


Delegates' rights terms in enterprise agreements

Enterprise agreements must include a delegates' rights term from 1 July 2024. This change is part of the Closing Loopholes Act Amendments to the Fair Work Act.

 A delegates' rights term is about the exercise of the rights of workplace delegates. It must provide for at least the delegates' rights at section 350C of the *Fair Work Act 2009*.

Does my enterprise agreement need a delegates' rights term?

An enterprise agreement, where a ballot (or vote) commences on or after 1 July 2024, must contain a delegates' rights term as bargained by the parties. If the agreement does not contain a term, the delegates' rights term in the relevant modern award will be included.

Existing agreements and those already lodged with us for approval do not need to include a delegates' rights term. In addition, enterprise agreements **will not** need to include a delegates' rights term if:

- employees were asked to vote on the agreement before 1 July 2024, and
- by that vote, the employees approve the agreement (this can happen on or after 1 July 2024).

Writing a delegates' rights term



You can use the delegates' rights term that's in the relevant modern award. Alternatively, you may choose to write your own delegates' rights term.

If you write your own term, it must be no less favourable than the delegates' rights term in the relevant modern award.

Modern Awards delegates' rights term

The modern awards will all be updated to include the delegates' rights term after 1 July 2024. You will be able to use this term to help you draft the term for your agreement.

Find out more

-  See the webpage for the [Variation of modern awards to include a delegates' rights term](#) case
-  We recommend you [Subscribe](#) or [follow us on LinkedIn](#) to keep up to date.