

6th May 2016 – Notice 011/2016



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

Over the last week I've been speaking with some of our union Reps who work in Sydney and they relay that members are frequently asking questions about the leave burn court case. In this notice I will try and explain as much as I can but many aspects cannot be explained in depth for legal reasons. That is, anything I put in the notice will be taken by the Qantas legal team and used against us.

We met with the airline last week and for the first time we took a Lawyer from the law firm we usually engage for complex matters. The meeting was a formal one for consultation purposes and we thought we'd make it simple for Qantas and required them to answer only one simple question – how did you determine that the surplus in Sydney was 46.5 people? They answered with all sorts of waffle however none of their answers even went close to having anything to do with the question.

In December last year they said they were overstaffed by 46.5. Since then people and work have come and gone. Seven heads are moving to Maintenance Watch and the IFE work is in the process of being brought back in house yet miraculously through all this, they are still overstaffed by the “accurate” figure of 46.5. We don't believe that they could be and I suspect the case will centre around this question.

Our meeting lasted no longer than 10 minutes and it was clear that the Qantas managers present felt a high level of discomfort with the ALAEA bringing legal representation. At one point their lead negotiator raised his objection to us having a lawyer in the room claiming it was unfair that we had immediate legal advice available. He was quickly shut down when it was pointed out that he was also a lawyer and if he wanted immediate legal advice, he could attain it from himself. The managers couldn't get out of the room quick enough when they understood that this matter will be taken all the way and that they would ultimately have to answer that question about the immovable figure of 46.5 extra staff they claim to have. It ended with agreement that we would write to them with further questions about matters related to their claim that they have too many staff.

We are currently in the process of preparing that letter and I seek the assistance from any of you who may be able to help identify new work that has been added in the last two years. Also as this pans out we should be able to access documents that will support our claims including ones that will show that short staffing is leading to undue pressure being applied to LAMEs, delays due to lack of manpower, examples of managers trying to get people to cut corners and breaches of procedures that occur regularly. The information we need to build the case is not confined to Sydney as we suspect work is being siphoned from Mascot to other bases who are themselves understaffed.

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It is also important for us to know about the documents that these matters are recorded to. We already know that delays are recorded on form 500's. It's the documents that sit behind the scenes that we are also interested in obtaining. Things like Emcost reports, internal planning documents, bidding sheets for customer work, OHS reports and others that you may know of that may not be obvious. If you could think of anything that may assist, please let us know.

For those that have uncollected notifications sitting at the post office, we now recommend that you pick them up. Management are just allocating the time off anyway and without the letter it will be more difficult to lodge the formal dispute with them. All of our other advice from earlier notices remains unchanged.

Members are also asking about our prospects of success. This case is complex and not a lay down misère, if I was to outline here exactly what our chances were it would be used against us in court. It lies somewhere between 0% and 100% and depends entirely on how we structure our arguments, hence the call for assistance by guiding us to the right information. I was chatting with a good member during the week and he sort of summed it up using numbers that I don't necessarily agree with but an outlook that kind of expresses the correct way to look at it. He has been saying to others –

“Just fill in the dispute form, what have you got to lose.....if the company win the case and are allowed to burn our leave to this level then so be it. We have a 50/50 chance of winning the case and a 25% chance of your leave being returned.....why wouldn't you put your hat in the ring, if you don't dispute the thing, you'd be kicking yourself if others have their leave returned.....”

To date we have over 130 members who have completed the paperwork for us to proceed. The dispute can be viewed as a kind of class action matter that will take a long time to prepare and decide. We aren't going to rush with an application to get a quick decision, we will place more importance on building it properly to get the right decision. Further updates will be issued whenever it is legally possible.


Steve Purvinas
Federal Secretary