



ALAEA Quarterly News

- September 2023

The latest news, views, and announcements

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Virgin Tech Members on Strike

- by Steve Purvinas

ALAEA LAME members at Virgin have been on complete strike since 14 August 2023. For six weeks no rostered shifts have been worked. This is a strike with a difference. The first of its kind in Australia.

Virgin members usually work a 4 on 4 off roster. While members are refusing their rostered shifts, they are making themselves available for overtime when not rostered for duty. LAMEs are now being offered an overtime shift on each of their 4 rostered days off. VT members have essentially flipped their roster. They now get paid at overtime rates for every shift worked.

Initially the company attempted to make limited offers of overtime. The ALAEA informed Virgin that they must accept all our members who want overtime, or none at all. To keep their fleet flying, Virgin had no choice. Members can also take a shift off by not nominating for overtime. No management approval is needed. We anticipate very low crew numbers on football grand final days.

The current pay offer sits at 9%, 3%, and 3%. The main issue that remains in dispute is redundancy terms. Virgin are holding tight on a maximum redundancy payout of 16 weeks. This is the bare minimum national employment standard. ALAEA members are seeking uncapped redundancy provisions of 3 weeks' pay for each year of service.



The Death of Zombie Agreements

- by Glynn Sowter

The vast majority of you will be covered by an enterprise agreement made under the *Fair Work Act 2009* (Cth). However, some of you may be covered by agreements (individual or collective) that were made before 1 January 2010 and have not been replaced. Most of these agreements are known as "Zombie Agreements" and will terminate on 7 December 2023. Following this your employment will then most likely be covered by the *Airline Operations - Ground Staff Award*. Although zombie agreements can be extended, this is very unlikely.

If this applies to you, your employer should have notified you of this in writing before 6 June this year. If you think you are covered by a zombie agreement and your employer has not notified you of this, please get in contact with us so we can provide advice.

If you are covered by a zombie agreement, now is the perfect time to start negotiating an enterprise agreement to replace it. Please contact the office so we can assist with initiation and bargaining for a replacement agreement.

VARA EA Approved

- by Steve Purvinas

This week the Fair Work Commission (**FWC**) approved a new enterprise agreement (**EA**) at Virgin Australia Regional Airlines (**VARA**). 45 of our members there had been in a lengthy dispute that was in some way a precursor to the current VT dispute. VARA members had been striking both nights of their 4 on 4 off pattern and working overtime on 2 shifts to recover lost wages.

The VARA dispute first stepped into the FWC when the airline sought s. 425 cooling off orders. This would have put our PIA on hold and left us without any negotiation power. A short notice hearing was scheduled in Perth to hear the application. Our VARA workplace reps worked relentlessly assisting us gather evidence for the trial. The FWC ultimately rejected the cooling off application and our PIA continued.

The next attempt to thwart our PIA came in another FWC application to use new intractable bargaining dispute (**IBD**) provisions. The IBD rules allow a company to apply for bargaining and PIA to cease, and the FWC to decide an EA outcome without an employee ballot. Applications can be made if 9 months of negotiation fails to secure agreement. The VARA negotiations had been running for three years.

The IBD trial was to be the first of this new law. It was listed as a major FWC case, and the ACTU supported the ALAEA with our preparation. VARA submitted a 621-page witness statement to support their claim. Our response was somewhat smaller but exposed enough holes in VARA's case that they had no choice but to withdraw it on the eve of the trial. They did so in conjunction with a revised offer that met our bargaining target.

The dispute was primarily about pay. VARA wanted a two-year wage freeze followed by 3% pa pay increases. We agreed to their wages policy with the addition of a new 6% allowance. The end result is a 13.5% wage increase that starts next week.

Requesting a Flexible Working Arrangement

- by Glynn Sowter

The *Fair Work Act 2009* (Cth) (**the Act**) has provisions for employees that meet certain criteria (disability, over 55, or parents of school aged children etc.) to request flexible working arrangements to suit their needs. Typically, this is a modification to working hours or rostered shifts.

Until 6 June this year, the Act did not have a practical and useful path to dispute rejected requests. That changed with the second tranche of amendments to the Act that was implemented on 6 June this year.

The Act now sets out strict steps that an employer must follow when handling requests, and a mechanism for the FWC to deal with rejected requests and disputes.

The Full Bench of the FWC provided important guidance in the *Ambulance Victoria v Fyfe* decision and importantly, made it clear that well established rostering and shift patterns are not immune to flexibility requests.

If you are considering making a request, please get in contact with the ALAEA so we can assist and provide guidance.



A great win at CHC Helicopters!

