New Approaches – How the FWC can assist you

Included in amendments of the Fair Work Act 2009 by the Fair Work Amendment Act 2013 was the provision of an additional function to the Fair Work Commission (FWC) of ‘Promoting cooperative and productive workplace relations and preventing disputes’ (s.57(2)(aa)).

As part of this new function the FWC launched a pilot program called New Approaches in 2014. The success of the program saw the FWC confirm, in 2015, that the New Approaches program would be a permanent feature of the tribunals work.

The New Approaches program enables the FWC to work with parties to:

– promote cooperative and productive workplace relations through interest-based approaches to bargaining for enterprise agreements
– develop new ways of resolving conflict at the workplace using interest-based problem-solving
– support the facilitation of change, innovation and productivity improvement through new ways of collaborating outside of the bargaining cycle, and before a dispute occurs.

The FWC may provide assistance where one or more employer and employee parties at a workplace or business agree to the FWC’s involvement providing one or more of the following services:

– training in interest-based bargaining
– facilitation of enterprise bargaining
– facilitation of joint processes to implement enterprise agreements
– training in interest-based dispute resolution
– training and facilitation in collaborative workplace change, including training for consultative committees

The program does not replace the FWC’s existing functions under the Act relating to dispute resolution and enterprise agreement making.

To engage the assistance of the FWC, one or more employer and employee parties at a workplace or business who agree to the FWC providing assistance can make an application using Form F79—Application for the Commission’s assistance to promote cooperative and productive workplaces and prevent disputes (Word).

For more information about the FWC New Approaches program please click here.