

To _____ as the Qantas Manager who handed me a letter directing me to take leave as part of a leave burn program.

This matter is in dispute as I do not believe Qantas are in a situation in Sydney where there is a surplus of employees. The ALAEA was consulted extensively regarding redundancies and staffing levels in 2014 and the company declared the number of staff required based specifically on the amount of projected work known at that time. Since that time new work has been added, staff who have applied for VR have not been released, decisions which were cited as reducing the need for staff in 2014 have been reversed and positions are now being covered by the pool of remaining staff which were not considered by Qantas during the original calculations. These, and other factors, demonstrate to me that Qantas does not have a surplus of 46.5 persons (and may have no surplus employees at all) and the amount of leave being directed is incorrect.

If Qantas continue with the program as presented to the ALAEA (which requires Sydney LAMEs to cover for an additional 46.5 staff) then too much leave will be forced upon the current workforce. Qantas is not permitted to exercise clause 60 (surplus management) of the existing LAME Enterprise Agreement in these circumstances. Therefore, I believe that doing so will breach the *Fair Work Act* and could expose the airline, and individual managers involved in the potential breaches, to penalties. The amount of the penalty could be up to \$54,000 for the company and \$10,800 for an individual for each breach.

If Qantas continues to direct me to take leave under the leave burn program in 2016, I intend to authorise the ALAEA to seek breach orders, compensation and penalties on my behalf against the airline and any manager who was involved in a breach of the Enterprise Agreement. Qantas was fined heavily for breaching a clause in the LAME Workplace Determination in 2013 and is on notice about further breaches.

If the company maintains its instruction for me to take directed leave as part of a leave burn program I will, as directed, not present for duty. However I will remain on standby for recall at any time during the period of directed leave. I will do this as I do not consider this legitimate leave and will be seeking for it to be reimbursed or re-credited to me

I strongly recommend that you seek your own legal advice external to Qantas. Involvement in a breach could lead to you being personally fined for your actions whether or not you assert that you are just "following instructions". A court has, in recent years, ordered personal fines against a Qantas manager who had breached the Fair Work Act after legal action brought on behalf of a member by the ALAEA. I request that you cancel my directed leave and not be involved in any breach of the Enterprise Agreement or Fair Work Act.

I wholly reserve my right to take action to address any alleged breaches, with no further notice to you or Qantas.

Yours Sincerely

Name: _____

Staff Number: _____ Section: _____

Date: _____ Signature: _____