

**From:** Leanne Cruden [<mailto:Leanne.Cruden@aigroup.com.au>]  
**Sent:** Friday, 22 June 2018 12:47 PM  
**To:** Chambers - Lee C; AMOD  
**Cc:** Julia Fox; Matthew Galbraith ([matt@sda.org.au](mailto:matt@sda.org.au)); Katie Biddlestone; 'jcullinan@raffwu.org.au';  
Katie-Maree O'Brien  
**Subject:** Four Yearly Review of Modern Award: Fast Food Industry Award 2010: Proceeding No.  
AM2017/49

Dear Award Review Team

**Four Yearly Review of Modern Award: Fast Food Industry Award 2010: Proceeding  
No. AM2017/49**

We refer to the above proceedings.

As has been earlier foreshadowed, we **attach** for filing on behalf of The Australian Industry Group an Affidavit of Annabel Sarah Anderson dated 22 June 2018, which we intend to seek leave to rely on.

Yours sincerely

**Leanne Cruden**  
Senior Lawyer

**AI GROUP WORKPLACE LAWYERS**



Suite 1, 265 Wharf Road, Newcastle 2300

**T:** 02 4925 8306

**M:** 0457 789 562

**E:** [leanne.cruden@aigroup.com.au](mailto:leanne.cruden@aigroup.com.au)

[www.aigroupworkplacelawyers.com.au](http://www.aigroupworkplacelawyers.com.au)

## Supplementary Affidavit

No. AM2017/49

Fair Work Commission

2014 Four Yearly Review of Modern Awards – Fast Food Industry Award

**Re Application By:** The Australian Industry Group

**Supplementary Affidavit of:** Annabel Sarah Anderson

**Address:** 21 – 29 Central Avenue Thornleigh New South Wales

**Occupation:** Senior Employee Relations Advisor

**Date:** 22 June 2018

I, Annabel Sarah Anderson, of 21 – 29 Central Avenue Thornleigh in New South Wales, Senior Employee Relations Advisor for McDonald's Australia Limited, affirm:

1. I am employed by McDonald's Australia Limited (**McDonald's**) in the role of Senior Employee Relations Advisor. I have previously provided an affidavit in these proceedings on 23 February 2018 (**First Affidavit**).

### Sam claim and IFAs

2. I have reviewed the SDA submissions dated 16 March 2018 (**SDA Submissions**).
3. In my view, paragraphs 32 and 33 of the SDA Submissions are incorrect because:
  - (a) these paragraphs include restaurants which are not open between 5 am and 6 am. While paragraph 6 of my First Affidavit indicates that there were 972 McDonald's restaurants in Australia as at 2 February 2018, paragraph 13 states that only 693 of those restaurants were open between 5 am and 6 am and 201 restaurants engaged in preparatory work during that hour, totalling 894 restaurants that were open or engaging in preparatory work during 5 am and 6 am;
  - (b) these paragraphs assume that Individual Flexibility Agreement (**IFA**) would need to be made only with the number of employees who actually perform work between 5 am and 6 am. The employees that work between 5 am and 6 am are not the same each day. IFAs would need to be made with each employee who is available to work between 5

Filed on behalf of (name & role of party)	The Australian Industry Group
Prepared by (name of person/lawyer)	Katie-Maree O'Brien
Law firm (if applicable)	Ai Group Workplace Lawyers
Tel	(02) 4925 8308
Email	katie-maree.obrien@aigroup.com.au
Address for service (include state and postcode)	Ai Group Workplace Lawyers, Suite 1, "Nautilus Apartments", 265 Wharf Road, Newcastle NSW 2300

AA -  
LAW

am and 6 am. I address the number of IFAs that would be required later in this affidavit; and

(c) McDonald's rostering system would not be used to develop an IFA and would only be relevant when it came to implementing the IFA through Metime. Accordingly, the sophistication of the rostering system is not relevant.

4. In my First Affidavit, the following table was included after the interrogation of the myRestaurant System. As at 2 February 2018, the Availability Report showed that the following numbers of employees were available to work weekdays between 5am and 6am:

	Monday	Tuesday	Wednesday	Thursday	Friday
Casual	5,350	5,358	5,367	5,436	5,800
Part-time	4,296	4,279	4,262	4,286	4,482
Full Time	630	643	643	650	680
<b>Total</b>	<b>10,276</b>	<b>10,280</b>	<b>10,272</b>	<b>10,372</b>	<b>10,962</b>

5. The data contained in the table is no longer accessible because it was not held in a static form and it is regularly updated by employees changing their availability to work.
6. On 9 April 2018, I instructed Scott Paterson, National Employee Relations Manager to arrange for Kyle Barton, Software Architect of McDonald's, to interrogate the data in the myRestaurant System to produce a report on the availability of employees (**Further Availability Report**) as at 10 April 2018. I have reviewed the data in the Further Availability Report and can confirm that the table below records the number of unique employees who are available to work Monday to Friday between 5am and 6am.

	Quantity
Casual	6,650
Part-time	5,197
Full Time	698
<b>Total</b>	<b>12,545</b>

7. I understand that the number of unique employees available to work Monday to Friday between 5am and 6am is subject to the employee's availability and they may be able to work Monday only, Tuesday only, Wednesday only, Thursday only, Friday only or any combination of these days together.
8. In my view, the number of IFAs McDonald's would need to make for employees available to work Monday to Friday between 5am and 6am as at 10 April 2018 was 12,545.

Affirmed by the deponent

at Sydney )

*AP Anderson*

in New South Wales )

Signature of deponent

on 22 June 2016 )

Before me: )

*[Signature]*

Signature of witness

*Katie-Maree O'Brien*

Name of witness

*Solicitor*

Qualification of witness