- by Sean Morgan

Earlier this year ALAEA members at CHC Helicopters were in the trenches as they took on their employer in a fight for an agreement to ensure that they would continue to receive fair wages and conditions of employment which afforded themselves and their families a 'life' as opposed to a mere 'existence'. Ultimately, our members were forced to engage in Protected Industrial Action in the form of a series of 24-hour work stoppages in Karratha and Broome. CHC tried to stop this and filed an application in the Fair Work Commission (**FWC**); they failed! The impact of this action eventually took its toll on CHC's operation and following a further FWC process, CHC finally put a deal on the table that was acceptable to our members. It is a deal that never would have been achieved but for our member's action, determination, and unity!

Organisation Exposition Changes

- by Steve Re

The ALAEA has been following up a trend of AMO's and CAMO's making "minor" amendments to their expositions that aren't compliant with the relevant legislation. For example, introducing authorisations for pilot maintenance outside of those permitted by the law. Although the companies are required to inform CASA of the changes, they often slip under the radar as CASA has neither the resources or any regulatory requirement to review them.

Companies are required to only make lawful changes and the absence of an objection by CASA does not mean they are approved changes. We have highlighted the problems to CASA and are preparing to escalate the issue if no corrections are made. If you have concerns over the legality of amended procedures contact us for advice.

Workers Compensation

- by Brad Stewart

Workers' compensation claims for genuine legitimate injuries caused in the workplace are a workplace right. There are 8 different state and territory jurisdictions being QLD, NSW, ACT, VIC, TAS, SA, WA, NT, and 9 jurisdictions all up counting Comcare.

It can be a daunting experience not only to be injured at work due to the employer's negligence. However, also having to navigate your way through some of the most complex sets of legislation and processes in Australia, can also cause psychological damage.

You are not alone! The ALAEA has set up professional relationships with specialist Workers Compensation law firms across the country to refer members to.

For assistance with any genuine legitimate injuries caused in the workplace regarding Workers Compensation, contact the federal office of the ALAEA (02) 9554 9399.

Latest quarterly CPI

- by Noel Speers

Recent negotiations have seen a return of pay increases linked to CPI outcomes in some enterprise agreements. Whilst appearing to now be on a moderating trend, the latest annual national CPI outcomes for the June quarter 2023 was still quite high at 6.0%.

Auriga EA Negotiations

- by Steve Purvinas

The ALAEA recently recruited 10 new members from Auriga. The helicopter service operates mainly in the search and rescue field. Like many smaller companies, LAMEs were all on individual contracts. The group has decided it best to negotiate as a collective. An initial meeting is planned with the company this week. We welcome the new members as we work together to secure better terms and conditions.

Retirement/Claims

- by Brad Stewart

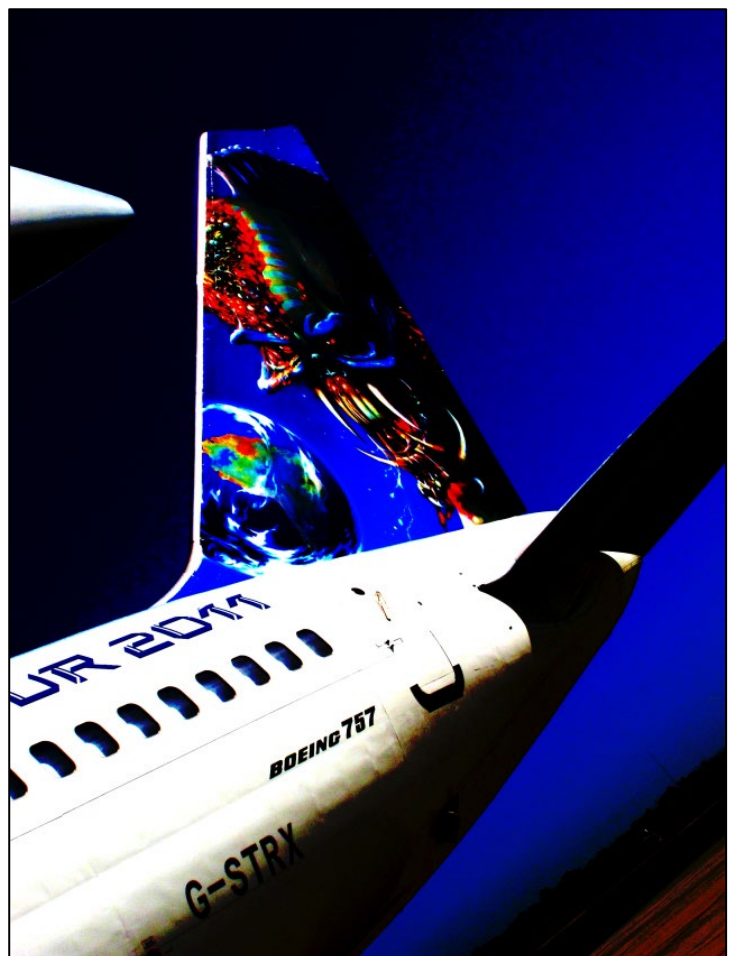
If you are retiring from the workforce and are hearing impaired, do not delay making a worker's comp claim as some jurisdictions have a cutoff point. Call the federal office of the ALAEA (02) 9554 9399 for assistance.

