



ALAEA Quarterly News

- December 2023

The latest news, views, and announcements

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Virgin Tech Dispute Settles

- by Steve Purvinas

After four months on complete strike, Virgin members have voted 83% in favour of a new Enterprise Agreement. This was a strike with a difference. In what we believe to be an Australian first, members took protected industrial action on all rostered shifts, and were available for overtime on all days off. Working a 4 x 4 shift, our members simply flipped their days around, and were being paid 4 days overtime each rotation. They made money by striking.

Members also had the benefit of taking time off whenever they liked by not making themselves available for overtime. No management permission was needed. The most difficult task for the ALAEA was convincing members to end the dispute. With Christmas on the horizon, Virgin faced empty muster rooms, and grounded aircraft. They had no option other than to offer attractive terms.

Minimum immediate wage increases were 9%. Substantial increases were made to redundancy terms. All AMEs with licences have been offered LAME positions, and new allowances will apply to both AMEs and LAMEs. Credit must go to our committed team of Virgin Representatives including ALAEA Senior Vice President Chris Tamblyn, and Executive members Geoff Hyatt, and Dean Fitzpatrick. The key to success was ALAEA members trusting strategies designed to hit Virgin financially. Well done members, we are proud of you.



Public Holidays Update

- by Glynn Sowter

You may recall my article in the June Newsletter concerning public holidays and the right to reasonably refuse to work on the same. This was highlighted in a judgement of the Full Court of the Federal Court of Australia (*CFMMEU v OS MCAP*).

The judgement was appealed to the High Court of Australia by OS MCAP Pty Ltd (backed by BHP). The appeal has now been heard and OS MCAP's special leave application has been dismissed.

What does this mean for you? Essentially the highest court in the land has confirmed the following applies to public holidays:

1. By default, you have the right to be absent without loss of pay on a public holiday irrespective of what your contract or EA states;
2. If your employer wants you to work on the public holiday, they must make a 'genuine request' that invites a 'negotiation and the opportunity to refuse'. This can be a roster.
3. You can refuse to work if your refusal is reasonable.
4. 'An employer is only ever able to demand of its employees what is lawful and reasonable regardless of what a roster or contract say'.

Meeting Notes: they might just save you one day!

- by Sean Morgan

During your working lives some of you will be confronted with a situation where a supervisor will inform you that you are required to attend a meeting with HR/IR. Obviously, curiosity will result in the following questions - "What's it about? Have I done something wrong?" The supervisor will generally respond with - "Nothing mate. It's all ok. HR just have few questions". This is when alarms bell should ring. Why? Because if nothing is wrong a simple innocuous response about the purpose of a meeting is easily answered.

I refer to these meetings with HR/IR as 'industrial ambushes'. These meetings are usually disciplinary in nature. You will be in one when you enter the room, and you are confronted with more than one managerial employee (i.e., two against one). At this point forward you can bet your house on the meeting being recorded in writing (especially if there is laptop open or a manager has a pen and pad).

If you ever find yourself in this position, ask the question - "Is this meeting being recorded?" If the answer is "yes", ask the person conducting the meeting if they are prepared to provide you with a copy of the minutes afterward. If they agree then you can acquire the notes, and if required, challenge the same if you believe they are incorrect. If the answer is "no" - then you should then inform the manager that you will also take notes.

It is my experience that managerial notes do not always reflect the true position of what is said (i.e., you said, they heard something different). For this reason, you should have your own notes to challenge words that may never have been said. Your notes will be your corroborative and contemporaneous record and protection!

Fixed Term Contracts - New Laws

- by Glynn Sowter

New laws concerning Fixed term contracts come into effect from 6 December this year. They are now included in the *Fair Work Act 2009* (Cth) at sections 333E to 333L.

What are the new laws?

The new laws require that any engagement of two years or more be made permanent, or no more than two consecutive contract periods (whichever is shorter); that is, employers cannot continually offer roll-over fixed term contracts to deny an employee permanent employment.

The laws do not apply to employees paid more than the high-income threshold (currently \$167,500), trainees, those employed for emergency circumstances or to temporarily replace another employee. (other exceptions also apply).

What happens if the employer doesn't comply?

If an employer fails to comply with the requirements, the employee will be lawfully considered a permanent employee from their initial engagement date, but the other terms of the contract will still continue to apply. The employer may also be liable for civil penalties.

Please contact us with any enquires.



Fee Increase

- by Steve Purvinas

From 1 January 2024, membership fees will increase as follows:

- GA members by 50c per week.
- Jetstar and Network by \$2 per week.
- All others by \$1 per week.

