

BEFORE THE FAIR WORK COMMISSION

AG2022/5615

Application by Justin Gusset – Application to terminate the *Apple Retail Enterprise Agreement 2014*

Reply Statement of Liska Fell

I, Liska Fell, make the following statement based on my knowledge and belief unless otherwise stated.

1. I have previously made a statement in these proceedings (**First Statement**). I continue to rely on that statement, unless otherwise indicated.
2. I have read the affidavit of Paul Larsen made on 8 June 2023, and I make the following comments. If I do not comment on a matter in that affidavit, it should not be taken to mean that I agree with it.
3. Regarding paragraph [16], I do not recall ever being shown how to set my availability by Apple when I was first employed.
4. In my First Statement at paragraph [19] I described how in February 2023 my line manager Kane Pyper showed me how to set 'preferred unavailable' on Mondays and Tuesday in WorkJam, and I described how I was hopeful that I would not be rostered on those days.
5. However after this time, I continued to be rostered Mondays and Tuesdays. In April 2023 one of my co-workers showed me that I could leave those days 'unselected'. Following this, I have not been rostered on Mondays or Tuesdays. I elected to have Mondays and Tuesdays off to make the most of weekend penalty rates, since we cannot have both Saturday and Sunday off regularly.
6. Since then, I have spoken to several other part-time employees at Charlestown who were not aware they could request to set two days as completely unavailable, and I have helped them to do so.

Regarding paragraph [20], there were two occasions in the period between June to October 2022 where I worked six days consecutively. Those dates were between 31 May and 5 June 2022, and 5 October and 10 October 2022.

7. There were also several periods in the June – December 2022 period where I had no consecutive days off for 7 days or more: They were:
 - a. 12 July to 29 July 2022 (18 days)
 - b. 15 August to 25 August 2022 (11 days)
 - c. 31 August to 8 September (9 days)
 - d. 11 September to 24 September 2022 (14 days)
 - e. 15 November to 21 November 2022 (7 days)
 - f. 24 November to 1 December (8 days)
 - g. 29 December to 9 January 2022 (12 days)
 - h. 17 January to 28 January 2023(12 days)
 - i. 7 March to 14 March 2023 (8 days)

8. Regarding paragraph [22], I have never been made aware of days that I have failed to report to work before. I always advise my managers when I am too sick to come to work. On one morning, however, I received a call from a manager asking why I was not at work. I had informed a different manager over the phone on the previous day that I was unwell and would not be able to work on the day in question. He agreed to remove it from my schedule, but had seemingly forgotten, and so my absence was unexpected to management, who called asking where I was. I suspect that any unexplained absences may be due to similar miscommunications among management, as I am confident I have never failed to inform a manager of my absence ahead of time on days when I've been unable to attend work.

22 June 2023

Liska Fell