Foundation on 4 September 2023, working towards a replacement of the Endeavour Foundation Collective Agreement (EFUCA). Through this, the Unions applied to the Fair Work Commission for an **extension of EFUCA to December 2024**.

This extension request was approved by the Fair Work Commission, allowing us more time for the bargaining process to be completed and a new agreement to be finalised.

### Why has the process taken so long?

We have been working on building an agreement that will focus on a healthy working environment, employment security and appropriate working terms and conditions. This has required us to ensure that all voices impacted by EFUCA are heard and acknowledged.

### How do I know if I'm covered by the agreement?

We have been communicating with our employees covered under the EFUCA for some time. If you have not yet had any communication, it is likely that you are not covered. You can speak to your leader, Raise a People and Wellbeing ticket at the

[#TeamPossible Support Hub \(EA Support\)](#) or contact <mailto:agreement@endeavour.com.au> if you need to confirm.

### **What is the difference between an award and an agreement?**

Awards are set by the Fair Work Commission and apply to employers and employees depending on the industry they work in, and the type of job worked.

Enterprise agreements set out minimum employment conditions and can apply to one business or a group of businesses and are approved by the Fair Work Commission,

Employees cannot be on an Award if an employer has an Enterprise agreement in place.

### **Am I better off on an award or an agreement?**

There are many benefits to remaining on an enterprise agreement, which include paying above minimum modern award rates, increasing flexibility for both employees and employers, and tailoring conditions to suit the working environment at Endeavour Foundation.

### **What will the new enterprise agreement be called?**

The new enterprise agreement will be called Endeavour Foundation Enterprise Agreement (EFEA).

### **What are the key changes between EFUCA and EFEA?**

We will take you through the key changes between EFUCA and the new proposed agreement, Endeavour Foundation Enterprise Agreement (EFEA). These changes will be discussed in detail throughout the engagement sessions before the agreement goes to a vote.

### **How will the proposed agreement impact my role and responsibilities?**

The proposed agreement will have different impacts on your role dependant on where in the organisation you work. For this reason, we cannot specifically say how it will be impacted.

It is best to discuss this with your leader or reach out to the People Partnering team at [agreement@endeavour.com.au](mailto:agreement@endeavour.com.au) .

## How will we vote?

We have enlisted the support of an external industrial relations company, Mapien, who will be coordinating the voting process through an external provider. This will ensure that everything is handled in a way that is confidential, clear and transparent.

We will keep you updated on the voting process closer to the time.

## What is a BOOT test?

The Fair Work Commission will not approve an enterprise agreement that does not pass the 'Better Off Overall Test' (BOOT) to ensure it is more advantageous for employees to be on the agreement rather than on the underpinning modern award. If we receive a majority 'yes' vote for the agreement from our team, we will submit the proposed agreement to be reviewed and approved by the Fair Work Commission.

## If the agreement is voted in, how long will it be until it takes effect?

If a majority 'yes' vote is received, we will aim to implement the new agreement before the EFUCA expires in December 2024.

## How can we find out more information?

- [Visit the intranet](#) for context around the history of EFUCA and negotiation meetings.
- Speak to your leader.
- Raise a People and Wellbeing ticket at the [#TeamPossible Support Hub \(EA Support\)](#)
- Email [peopleexperience@endeavour.com.au](mailto:peopleexperience@endeavour.com.au)
- If your question is not answered, you can also complete [this form](#), and we will publish all answers on the intranet.