



SUMMARY: *FAIR WORK AMENDMENT ACT 2015 (CTH)*

Change	Summary of amendments to the <i>Fair Work Act 2009 (Cth)</i> (see Sch 2 of the amending legislation for transitional provisions)
Greenfields agreements	<ul style="list-style-type: none">• Good faith bargaining rules now apply to greenfields negotiations. This was introduced to address inappropriate bargaining conduct that was prevalent in greenfields negotiations and to encourage unions and employers to reach agreement.• Employers may now also apply to the Fair Work Commission (the FWC) for approval of single-enterprise greenfields agreements if no agreement is reached within a six month “negotiating period”. This will lead to greater certainty surrounding the time period for negotiation of greenfields agreements. To be able to rely on this provision, employers must ensure that they provide notice to each employee organisation (i.e. union) that is a bargaining representative for the agreement, specifying the day on which the six month negotiation period will commence.• For the agreement to be approved, the FWC must be satisfied that the agreement provides for pay and conditions consistent with prevailing industry standards for equivalent work.
Industrial action	<ul style="list-style-type: none">• The ability to commence protected industrial action prior to bargaining has been restricted as protection action ballot orders will only be granted by the FWC after the employer initiates bargaining for a new enterprise agreement and notice has been given to employees of the right to be represented by a bargaining representative (i.e. after the employer agrees to bargain or initiates bargaining, or a majority support determination, scope order, or low paid authorisation is issued by the FWC). This will prevent employees from taking protected industrial action to pressure employers prior to bargaining commencing.
Unpaid parental leave	<ul style="list-style-type: none">• Employers must not refuse a request for an extension of unpaid parental leave unless the employer has given the employee a reasonable opportunity to discuss the request. The existing obligation that an employer can only refuse a request for unpaid parent parental leave on reasonable business grounds continues to apply.
Unclaimed monies	<ul style="list-style-type: none">• Employers’ existing obligations under the <i>Fair Work Act 2009 (Cth)</i> to pay to the Commonwealth amounts owed to former employees who cannot be contacted, remains the same. However, new provisions require the Fair Work Ombudsman to pay interest on those unclaimed monies.