Enterprise Agreements

- by Glynn Sowter

If you are not covered by an enterprise agreement you should contact the ALAEA to negotiate an EA with your employer. There are significant advantages to being covered by an EA and the ALAEA has experienced staff that can negotiate on your behalf. We currently service around 30 EAs across the industry and have templates for companies still using individual contracts.

Please get in contact with the us so we can assist.





Aircraft Maintenance Competition - Team ALAEA 2024

- by Stephen Fotoulis

The ALAEA is seeking expressions of interest from members to represent the ALAEA at the 2024 AMC to be held in conjunction with MRO America's in Chicago Illinois, April 8 - 11 2024. We would also like to announce that Team ALAEA 2024 has partnered with Snap-On Industrial and will be there to support the team through their journey. Five positions are available on the team consisting of 3 x B1's and 2 x B2 engineers.

Members from airlines, regionals, general aviation, and rotary wing are encouraged to apply as we require a diverse range of skills. The ALAEA has competed in the AMC since 2010 where we always perform well as a team and make new friends along the way whilst gaining an unforgettable experience. Last year we successfully won the general aviation category which was without a doubt a career highlight for those who attended.

The Aerospace Maintenance Competition (AMC) is a venue for teams of certificated Aircraft Maintenance Technicians, Aircraft Maintenance Engineers, Inspectors, and students enrolled in either FAA, EASA, CASA, or equivalently authorised schools as well as personnel of any country's Armed Forces that are involved in the aircraft maintenance and spacecraft maintenance field. Uncertificated Aircraft Technicians and Aircraft Engineers employed with an MRO/OEM company are also eligible to compete. The AMC is an opportunity for today's and tomorrow's skilled Aviation Maintenance Professionals to test their combined abilities against those of their peers.

Reasonable funds for travel, meals and accommodation expenses will be provided for the team but you will need to make your own arrangements for leave from work. Should you have any questions, please feel free to contact me with a separate notice to soon follow for those who wish to apply.

Cathay Pacific EA now in operation

- by Noel Speers

Deputy President Dean of the Fair Work Commission recently approved the new Cathay Pacific Airways Maintenance Engineers Enterprise Agreement 2023 - 2024 and it came into force from 22 August.

The new EA and the associated MOU, make provision for LAME members to receive a total salary increase in 2023 (backdated to January 2023) of 8.5% and a further 8.5% to apply from January 2024. The expiry date of the EA is 31 December 2024.

Leidos EA negotiations

- by Noel Speers

Further negotiations for a new Leidos Airborne Solutions Enterprise Agreement took place at Cairns on 24/25 August. These negotiations are to replace the current Cobham Aviation Services Engineering Line Maintenance Enterprise Agreement 2018 following the purchase of the Special Mission business by Leidos last year. The EA will apply to members at the northern bases of Cairns, Darwin and Broome.

After an extensive workplace consultation process following the latest negotiations, the ALAEA and EBRs have confirmed to the Company a preference for the EA offer option from April this year, with a preparedness to consider extending the proposed duration beyond mid 2025 due to the amount of time the negotiations have taken. At the time of writing, the ALAEA is waiting on the Company to confirm the full details in writing of the updated EA offer. Our aim is to try and conclude the negotiations and move promptly to a formal vote.

