Topic	**Multi-employer bargaining**
Chief Counsel (A/g)	Stuart Kerr, Ph: s 47F(1)
Assistant Secretary (A/g)	Kate McFarlane, s 47F(1)

s 22(1)

s 22(1)

Key matter: NSW electrical contracting industry (applications made)

- Separate applications for single interest employer authorisations have been lodged by the ETU (B2025/1844) and several major electrical contracting employers (B2025/1859) covering electrical contractor employers in New South Wales/ the ACT (refer **Attachment A** for more details).
    - The Department understands the Fair Work Commission is currently considering whether the competing matters will be joined, or merely heard together, with both applications listed for hearing in July 2026.
    - These proceedings are ongoing and it is not appropriate to comment.

s 22(1)

s 22(1)

s 22(1)

Last Cleared By	Kate McFarlane
Date Last Cleared	18 May 2026
Division	Workplace Relations Legal

Australian Government
Department of Employment and Workplace Relations

Topic	**Multi-employer bargaining – Attachment A**
Chief Counsel (A/g)	Stuart Kerr, Ph: s 47F(1)
Assistant Secretary (A/g)	Kate McFarlane, Ph: s 47F(1)

Current as at 18 May 2026

Single interest employer authorisation – matters of interest

1. Major electrical contractors in NSW/ ACT – ETU and employers' applications

Applications:

- On 16 December 2025 the ETU lodged an application (B2025/1844) to the Fair Work Commission covering 11 major electrical contractor employers in NSW and the ACT relating to any performance of work in certain electrical worker classifications.

s 22(1)

- Media reports indicate the ETU intend to use roping in provisions to add other employers, with the employers applying for their own authorisation as a way to avoid being roped into any ETU multi-employer agreement if ultimately made.
- It is also reported that the ETU is campaigning against offers by 10 employers to extend their expired agreements for 12 months which would also avoid them being roped in.

Fair Work Commission proceedings:

- On 24 March 2026 the Full Bench dismissed an application by a group of electrical contractors (with NECA as intervenor) to stay the ETU application until after the Commission had heard the competing employer application ([2026] FWCFB 66).
- The Commission sought submissions from parties on a joinder application by the ETU to combine the determination of the competing applications for a single interest employer authorisation. Both applications (are listed for hearing in July 2026. These proceedings are ongoing and it is not appropriate to comment.
- Separately, the Commission has granted the ETU's application for orders relating to bargaining for single-enterprise agreements for two of the employers listed in the employer's application for a single interest employer authorisation:
  - on 10 April 2026, a protected action ballot order covering employees of Stowe Australia ([2026] FWC 1252; PR798538). Voting closed on 24 April 2026 with ETU members endorsing industrial action.

s 22(1)

Related media:

- ETU Discussions and Enterprise Agreement Negotiations NECA NSW media release 3 December 2025

s 22(1)

- ETU's power play 'to push up costs' Australian Financial Review 19 December 2025
- ETU’s proposed enterprise agreement is bad for employees, bad for employers and bad for NSW and the ACT NECA NSW media release 17 December 2025

s 22(1)

s 22(1)

Document 1A (pages 7-9) deleted under section 22(1)(a)(ii) of the ***Freedom of Information Act 1982*** (Cth).

s 22(1)

2. Group training organisations in South Australia – application by the Communications, Electrical and Plumbing Union (ETU).

Application:

- On 14 October 2025, the Communications Electrical and Plumbing Union lodged an application for a supported bargaining authorisation in relation to 8 group training organisations in South Australia and their employees engaged pursuant to a training or apprenticeship contract in the electrical, communications, plumbing and refrigeration trades (B2025/1582).
- The application was listed before the Fair Work Commission on 22 October 2025, 28 November 2025 and 4 December 2025.
- Media reports indicate that the employers are opposed to the application which are said to lead to $100,000 in extra costs per apprentice over a four-year period and threaten the viability of the sector.
- Reportedly, the group training organisations in South Australia currently employ about 1000 electrical and plumbing apprentices at or close to the award minimum for training and charge them out to host employers for on-the-job training.
- Relevantly, the definition of 'general building and construction work' in the Fair Work Act does not include certain work in:
- electrical services, within the meaning of clause 4.3 of the Electrical, Electronic and Communications Contracting Award 2022
- plumbing, or fire sprinkler fitting, within the meaning of clause 4.2 of the Plumbing and Fire Sprinklers Award 2020
- construction, repair, maintenance or demolition of power houses or other structures that use eligible renewable energy sources to generate electricity (see subparagraph 4.3(b)(i) of the Building and Construction General Onsite Award 2020).

