



01/11/2017

Associate to Vice President Catanzariti
Fair Work Commission
80 William Street
East Sydney NSW 2011

By email: chambers.catanzariti.vp@fwc.gov.au

Dear Associate to the Vice President,

RE: AM2014/254 Airline Operations – Ground Staff Award

We refer to the above matter and the draft report issued by the Vice President on the 5th October 2017. In the draft report the Vice President directed parties to:

- a. Advise the Commission on the accuracy of the summary of the technical and drafting items in the report; and
- b. Advise the Commission of the status of the outstanding items, as well as whether these items require determination by the Commission.

The following comment is provided by the AMWU in response to those Directions.

The Summary of Technical and Drafting Items

The summary of technical and drafting items in the draft report is generally accurate, however:

- a. Item 10 is not agreed and is still outstanding to the extent that it relates to item 11.
- b. Items 6, 23, 36 and 41 are now all agreed.
- c. The AMWU considers that item 48 can be dealt with as part of the technical and drafting process.

Status of the Outstanding Items

Since the last conference, the parties have met on a number occasions with a view to resolving these outstanding items. A number of items have been successfully resolved, but regrettably, the parties have been unable to reach an agreed position, therefore the status of the outstanding items is as follows:

- a. Item 8: The parties have been unable to reach agreement on this item. It is likely that the matter will require determination. The AMWU's preferred clause is attached and marked "A".
- b. Item 10/11: This item will likely require determination by the Commission as the parties have been unable to reach agreement. We note that the positions of the parties in relation to this matter have altered throughout the course of negotiations. We will endeavour to continue discussions, and commit to providing the Commission with the AMWU's final position in writing prior to the next listing of this matter.

- c. Item 15: This item remains outstanding, and parties are unlikely to reach agreement. Assistance from the Commission is likely necessary to resolve this item.
- d. Item 44/45: This item remains outstanding.

Yours Sincerely,
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Attachment 'A'

"10.2 Part-time day workers

(a) At the time of engagement or appointment of an employee as a day worker, the employer and the part-time employee will agree in writing on a regular pattern of work, specifying:

- (i) the guaranteed minimum number of ordinary hours to be worked per week; or*
- (ii) which days of the week the employee will work and the actual starting and finishing times each day.*

(b) Changes in hours to a written agreement made under clause 10.2(a)(i) above, ~~Subject to the employer's rights in clauses 7.4 and 15.1 to change an employee's hours of work, changes in hours~~ may only be made by agreement in writing between the employer and employee, subject to the employer's rights in clauses 7.4 and 15.1. Subject to clause 31, changes in days can be made by the employer giving one week's notice in advance of the changed hours.

(c) Changes in hours to a written agreement made under 10.2(a)(ii) above, may only be made by agreement in writing between the employer and the employee, subject to the employer's rights in clauses 7.4 and 14.2(c).

(d) All time worked in excess of the ordinary daily hours mutually arranged will be overtime and paid for at the appropriate overtime rate."