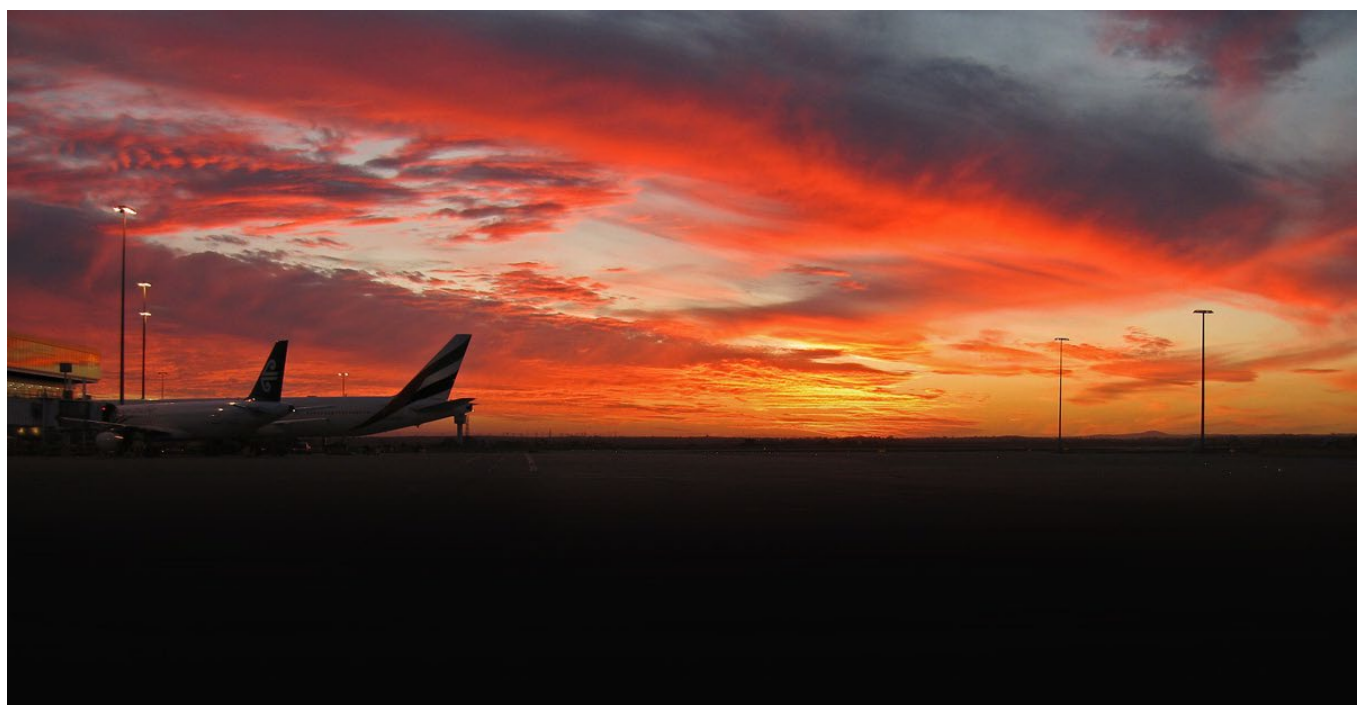


Eastern Tamworth EA

- by Noel Speers

As part of the ALAEAs ongoing efforts to negotiate a fair and reasonable new EA for LAME members at Tamworth, an in-person section 240 mediation Conference was held before DP Easton of the Fair Work Commission on 15 August.

ALAEA members are continuing their industrial campaign for a decent EA outcome and a further s 240 in-person Conference is listed to occur before DP Easton on 28 September.



ALAEA / Snap-on Sponsorship

- by Chris Burleigh

Annual Sponsorship Information

In our June quarter newsletter, the ALAEA revealed that we were launching a Sponsorship program to encourage AMEs and apprentices to build a career path within the aircraft engineering field. We can now announce that Snap-on has joined as a major partner in this Sponsorship program. As such, we are now able to have 2 Sponsorships. One for AMEs, and the other for apprentices. The prizes for the successful applicants have become significant.

AME Prize

Expenses paid trip, as part of the ALAEA team, to the 2024 Snap-on AMC in Chicago, USA, or, \$1,500 reimbursement of costs incurred for training or the purchase of tools, plus

A Snap-on Starter Toolkit, plus

1st year's membership to the ALAEA at no cost (on gaining 1st license).

Apprentice Prize

\$1,500 reimbursement of costs incurred for training or purchase of tools, plus

A Snap-on Starter Toolkit, plus

1st year's membership to the ALAEA at no cost (on gaining 1st license).

If you are an ALAEA member and know someone who would be a worthy recipient, please encourage them to apply. If appropriate, download a ALAEA / Snap-on Sponsorship flyer and put it on the notice board at work.

If you are an AME or an apprentice employed in Australia and you are working toward gaining your 1st aircraft license, you are invited to apply for an ALAEA / Snap-on Sponsorship. It is free to apply. Application forms and full t's & c's will be available on the ALAEA website from the 1st October 23.