Media

- AFR 5 November 2025: Union push on apprentices could add $100k for each, bosses warn

Last Cleared By	Kate McFarlane
Date Last Cleared	18 May 2026
Division	Workplace Relations Legal

Topic	**Bargaining: Mining - Pilbara**
Chief Counsel (A/g)	Stuart Kerr, Ph: s 22(1)
Assistant Secretary (A/g)	Kate McFarlane, Ph: s 22(1)

Bargaining in the Pilbara

s 22(1)

- Media reports indicate that the s 22(1) and the Electrical Trade Union (ETU) have been using these reforms to initiate bargaining with metalliferous mining employers in Western Australia's Pilbara region, including with Fortescue Metals Group and with BHP at its South Flank, Mining Area C mine sites.
- The unions have separately applied for majority support determinations to demonstrate worker support for bargaining, including with BHP in relation to its high voltage and power workers; at BHP Port Operations in Port Hedland; and with Rio Tinto in relation to its production workers at Paraburdoo mine sites.

s 22(1)

s 22(1)

BHP – South Flank, Mining Area C mine sites

s 22(1)

- BHP reportedly responded that it would comply with its obligations and bargain with the s 22(1), ETU and s 22(1) .

s 22(1)

- On 28 October 2025 the Fair Work Commission dismissed a scope order application by the s 22(1) and ETU which sought to bring maintenance workers under a separate agreements 22(1)

- It was reported that on 25 May 2026, BHP had provided bargaining representatives with a new proposed *Mining Area C and South Flank Operations Agreement 2026.* s 22(1) s 22(1) while the ETU rejected it as inadequate.

- On 3 June 2026 it was reported that the unions have until the end of this week to put their suggestions to BHP, after which BHP might put the proposed agreement to a vote.

s 22(1)

BHP Minerals Pty Ltd – ETU high voltage and power workers

- Media reports indicate that since April 2025 BHP Minerals Pty Ltd agreed to bargain for the proposed *BHP Infrastructure & Services HV and Power Agreement 2026* with the ETU for its high voltage and power workers. The workers operate and maintain the high voltage transmission and distribution electrical infrastructure at BHP's Newman, Yandi, South Flank, MAC and Port Hedland sites.
- On 11 March 2026, the ETU obtained a protected action ballot order for employees of BHP Minerals Pty Ltd ([2026] FWC 804; PR797554). On 25 March 2026, ETU members endorsed the protected action ballot (B2026/219) with 42 employees eligible to participate in protected industrial action.
- On 16 April 2026, ETU members commenced a series of bans, including a ban on overtime, a ban on call outs, and a ban on mentoring new employees.
- The union withdrew notification of a ban on acting as supervisors following BHP advising that it would not accept partial performance of duties in relation to that ban.
- As at 22 May 2026, ETU members are continuing to take protected industrial action.

Media reports

s 22(1)

s 22(1)

- Workplace Express 10 April 2025 – 'BHP to haggle over ETU's "reasonable" pay demands'

s 22(1)

BHP iron ore export operations in Port Hedland

- Media reports indicate that on 28 May 2026 the ETU s 22(1) have applied for protected action ballot orders at BHP's iron ore export operations at Port Hedland.
- The ETUs 22(1) have reportedly been bargaining for an agreement to cover about 450 workers at BHP's Port Hedland port operations since September 2025, when the company issued a notice of representational rights.

s 22(1)

s 22(1)

