



ALAEA Quarterly News

- June 2023

The latest news, views, and announcements

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Intractable Bargaining - a New Hurdle

- by Steve Purvinas

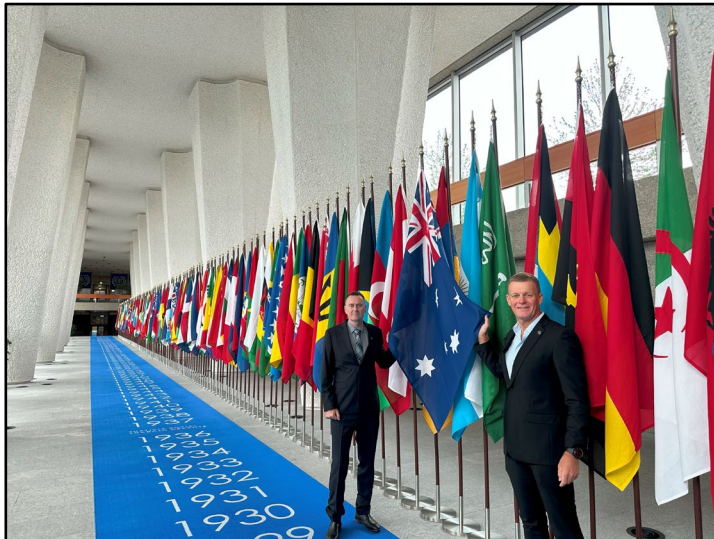
A new law came into effect this month that will shape the way enterprise agreements are now negotiated. The Virgin Group seized on the opportunity to use the law against VARA members in an Australian first.

Where EA negotiations have taken 9 months or more, a company may apply to the Fair Work Commission to end the negotiations. The FWC may then take over and decide what the new EA will be. Employees will lose their ability to vote on the new terms. The application by VARA will test the provisions. The ALAEA will be opposing it and continuing our VARA industrial action.

This means that in all cases, we will need to lodge higher than normal EA claims. This is in case any matter is ultimately determined by the FWC, and they attempt to find a 'mid-point' between companies and employees.

It also means we will need to have PIA ballots early and take heavy PIA to support claims. Companies will see the 9 month point as a finish line they need to get to before they can cease dealing with unions. If we were to start PIA 7 months into a campaign, they will be near their finish line before we start.

We say the new laws will work against co-operative negotiation. The provisions will encourage airlines to procrastinate, delay, and do all they can to avoid us.



Public Holidays

- by Glynn Sowter

Do you have the right to be absent on a public holiday?

Earlier this year the Full Court of the Federal Court of Australia handed down a judgement (*CFMMEU v OS MCAP*) confirming that employees (other than casuals) do have the right to absent on public holidays without losing any pay.

The position is this:

1. An employee has the right to absent without loss of pay on a public holiday irrespective of what your contract or EA states;
2. If an employer wants you to work on the public holiday, they must make a *'genuine request'* that invites a *'negotiation and the opportunity to refuse'*
3. *'An employer is only ever able to demand of its employees what is lawful and reasonable regardless of what a roster or contract say'*

This essentially confirms the position on public holidays, although the *CFMMEU v OS MCAP* is currently being appealed to the High Court. The outcome will likely be known later in the year. We will provide further updates then.

International Agreement at ILO

- by Steve Purvinas

In April the ALAEA participated in a tri-partite global forum on the future of aviation at the International Labour Organisation in Geneva. These were meetings between governments, airlines, and key unions aimed at reaching a three-way consensus for our future. Eight unions, including the ALAEA, were sponsored by the ILO to attend and speak for aviation workers. Our inclusion as one of the key unions gave us direct input into the final document from a maintenance perspective.

After five long days of negotiation, agreement was reached. The document will have international significance. The ILO is locked in partnership with the International Civil Aviation Organisation (ICAO). ICAO make aviation rules that countries, including Australia, must follow. The accord reached in Geneva in April will form part of the conditions ICAO must consider when drafting international aviation laws. Key agreed work includes:

- ILO to collaborate with ICAO, through consultation with tripartite constituents, and within the ILO-ICAO agreement, to work towards evaluating the need for effective labour and social standards specifically as it pertains to aviation, particularly on key occupational safety and health concerns, such as work and rest times.
- ILO to support the design and implementation of skills, reskilling, apprenticeships, and lifelong learning schemes.
- Governments and employers to actively foster equal and inclusive employment policies in the sector promoting full employment, decent work, and equal pay for work of equal value.
- Governments to strengthen labour administration and labour inspection systems and promote a "just culture" in order to ensure full compliance with laws and regulations. This will preserve the sector's excellent track record in terms of safety by allowing workers access to appropriate, effective, and timely legal recourse, remedy, and complaints mechanisms.

