



# ALAEA Quarterly News

- March 2022

The latest news, views and announcements

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## Vaccine Mandate Dismissals

- by Steve Purvinas

**Qantas has moved to terminate unvaccinated staff including LAMEs. Our first member in Sydney was sacked in January whilst others are awaiting clarification from the airline. The Virgin group is also moving on those staff unwilling to take Novavax. About a dozen ALAEA members have moved on by choice, unwilling or unable to comply.**

We have been caught between competing interests with many members preferring a workgroup where all persons are immunized. Unvaccinated members also feel strongly about their choices. In some cases, an unfair dismissal claim would be hopeless and not pursued by us. Other members have valid claims including one LAME sacked for not complying with the policy, even though he is vaccinated.

At this stage we have lodged one unfair dismissal case with another to be submitted next week. These cases will be handled by us in house.



## PHI Broome – Protected Action

- by Glynn Sowter

Members will no doubt be aware, that it is rare for LAMEs to take industrial action. Indeed, in the last six years at the ALAEA I have only completed two Protected Action Ballot Order (PABO) applications. Of those, only one has been filed with the Fair Work Commission.

On Monday 7 February, the ALAEA filed a PABO application with the Commission for the ongoing PHI Broome agreement negotiations.

The Ballot Order was made by the Commission on 15 February and approved by members on 28 February with an overwhelming majority (over 90% of participating members approving).

The successful Ballot Order had an immediate effect on PHI. After previously offering sub 1% wages increases and stating they couldn't afford more, the company offered 3% year on year increases immediately following the ballot outcome. Despite this backflip, PHI is still refusing to agree to annual leave that has a meaningful application to its employees.

PHI continues to purport that annual leave must be taken in time off and is still unable to explain the difference between taking leave or being rostered off. This is akin to only being able to take leave on the weekend.

Bargaining continues.

## VARA EA Negotiations

- by Steve Purvinas

Virgin Australia Regional Airlines (VARA) is the Perth based group's offshoot previously known as SkyWest. The ALAEA and VARA have been locked in negotiation for over a year seeking a new agreement. The airline is seeking a two-year wage freeze followed by 2% increases. In order to seeking the deal, they want LAMEs to hand back a number of allowances and a special 20% loading for early morning shifts.

The deal offered by VARA has not been accepted by us. Whilst we acknowledge the tough period the Virgin group has gone through with administration and COVID, VARA has been a standout performer. Despite repeated requests, they refuse to share any information about the financial success of the WA arm of the company. Members are conscious of high inflation in Perth and growing national CPI forecasts.

The parties have agreed to meet fortnightly on Thursday's until resolved. The ALAEA offered to move discussions to the Fair Work Commission by seeking a joint request for a workplace determination. VARA refused to allow the FWC to intervene. A workplace determination would have the FWC decide what the next EA would be. They usually consider CPI and profitability of a company and add increases based on those things. If protected industrial action is taken and stopped by the government (as was the case when the Qantas fleet was grounded), a workplace determination is made to decide the outcome.

The ALAEA is seeking a clause to protect the job security of members and reasonable wage increases. Other no cost improvements can be made such as adopting the Virgin Tech early consultation provision. Like most airlines, VARA is struggling to retain and attract staff. As air traffic returns, staffing needs will grow. Our Representatives, Kev Davies and Chris Jackson or I can be contacted for further information.

## Unfair Dismissals

- by Glynn Sowter

In the last few years, the ALAEA has defended several members unfairly dismissed by their employer. The purported reasons for these dismissals range from actual misconduct that justified a level of discipline lower than dismissal, to innocently and accidentally offending someone while undertaking their duties.

Despite the range of reasons for dismissal, the one common feature is the abject incompetence of the investigations. Like a shark sensing blood in the water, these 'HR professionals' focus on the vulnerability of their prey, not on whether the substance of the allegations are true, or if true, capable of being a valid reason for dismissal.