Applications can be submitted from 1 Oct 23 until 31 Dec 23. The successful applicants will be notified by February 24. All correspondence regarding the ALAEA / Snap-on Sponsorship can be emailed to ame.sponsorship@alaea.asn.au

Enterprise Agreement Negotiation Watch

| Enterprise Agreement | Status |
|-------------------------|--|
| Airbus Darwin | Expired April 2023 In principle EA reached |
| Alliance Brisbane | Expired May 2023 Negotiating |
| Alliance Nth Qld | Expires Oct 2024 |
| Alliance Perth | Expires Aug 2024 |
| Auriga Helicopters | New - Negotiating |
| Babcock | Expires Mar 2025 |
| BAE Systems Australia | Expired Jul 2018 |
| Carbine Services | Expired Jun 2022 |
| Cathay Pacific | Expires Dec 2024 |
| CASA | Expired Nov 2019 PIA 86% in favour |
| CHC Helicopters | Expires Jun 2027 |
| Cobham Base | Expired Jun 2021 |
| Eastern Line | Expires Dec 2026 |
| Eastern Tamworth | Expired Jun 2021 PIA 100% in favour |
| Emirates | Expired Dec 2019 Negotiating |
| Hawker Pacific Sale | Expires Sep 2024 |
| Heston | Expired Mar 2023 Negotiation requested |

| Enterprise Agreement | Status |
|--|---|
| Jet Aviation Cairns | Expired Dec 2025 |
| Jetstar | Expires Dec 2026 |
| Leidos | New - Negotiating |
| LifeFlight | Expired Jun 2025 |
| Network | Expires May 2026 |
| Northern NSW Helicopters | Expired Jun 2026 |
| Northrup Grumman | Expired Jun 2019 Negotiating |
| Panasonic | Expired Jun 2023 Negotiating |
| PHI International WA | Expires Feb 2027 |
| Qantas LAME | Expires Dec 2025 |
| Qantas Tech Salaried Staff | Expires Dec 2024 Negotiating |
| REX | Expires Jun 2025 Negotiating |
| RFDS WA | Expires Oct 2024 |
| Sunstate | Expired Dec 2018 Negotiating |
| Toll Aircraft Maintenance | Expired Jun 2021 |
| Toll Helicopters | Expires Jun 2025 |
| United | Expired Jul 2019 In principle EA reached |
| Virgin Tech | Expired Apr 2023 PIA 96% in favour |
| Virgin Australia Regional Airline (VARA) | Expires Jun 2025 |

Modular Licencing Update

- by Steve Re

In December 2022 CASA commenced consultation via a discussion paper about the inflexibility of the Part 66 Licence system for initial and progressive licencing. Currently Part 66 only allows for the issue of either a full B1 or full B2 licence on initial application. The feedback received was strongly in support of introducing measures to enable engineers to obtain licences for single categories (in a similar manner afforded by the CAR 31 system).

Through the efforts of the Part 66 Technical Working Group (**66 TWG**), the project was given a high priority by the CASA CEO, and as a result good progress has been made. Draft regulatory material has been produced to enable initial licences to be issued with exclusions commensurate to the theory and practical experience the applicants gains.

It will also enable the use of the CASA self-study pathway via module examinations and the CASA experience logbook to obtain a modular outcome. This is "phase 1" of this project, and although not yet perfect, we believe it is a necessary first step in assisting General and Regional Aviation in gaining access to a new pool of LAMEs to service their fleets.

A second round of public consultation will occur. CASA is hoping to enable the legislative changes by December 2023. It should be noted that the self-study pathway is currently available for prospective LAMEs, and anyone currently completing a logbook has a head start.

Beware of 'All Up' wage clauses in your contract of employment

- by Sean Morgan

As one of the ALAEA's solicitors, it is a regular part of my role to peruse the Contracts of Employment (**CoE**) of ALAEA members and provide advice. A clause that is a constant feature of a LAME CoE is the notorious 'All Up' wage clause. It is generally set out in the CoE with words to the following effect:

"Your remuneration has been set at a level to reflect 38 hours per week. It is payment for all allowances and loadings that would otherwise be payable under the Award, plus any additional hours which are reasonably necessary to fulfil the requirements of your duties. Where your pay exceeds minimum Award entitlements, any amount paid in excess of these minimum entitlements may be used to offset any entitlement that may otherwise have been applicable."

The effective purpose of 'All Up' wage clauses is to absorb the payment of allowances and loadings (especially Annual Leaving Loading), but significantly, the payment of overtime for what your employer will call 'reasonable additional hours'. The term 'reasonable additional hours' has an elusive meaning. It is akin to asking, how long is a piece of string? For this reason, when you see such a clause in your CoE, it is key to ask your potential employer to define their expectation of 'additional reasonable hours' and determine if you find it acceptable.



Produced by
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Australian Licenced
Aircraft Engineers
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