Sick Leave – Notice and Evidence

- by Glynn Sowter

As we are in peak flu season, it's an opportune time to consider the requirements of sick leave. For example:

How much notice do I have to give?

The amount of notice required depends on the situation, your EA may specify a time although the NES requires that you notify your employer 'as soon as practicable (which may be a time after the leave has started)'.

Do I need a medical certificate?

Again, the evidence requirements are likely set out in your EA, and some employers insist on a medical certificate. However, the NES requirement is 'evidence that would satisfy a reasonable person' that the leave is being taken for the proper purpose.

In most cases a medical certificate will not be required, but if you are at the doctors anyway, it makes sense to cover yourself.

Does a medical certificate need to provide details of the illness?

In the vast majority of cases, a medical certificate does not need to specify the illness. It is only necessary to state that you are unfit for work and the date(s) of the same.



Training Bonds - Dealing with the Aftermath

- by Sean Morgan

This is the third article I have written in relation to training bonds, however, the ALAEA is still being inundated with matters where members have resigned while they still have a training bond on foot.

For those who find themselves in a position where you believe your employment has become so untenable that you have determined that you are going to leave, resulting in a breach of your bond, please do not do so until you have at least spoken to us first.

Once you have made the decision to go, and you have communicated this to your employer, I am seeing members receiving letters from the solicitors of their employers threatening legal action. In some instances this can be avoided or even mitigated; however you have to speak to us before you 'cut the cord'.

Regulatory Update

- by Steve Re

To quote a CASA representative recently "CASA moves at a glacial pace". There has been some work on amending the regulations and MOS to allow a licence to be issued with exclusions providing the same flexibility afforded by CAR 31, but it is unlikely that we'll see an outcome for a few more months. The same goes for revising helicopter Type Ratings.

Of particular concern has been the potential impact of the proposed removal of organisation approvals under Part 43 on Drug and Alcohol Management Plans under CASR Part 99. As it stands, we believe Part 43 will remove the requirements for managing D&A use/abuse in a large sector of the industry. We are having discussions with the CASA CEO and the Minister's office.

Various EA Negotiations

- by Brad Stewart

1. Alliance Airlines BNE: A log of Claims has been served on the Company and the 1st EA meeting was scheduled on 21 June 2023.
2. CHC EA: Members recently voted down an EA ballot for the 3rd time. The Fair Work Commission has endorsed a PABO for PIA. CHC lodged a bargaining dispute in FWC held on 21 June 2023.
3. Heston MRO: Heston had delayed a second draft EA document being sent out to members for consideration. To date members are not happy with the draft EA.
4. Panasonic EA: A log of Claims has been served on the Company. The EA nominally expires 27 June 2023. The next step is for the Company to distribute the Notice of Employee Representational Rights (NERR) to commence bargaining.

United Airlines EA

- by Noel Speers

EA negotiations are continuing for a new EA at United Airlines with the most recent meeting held on 4 May. The ALAEA have responded to the Company's most recent offer, and we are awaiting a further response from United.

Virgin Tech EA

- by Steve Purvinas

ALAEA Virgin Tech members kicked off a PIA campaign this week in support of fair wages. Virgin are offering 3% increases.

Our PIA is for all members to strike for their full shift on their last 2 shifts of a 4 on 4 off cycle. To prevent harm to the economy and third parties, members will then offer to work OT to cover shortfalls. This is a financial hit against Virgin whilst not disrupting services.

Retirement/Claims

- by Brad Stewart

If you are retiring from the workforce and are hearing impaired, do not delay making a worker's comp claim as some jurisdictions have a cutoff point. ALAEA phone number is: 02 9554 9399 or email alaea@alaea.asn.au.

PHI KTA Agreement

- by Glynn Sowter

The PHI Karratha EA was approved by the FWC on 2 June and will operate from 9 June 2023. The agreement received 100% approval votes and, among other things, represents:

1. 8.1% wage increase in the first year (CPI following years).
2. Limits on stand downs.
3. \$7,000 increase in the mutli-trade allowance.





Team ALAEA 2023 Wins GA Category First Place

- by Stephen Fotoulis

On the 15th of March 2023 Team ALAEA headed to Atlanta Georgia to compete in the global Aerospace Maintenance Competition.

The team drew from some of the most talented and motivated LAMEs from all over Australia. Shaun Wood, Keith Blaik, Marguerite Enright, Tyron Meintjes and John Webb flew our colours high and proud at the world's arena. We all know Australia has some of the best LAMEs in the world but at the AMC the competition was fierce. With over 500 competitors comprising of 84 teams, competing in the categories of Space, General, Military, MRO's and Schools how these engineers performed was just absolutely amazing.

It's a testament to them all and through months of hard work and dedication TEAM ALAEA 2023 won first place in the Category of General Aviation.