If you find yourself in the position of having allegations against you, make sure you have a support person with you for all interactions and contact the ALAEA immediately.

Remember, HR exist to discharge the company's legal responsibilities, not to help you or sort out workplace issues. Despite the smiles, pleasantries, and what they may tell you, the smiling assassins in HR are not your friends.



## Qantas Underpayments

- by Liam Morgan

The ALAEA has settled litigation for twenty underpaid Qantas LAMEs. The investigation makes it clear that the underpayments are more widespread than originally thought. Another university law student and I have been engaged to further analyse the training records of each LAME. The records are then compared to past pay levels to identify errors. We have completed the reconstruction for each B1 LAME and are currently reconstructing the B2s.

Depending on the complexity of certain training records, we do eight to twelve reconstructions a day. The complex ones usually involve LAMEs who transitioned to the new pay structure in 1997. Our reconstructions are accurate, and this current process will reveal more underpayments. So far over \$1 million has been recovered.



## CASR Part 43 - Not Far Off

- by Steve Re

The word on the street is that CASA's big solution to fix General Aviation is close to being released for consultation. The development of the regulations since the last round of consultation has been a closely guarded secret with many in CASA unaware of the contents.

What we do know is it will not produce the outcome the industry needs, and it will be the final nail in the coffin for a many smaller organisations.

The only savings for aircraft owners and operators will be removing the costs associated for training AMEs and LAMEs, as any LAME will be able to sign most aircraft regardless of the sub-category held or exclusions. We will be keeping you all informed on developments.

## CHC Helicopters EA-ALAEA Repts Nominations

- by Brad Stewart

CHC EA negotiations are due to commence in March 2022, with the expiry date for the Agreement being 31 August 2022. Members have been asked to provide ideas for a Log of Claims (LOC) to be served on CHC in March.

The ALAEA will be representing members only at the bargaining table leaving other employees/organisations to deal with their representation.

ALAEA reps at CHC have vacated their positions for a fresh start with the members voting for 3 reps positions consisting of 2 x B1 reps and 1 x B2 rep.

Nominations for reps opened 3.30pm, 2 March 2022, and close 3.30pm, 9 March 2022.

## Check Your Super is Going in

- by Noel Speers

A super tip - it's a good idea to regularly check your super account to make sure the employer contributions are being paid to your account.

## RFDS NSW

- by Noel Speers

RFDS has lost the long-term NSW Air Ambulance contract a couple of years back and Pel Air have taken over since January 2022.

The RFDS EA has now become a defunct "zombie" Agreement with no employees covered by it and the Company are going to seek a termination of the EA by the FWC.

## LifeFlight Enterprise Agreement

- by Noel Speers

Bargaining for a replacement Engineers Enterprise Agreement for members at LifeFlight has commenced with an initial preliminary discussion held between the parties on 24 February.

The ALAEA/EBRs bargaining log of claims was tabled with the Company at this meeting. More detailed discussions will occur at the next meeting on 15 March where the Company will respond to the claims more fully.

## Annual Leave on Workers Comp

- by Glynn Sowter

In Qld, NSW, Vic, SA, WA and Tasmania, Workers continue to accrue annual leave while on Workers Compensation. In addition to this, except for Tasmania, employees in these States are entitled to receive payment for annual leave in addition to their Workers compensation payments. In Qld and SA, personal leave continues to accrue while on Workers Compensation.