Last Cleared By	
Date Last Cleared	
Division	Workplace Relations Legal

Topic	**Bargaining: Mining – Pilbara – <u>Attachment A</u> – Media reports, Quotes from Ministers**
Chief Counsel (A/g)	Stuart Kerr, Ph: s 47F(1)
Assistant Secretary (A/g)	Kate McFarlane, Ph: s 47F(1)

Current as at 3 June 2026

Media Coverage

Fortescue Metals Group (FMG)

s 22(1)

- "Blow to union bid to bring Fortescue to bargaining table" Workplace Express 18 May 2026
    - The Federal Court refused to expedite an urgent application by the s 22(1) and the Electrical Trades Union (ETU) to validate bargaining requests, delaying efforts by the unions to compel Fortescue to issue bargaining notices for nearly 2,000 workers covered by expired agreements.
    - The case centres on whether the unions' requests comply with Fair Work Act requirements, particularly the requirement that replacement agreements must have the same or substantially the same scope, with Fortescue arguing the unions' initial exclusion of train drivers breached these provisions.
    - The litigation reflects intensified union efforts to re-organise Pilbara mining operations after decades of de-unionisation, alongside wider industrial activity in the sector.

s 22(1)

BHP – South Flank, Mining Area C mine sites

- ‘"BHP’s proposed deal undercuts SJSP laws: ETU" Workplace Express 3 June 2026’
    - The ETU accused BHP of attempting to circumvent the same-job same-pay framework by allowing it "to argue that labour hire workers should only be matched to these watered-down rates instead of the real wages and conditions workers deserve".
    - While BHP has yet to indicate whether it will put the deal to a vote, the ETU called on its members to be ready to vote "no" and fight "for a real union EBA".

s 22(1)

- AFR 29 May 2026 - Unions split on BHP's Pilbara pay proposal.pdf
    - Major unions appear split on the merits of a pay offer put to BHP iron ore mining and maintenance workers.
    - s 22(1) while the ETU described the offer as an “insult” made by “troglodytes”.

s 22(1)

- BHP’s “improved” offer divides unions” Workplace Express 26 May 2026

s 22(1)

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    - The proposed 2026 agreement contains 4% annual pay increases, increases to work allowances, a high duties/”step-up” allowance of $6000 a year, 1.5 x base pay for additional shifts instead of time-in-lieu, and a salary classification structure that allows for career progression.
    - The ETU rejected it with branch secretary Adam Woodage saying that the proposed agreement was “was an insult to the workforce”. He urged BHP to make a "genuine" and "serious" offer.

s 22(1)

- “BHP South flank & Area C negotiations on hold” Workplace Express 18 September 2025
  - Negotiations are on hold with parties awaiting the results of 5 matters before the Fair Work Commission, including an s 22(1) and ETU scope order application aiming to bring maintenance workers under a separate agreement, and BHP good faith bargaining applications against s 22(1) .

s 22(1)

s 22(1)

- [“Unions regaining foothold in iron ore” Workplace Express 13 August 2024]
    - A BHP spokesperson said the AWU, ETU and AMWU had "initiated bargaining unilaterally under the new legislation, which does not require the unions to establish that the workforce is in favour of bargaining".
    - BHP will comply with our obligations under the new section of the Fair Work Act and bargain with the s 22(1), ETU and s 22(1) .

BHP iron ore export operations in Port Hedland

- The Australian 30 May 2026 – No pressure put on union boss over BHP
  - Both ETU and s 22(1) members will vote on port strike action.
  - ETU state secretary Adam Woodage expects union members to vote in favour of strike action rather than the less drastic step of work bans.
- The Australian 29 May 2026 – Unions threaten to shut BHP port
  - BHP is trying to negotiate a pay deal with about 450 workers. 200 of those port workers are ETU members, s 22(1)
- Workplace Express 28 May 2026 – BHP's export hub facing crippling strikes
  - The ETU said it is putting the strikes to a vote "following six months of failed talks with management.
  - "They are seeking transparent classifications, criteria for promotion, pay parity with workmates performing the same work, and the protection of conditions in a collective agreement instead of organisational policy applied at the whim of individual managers."