A big thank you goes out to all the membership who supported them while they were away. Your comments and support spurred these LAMEs on and as we always do when we stick together, we excelled and were just unbreakable. For Team ALAEA 2023 it was without a doubt a career highlight and again congratulations for an absolutely outstanding effort. Well done!



Super Guarantee Rate Increase

- by Noel Speers

The Superannuation Guarantee rate is scheduled to increase from the current 10.5% rate to 11.0% from 1 July 2023. The election of the Albanese Labor government in May 2022 has ensured the SG rate will keep increasing by 0.5% each financial year until it reaches 12.0% from 1 July 2025. There is a further debate still to be had on whether this rate will eventually increase above the 12.0% rate.

Voting Completed for Two New Helicopter EAs

- by Noel Speers

After a lengthy process of EA negotiations, the vote has been finalised at Babcock Mission Critical Services Australasia for a new aircraft engineers enterprise agreement. The vote had an 83% Yes majority. The proposed EA includes back dated pay increases to 13 March 2022 and improvements to other terms and conditions and has a nominal expiry date of 31 March 2025. The EA will shortly be lodged to the Fair Work Commission for formal approval.

The new EA for engineers at Toll Helicopters has also recently been put to a formal vote after the parties recently reached agreement in principle on the new EA. The vote outcome was an 84% Yes majority This EA will include back dated pay and other allowance increases to apply from 1 April 2022 and has a nominal expiry date of 30 June 2025. The EA will shortly be lodged to the Fair Work Commission for formal approval.



Eastern Tamworth EA

- by Noel Speers

EA negotiations at Eastern Tamworth have been ongoing since last year but have now reached an impasse.

The ALAEA sought a Protected Action Ballot and this was approved by the Fair Work Commission on 11 May 2023.

The ballot is currently underway and unless there is a breakthrough in the negotiations, a Protected Industrial Action campaign is likely to get underway in the short term if the upcoming vote affirms the required majority result.

Annual Sponsorship Announced

- by Chris Burleigh

Most members were assisted by their licensed workmates when they were attempting to get their first aircraft engineering licence. Whether they ensured that you worked on certain jobs to gain experience, provided study notes, or assisted with the process of submitting paperwork to CASA. It is in a similar spirit that the ALAEA has announced an annual sponsorship to be awarded to any AME or apprentice working in the industry who is attempting to obtain their first aircraft type rating.

Details will be notified shortly of how the process will work. Once known, the ALAEA will be calling for submissions from those who seek to obtain the sponsorship. The sponsorship will be worth approx. \$2,000. The recipient will be reimbursed for the cost of training or rating application fees up to \$1,000, and their first year's membership of the ALAEA will be waived on gaining their first aircraft type rating.

It is planned that submissions will be called for in August and will be open for a couple of months.

Remote Maintenance

- by Steve Re

The ALAEA has received an increasing number of anecdotal reports about "Remote Maintenance". This is where the tech-logs are certified without the certifying LAME attending the aircraft. Some reports suggest that Independent Inspections have also been certified in the same manner.

These reports generated strong discussion at the recent Federal Executive meeting. The practices appeared to be widely spread and increasing. Previously when we received reports, we took the approach of communicating directly to the members concerned to remind them of their responsibilities. We also aim to understand what is driving the behavior.

There are multiple reasons why corners get cut. Post COVID, the industry is under immense pressure to meet ever tightening on time performance targets with personnel levels well below the required numbers. Sometimes we just get complacent.

As LAMEs you are the last line of defence in the "Safety before Schedule" mantra of airlines. If it can't be done in the time allocated, it can't be done.

The ALAEA Executive has decided to open a dialogue with airlines and maintenance organisations in order to address this growing problem before it gets bigger. You also have a responsibility. If you see something wrong- speak up. Have the conversation with your mates. It could save a life.

No Costs Awarded

- by Sean Morgan

The ALAEA was recently involved in a GA 'costs' matter before the Federal Circuit and Family Court of Australia (the **Court**). The decision was handed down last week; we WON!

In most court actions the losing side pays the winner's legal costs. Our area of law is unique where costs are only awarded if an action is instituted 'vexatiously or without reasonable cause'.

Unfortunately, we did not win the first case and therefore the company came after us for 'costs'. To win the Court had to find that our first case was so manifestly groundless or untenable that it could not have possibly succeeded.

The matter concerned a member in the helicopter sector who was working for a small company. A week before Christmas, and without any warning, the employer terminated our member's employment under the guise of a redundancy. The ALAEA challenged this position.

Admittedly, the first instance matter was always going to be a tough one to win, however, it was a fight that needed to be fought as it concerned a matter of general importance to members working in the GA sector under the *Airline Operations - Ground Staff Award 2020*. It also sends a clear message to employers in GA that might not always win but WE WILL ALWAYS FIGHT if you go after our members!



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