Enterprise Agreement	Status
Airbus Darwin	Expires Apr 2023
Airbus Oakey	Expired Dec 2019 Negotiating
Alliance Brisbane	Expires May 2023
Alliance Nth Qld	Expires Oct 2024
Alliance Perth	Expires Aug 2024
Babcock	Expires 5 Mar 2020 Negotiating
BAE Systems Australia	Expired Jul 2018
Bristow Helicopters	Terminated Aug 2021 Inactive Company
Carbine Services	Expires Jun 2022
Cathay Pacific	Expired Dec 2020 On hold due Covid
CASA	Govt Determination Negotiations May 2022
CHC Helicopters	Expires Aug 2022
Cobham Base	Expired Jun 2021 New entity pending
Cobham Line	Expired Jun 2021 New entity pending
Eastern Line	Expired Dec 2019 Negotiating
Eastern Tamworth	Expired Jun 2021 Negotiating
Emirates	Expired Dec 2019 Negotiating
Hawker Pacific Sale	Expires Sep 2024
Heston	Expires Mar 2023
Jet Aviation Cairns	Expires Dec 2022
Jet Aviation Bankstown	Expires mar 2022 Negotiating

Enterprise Agreement	Status
Jetstar	Expired Apr 2021 Negotiating
LifeFlight	Expires Jun 2022 Negotiating
Network	Expired May 2020 Negotiating
Northern NSW Helicopters	Expires Jul 2022 Negotiating
Northrup Grumman	Expires Jun 2023
Panasonic	Expires Jun 2023
<b>PHI Broome</b>	<b>Expired Dec 2021 PIA 92% in favour</b>
PHI Karratha	Expires Sep 2022
PHI Northern Territory	Expires Oct 2022
Qantas LAME	Expired Jan 2019 Negotiating
Qantas Tech Salaried Staff	Expired Dec 2018 Negotiating
REX	Expired Jun 2021 Negotiating
RFDS Eastern	Expires Dec 2022
RFDS WA	Expired Oct 2021
Sunstate	Expires Dec 2022
Toll Aircraft Maintenance	Expired Jun 2021 Purchased by Alliance
Toll Helicopters	Expires June 2022
United	Expired Jul 2019 2023 MOU extension
Virgin Tech	Expires Apr 2023
Virgin Australia Regional Airline (VARA)	Expired Feb 2021 Negotiating

## REX Negotiations

- by Noel Speers

Like many companies, REX are also taking advantage of COVID and seeking an agreement that would effectively deliver a two-year wage freeze. The ALAEA do not accept this position. Despite no in principle agreement, REX are presenting their claim directly to the workforce and are likely to proceed to a vote directly with staff.

Members are reminded that any offer needs to pass the 50% support mark before being adopted. The Fair Work Commission will not approve an agreement without a majority decision. The airline will be suggesting many things to coerce a yes vote, these should be ignored. The ALAEA has a number of tools available to oppose any offer that is not supported by our membership. Further negotiation meetings are planned, and our representatives and I will reconvene shortly to discuss developments.



## Babcock EA Negotiations

- by Noel Speers

Further negotiations for a new EA occurred on 24 February. Our negotiating team is committed to progressing negotiations as quickly as possible but in-principle agreement will only occur if a fair and reasonable deal to be put to members is achieved. The threshold issue is we remain strongly opposed to the dismantling of the 15 level years of service salary table that the Company are still pursuing. The next meeting is on 10 March.

## Network Aviation Growth

- by Pete Gill

Network has experienced un-matched growth from a regional small aircraft operation to now operating 18x F100 and 11x A320 aircraft based in Perth, with more A320's on the way. Personnel wise, Network has grown to recently have 53 Engineering staff and actively trying to attract more.

After being purchased by the Qantas Group Network has experienced some growing pains industrially. With their EA expiring in May 2020, some roster issues and Qantas processes taking over, ALAEA membership has steadily increased giving the Network engineering staff more control over their future in solidarity.

EA discussions are due to recommence in March with negotiations being somewhat unproductive so far. Management is failing to recognise the productivity of Network throughout their growth period being unaffected by the pandemic. Instead, Network staff are being held back on the fortunes of the wider Qantas Group.

As more solidarity comes through the Network group the ALAEA aims to see the staff's efforts rewarded with a reasonable EA outcome. Better outcomes occur when a higher percentage of LAMEs are in the ALAEA.

