

Costa Berries Enterprise Agreement FAQs

What is an Enterprise Agreement?

An Enterprise Agreement is a document that sets out the minimum employment conditions for employees within an organisation.

Modern Awards are documents that outline the minimum pay rates and conditions of employment for each industry – there are 121 in total in Australia. As each role in an organisation can be covered by a different Modern Award (e.g. Clerical Award versus Horticulture Award) an organisation can choose to have one Enterprise Agreement covering all employees instead of the individual awards. Prior to any Enterprise Agreement being implemented, it is assessed by the Fair Work Commission to make sure that:

- all employees are better off over all under the Enterprise Agreement than they would be under the individual Modern Awards.
- All base pay rates outlined in the Modern Awards are met or exceeded in the Enterprise Agreement.
- Even with an Enterprise Agreement in place, the National Employment Standards still apply.

Why do we need one?

The current agreement reaches its nominal expiry date on June 30, 2023. We need to start the process of reviewing the current agreement, and look at what we want to keep, change, add or remove for the next agreement.

How does the bargaining process work?

Bargaining is the process by which one or more employers and employees negotiate the terms and conditions that will be included in the agreement. Both sides are represented in the process by bargaining representatives.

There will be a team of people involved in the bargaining, representing the interests of the Costa Berries business and employees covered by the agreement. There will also be involvement from union representatives in the process. Employee representatives will be nominated across the Costa Berries sites. These employee representatives will be the main point of contact for employees – they will take feedback from employees to present to the bargaining team, and will inform employees of what is discussed at the bargaining meetings to gather feedback.

Through a series of bargaining meetings, taking on board feedback from everyone, a new agreement document will be drafted. At this point, all employees will be invited to vote on whether they are in agreement to the terms.

If 51% of employees vote in agreement, the document will be sent to the Fair Work Commission for review and approval. If it is agreed by them that this passes the “better off overall test” (BOOT – see below), the agreement is finalised and will come into place.

What is my involvement in this?

Everyone covered by the agreement is encouraged to take part in the process of reviewing what is currently in place, and providing feedback.

During the bargaining period, Costa Berries and employees will have an opportunity to present their ideas and thoughts. We are aiming to develop an agreement that is to the benefit of everyone and that can be agreed upon.

Who does the Enterprise Agreement relate to?

The Enterprise Agreement is relevant to roles which are covered by the Horticulture Award and are listed in the Enterprise Agreement schedule table. If you are unsure whether this is relevant to you, please check with your manager.

How do I contribute?

Once employee representatives have been elected, their contact information will be circulated. These are the people that you should talk to with ideas. Alternatively, you can contact the unions who will be involved in the bargaining. You can also put your ideas forward through the email address CostaBerryEA@costagroup.com.au.

What is the 'better off overall test (Boot)'?

Before an agreement can be finalised, the independent group the Fair Work Commission reviews the agreement.

The Enterprise Agreement replaces the base requirements outlined in individual Modern Awards. The BOOT test makes sure that an organisation is not disadvantaging employees by offering terms of employment that are worse than those offered in the Modern Award. The BOOT test looks at the overall offering of the Modern Award and the overall offering of the Enterprise Agreement – this means that whilst some individual terms may appear to be a disadvantage in the Enterprise Agreement, others offer enough of an advantage that the employee ends up better off overall.