

[2025] FWCA 3892 [Note: An appeal pursuant to s.604 (C2025/12448) was lodged against this decision - refer to Full Bench decision dated 24 March 2026 [[\[2026\] FWC FB 68](#)] for result of appeal.]



DECISION

Fair Work Act 2009

s.185 - Application for approval of a single-enterprise agreement

PM Fresh Pty Ltd

(AG2025/3543)

PMFRESH PTY LTD BROADMEADOWS (VIC) AND UNITED WORKERS UNION ENTERPRISE AGREEMENT 2025

Food, beverages and tobacco manufacturing industry

COMMISSIONER PERICA

MELBOURNE, 19 NOVEMBER 2025

Application for approval of the PMFresh Pty Ltd Broadmeadows (Vic) and United Workers Union Enterprise Agreement 2025

[1] An application has been made for approval of an enterprise agreement known as the *PMFresh Pty Ltd Broadmeadows (Vic) and United Workers Union Enterprise Agreement 2025* (the Agreement). The application is made under section 185 of the *Fair Work Act 2009* (the Act). The Agreement is a single enterprise agreement.

[2] The Employer has provided written undertakings. A copy of these undertakings is attached in Annexure A. I am satisfied the undertakings will not cause financial detriment to any employee covered by the Agreement and that the undertakings will not result in substantial changes to the Agreement. I therefore note the undertakings are taken to be terms of the Agreement under section 201(3) of the Act.

[3] Subject to the undertakings, I am satisfied that each of the requirements of sections 186, 187, 188, 190, 193 and 193A relevant to this application for approval have been met. The Agreement does not cover all the employees of the employer, however, taking into account the factors in sections 186(3) and (3A), I am satisfied that the group of employees was fairly chosen.

[4] The United Workers Union being a bargaining representative for the Agreement has given notice under section 183 of the Act that it wants the Agreement to cover it. I therefore note the Agreement covers the organisation under section 201(2) of the Act.

[5] The Agreement is approved today 19 November 2025. It will operate from 26 November 2025 as required by section 54 of the Act. The nominal expiry date is 30 June 2028.



COMMISSIONER

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Annexure A

IN THE FAIR WORK COMMISSION

FWC Matter No: AG2025/3543

Commissioner Perica

Applicant: PM Fresh Pty Ltd

Sydney 9 November 2025

UNDERTAKINGS

I Tim Golinski, Human Resources Manager for PM Fresh Pty Ltd, give the following undertakings with respect to the PM Fresh Pty Ltd Broadmeadows (Vic) and United Workers Union Enterprise Agreement 2025 (**"the Agreement"**).

1. I have the authority given to me by PM Fresh Pty Ltd to provide this undertaking in relation to the application before the Fair Work Commission
2. Include at clause 27.1.2 the award definition 25.3 of a shiftworker *"a seven (7) day shiftworker who is regularly rostered to work on Sundays and public holidays"*
3. At clause 16.7 (casual conversion) employees must have worked a regular pattern for 12 months and replace with *"employees must have worked a regular pattern for 6 months"* which is consistent with the FWA.
4. At clause 17.2 Trainees, include *"an employee employed as an adult trainee will be paid at the award rate of Level 1 and any junior trainee the applicable percentage junior rate based on Level 1"*.
5. At clause 16.6.3 replace this clause with the following *"on each occasion a casual employee is required to work, they will be engaged for a minimum shift of 4 hours, or 3 hours by mutual agreement"*.
6. At clause 24.7.2 Morning Shift Penalties, *replace this clause with Clause 24 of the Award.*
7. These undertakings are provided on the basis of issues raised by the Fair Work Commission in the application before the Fair Work Commission.



Signature