## Just Culture in Aviation

- by Steve Re

One of the corner stones of modern aviation safety, and an essential element of error reduction is 'Just' Culture. CASA define a Just Culture as;

*'...an organisational culture in which people are not punished for actions, omissions or decisions taken by them that are commensurate with their experience, qualifications, and training, but where gross negligence, recklessness, willful violations, and destructive acts are not tolerated.'*

It is crucial for people who have made an error to be able to openly report and discuss with investigators what occurred without fear of reprisal. The enemy of aviation safety is covering up.

All Part 145 AMO's are required to have internal occurrence reporting, investigation and feedback systems which utilise "just culture" reporting principles. CAR 30's Quality Systems are similar.

A Just Culture is more than a set of words in an organisation's manual. It relies on all employees of an organisation, from the CEO down, to respect and embrace the principles and to be seen to do so. No one should be punished for a genuine mistake.

Does your organisation have a Just Culture? We want to hear your experiences. Send us an email at [alaea@alaea.asn.au](mailto:alaea@alaea.asn.au)

## Can You Afford not to be an ALAEA Member?

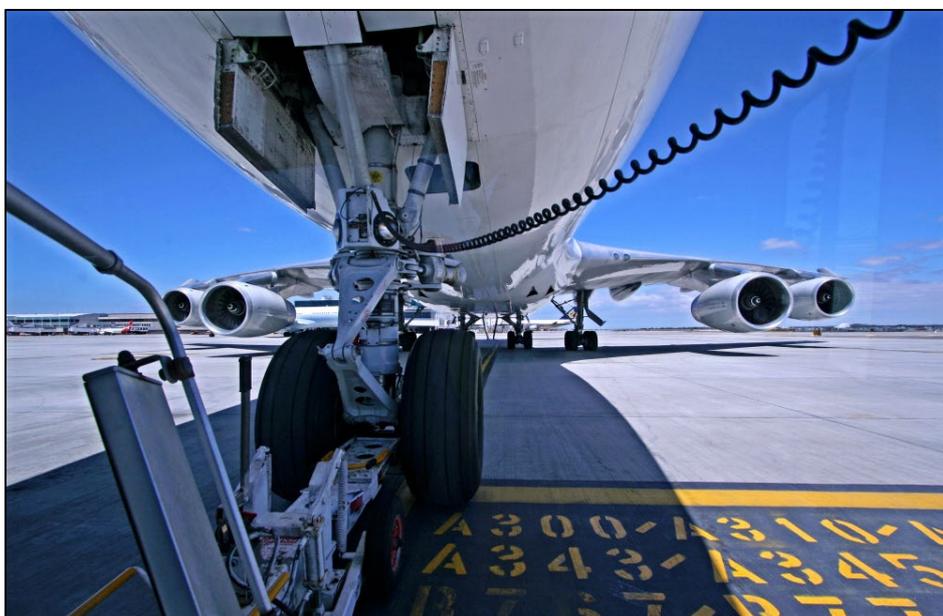
- by Federal President Rod Wyse

With the advent of Covid 19, a number of LAME's have taken the opportunity to depart the aviation industry. As we now see flying steadily increase, so too are the number of LAME job advertisements. There will be a shortage of LAME's and AME's in Australia and by all accounts, across the world. The ALAEA expects this will also give rise to strengthened bargaining positions.

The ALAEA is actively seeking better ways to represent a greater number of LAME's, with particular focus in GA and regional work groups. As alluded to in Glynn's article, employers are taking full advantage of weak workplace laws. Quite simply you can't afford to not be a member of the ALAEA. Did you know you can receive a \$100 Bunnings voucher by referring a member?

<https://alaea.asn.au/wp-content/uploads/2016/11/alaea-membership-form-2019.pdf>

You may also be aware that many employers across the country (not necessarily aviation) are positioning to terminate enterprise Agreements which has the potential to revert to lesser 'award' terms. The ALAEA has strategies in place to combat these oppressive employer tactics and serves as another reason to be a member.



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