

ACTUS WORKPLACE LAWYERS

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Important employer obligations regarding over 100,000 ‘zombie agreements’

On 14 February, the FWC published a [list of over 100,000 ‘zombie agreements’](#) that will automatically sunset on 7 December 2023 unless terminated or replaced with a new enterprise agreement before this date, or the FWC is convinced to extend the period of operation of a particular agreement.

Employers are required to give affected employees at least six months’ notice of the automatic sunset. These notices must be given to employees by no later than 6 June 2023.

Under the Secure Job, Better Pay amendments to the *Fair Work Act*, ‘zombie agreements’ are defined as agreement-based transitional instruments, Division 2B State employment agreements and enterprise agreements made during the ‘bridging period’ (from 1 July 2009 to 31 December 2009). These instruments were all made prior to 1 January 2010.

An application to extend the period of operation of a ‘zombie agreement’ can be made by an employer or employee covered by the agreement, or by a union that is entitled to represent the industrial interests of the employees covered by the agreement. The FWC can extend the period of operation for a period of up to four years.

Actus Workplace Lawyers is on hand to provide strategic and operational assistance to businesses with all enterprise bargaining matters. Please contact Stephen Smith, Principal of Actus Workplace Lawyers at stephen.smith@actuslawyers.com.au or 0418 461 183.

A copy of Actus Workplace Lawyers handy 30-page digital *Guide to Bargaining under the Secure Jobs, Better Pay Amendments* can be ordered and immediately downloaded [here](#).