



25 Stoney Creek Rd Bexley 2207 NSW
Ph: (02) 9554 9399 Fax: (02) 9554 9644
Email: alaea@alaea.asn.au
Web: www.alaea.asn.au
ABN: 84 234 747 620

❖ NOTICE ❖

TO: QANTAS LAME MEMBERS

RE: LEAVE BURN UPDATE

The ALAEA now has about 50 members who have indicated to us they wish to pursue action against the airline to seek to recover forced leave and seek penalties against managers and the airline for breaching the EA. As usual Qantas are continuing to try and confuse the issue by handing further letters to those members who have raised a dispute and to trick others by an offer to adjust their leave burn dates to a more suitable time. Members who take up the offer to adjust leave burn dates should know they will potentially waive any chance to recover lost leave as it may be taken as “approval” for leave burn to be applied to them as individuals.

If you have handed the dispute form to management, you will receive another letter from them where they disagree that the matter is in dispute and advise you that you should not be on standby to work when you are away. As you have already notified them that the matter is in dispute, you do not have to do this again. Additionally, you have also advised them that you will be on standby to return to work whilst away and should not approach them to argue this matter. Qantas are attempting to bully employees by suggesting you discuss this matter with managers as individuals and bypass union representation (which you are entitled to). A letter has been sent to management last Friday (as attached) responding to their post dispute individual letters and no further action is required by members.

For those yet to receive letters forcing you to take leave or confused about the process, our instructions have not changed and the pre-prepared paperwork and instructions sent in our 16th March notice again appear below.

This notice is for those Qantas Sydney LAMEs who have been directed to take leave and have personal letters Checklist (if you want to dispute the direction):

- Print the following draft and fill in the blank sections.
- Take a copy of the filled in, completed form.
- Hand the original to the manager who handed you your direction to take leave.
- Copy the original letter they handed you with dates you were ordered to take the leave.
- Copy any rejected leave applications you may have.
- Get copies of all of the above to the ALAEA by MMS, fax or email.

Steve Purvinas

Federal Secretary

“Guardians of Air Safety”

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: _____