s 22(1)

Document 2A(pages 22-26) deleted under section 22(1)(a)(ii) of the ***Freedom of Information Act 1982*** (Cth).

s 22(1)

Last Cleared By	
Date Last Cleared	
Division	

Document 3 (page 28) and Document 4 (pages 29-34) deleted under section 22(1)(a)(ii) of the ***Freedom of Information Act 1982*** (Cth).

s 22(1)

Electrical Contracting

s 22(1)

- On **16 December 2025**, the ETU applied for a single interest employer authorisation under s.248 of the FW Act covering 11 employers across the whole of NSW and into the Australian

Capital Territory. The National Electrical and Communications Association (NECA) opposed the application.

- On **19 December 2025**, a group of 11 employers, including some covered by the ETU's application, made a separate application for a single interest employer authorisation under s.248 of the FW Act.
- **28 January 2026** – the AFR reported that NECA had initiated a challenge to the ETU's application in the Commission, arguing that the legislation's exclusion of building and construction employees should also apply to the electrical services industry.
- On **24 March 2026**, the Full Bench of the FWC dismissed an application by the employers to stay the ETU application until after the FWC had heard the employer-led application.
- On **7 May 2026**, a decision by the FWC concerning a related bargaining matter included that the ETU and employers' applications are listed for hearing in **July 2026**.

s 22(1)

Document 3 (pages 37-38) deleted under section 22(1)(a)(ii) of the ***Freedom of Information Act 1982*** (Cth).

s 22(1)

Endeavour Energy

- **6 November 2024** – The Commission made an intractable bargaining declaration in relation to bargaining between the **ETU** and **Endeavour Energy**. Bargaining for this agreement commenced in September 2023.

s 22(1)

s 22(1)

Attachment D

Initiating bargaining

s 22(1)

Current issues

BHP in the Pilbara

s 22(1)

- **28 May 2026 –** The ETU and s 22(1) sought a protected action ballot authorisation, including authorising stoppages of between 30 minutes and 24 hours.

s 22(1)

s 22(1)

Last Cleared By	David Cains
Date Last Cleared	

Document 3 (pages 43-47) deleted under section 22(1)(a)(ii) of the ***Freedom of Information Act 1982*** (Cth).

[ISSUE KEYWORD (AS PER INDEX) – MO TO ADD]
QB26-000038
Last Updated by Department: 03 June 2026

s 22(1)

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Is multi-employer bargaining being used by the ETU in NSW and the ACT to limit employers' ability to bargain directly with their employees?

- I am aware that the Electrical Trades Union has lodged an application for a single interest employer authorisation to cover a number of electrical companies in New South Wales and the ACT.

s 22(1)

Contact Officer: David Cains, Assistant Secretary **Telephone**: s 47F(1) or s 47F(1)

s 22(1)

Contact Officer: David Cains, Assistant Secretary **Telephone**: s 47F(1) or s 47F(1)

s 22(1)

s 22(1)

Question Time Brief – Employment and Workplace Relations

QB26-000038

Last Updated by Department: 03 June 2026

s 22(1)

Single-Interest Employer Bargaining

s 22(1)

Electrical Trades Union (ETU) - NSW and ACT Agreement

- On 4 December 2025, the AFR reported claims that the ETU is making a single interest authorisation application to cover a number of major electrician employers in NSW and the ACT. The article also stated that the ETU is seeking to extend coverage to non-unionised second-tier companies and regional contractors.

s 22(1)

Contact Officer: David Cains, Assistant Secretary **Telephone**: s 47F(1) or s 47F(1)

s 22(1)

- On 24 March 2026, the Full Bench of the Fair Work Commission dismissed an application by the employers to stay the ETU's application until after the Fair Work Commission has heard the employer-led application.
  - In its decision, the Full Bench also sought submissions on a joinder application by the ETU to combine the determination of the 2 applications and indicated that it would determine the matter on the papers.

s 22(1)

s 22(1)

Contact Officer: David Cains, Assistant Secretary **Telephone**: s 47F(1) or s 47F(1)