The Jetstar and Network increases are higher as they transition from lower GA/Regional rates to the same as other members who work for RPT carriers.

Last year, the ALAEA increased fees for the first time in 8 years. At our 2022 Federal Conference, delegates decided that smaller yearly increases were more appropriate. That policy has been adopted by the Executive who aim to increase fees roughly in line with wage increases.

Air Transport Continuing Airworthiness Technical Working Group (ATCA TWG)

- by Steve Re

The ALAEA attended its first ATCA TWG over two days last week. ATCA brings together CASR Parts 42 and 145 and its main focus is the move of existing CAR 30 organisations to a Part 145 status over the next few years. This will enable the old CAR's relating to maintenance to be retired. An upwards move will be required by any organisation currently maintaining Charter aircraft (non-scheduled air transport) who wish to continue doing so, if and when Part 43 rules are made for aerial work and private operations. Progress has been made, but there is still some way to go for industry consensus.

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 Wage Price Index

- by Noel Speers

In wage negotiations for new EAs, a key indicator that often guides negotiations is the quarterly release of the WPI. The latest September quarter WPI was released on 15 November and had a national annual figure of 4.0%, with private sector outcomes being 4.1%.

Xmas Closure

- by Steve Purvinas

The ALAEA office will be closed between Xmas and new year. This means the phones will not be manned for processing membership payments.

Industrial staff will still be working through the period. If any urgent workplace matters arise over the festive season, please email the concern to industrial@alaea.asn.au.

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.

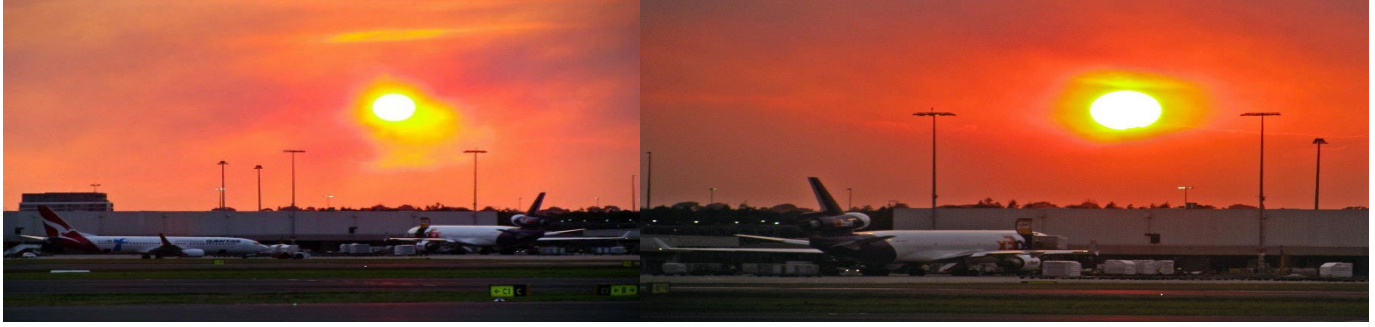
Christmas

- by Glynn Sowter

The Christmas season (read drinking season) is now upon us and Christmas parties have already begun.

Please be safe, don't do anything reckless and be mindful not to tell any jokes so funny that HR want to hear them! If you do, please let us know as soon as possible so we can assist.





AIRCRAFT MAINTENANCE COMPETITION (AMC) - TEAM ALAEA 2024

- by Stephen Fotoulis

Congratulations to ALAEA members Mr Mark Handley, Mr Jared Reibelt, Mr Luke Woods, Mr John McMinimee and Mr Michael Seric for being not only selected to represent the ALAEA but also Australia at next year's AMC in Chicago USA.

We look forward to team ALAEA performing well and flying our colours high in the worlds arena. It truly is a career hi light and a memorable experience for all those who have attended so far. We look forward to you experiencing it.

Thank you to all those who applied and if you were not successful, we urge you to please apply again next time.

A big thank you goes out to Snap-on. They are on board in a proactive way to support Team ALAEA in next year's journey.



United Airlines Agreement now in operation

- by Noel Speers

The new United Airlines Maintenance Staff Enterprise Agreement 8 [2023-2026] was recently approved by the Fair Work Commission and came into operation from 23 November. The Agreement will run through to 1 July 2026.

Negotiations commenced originally in 2019 but then were delayed due to the covid pandemic and two MOU's that were done in subsequent years. Key aspects of the new EA are a move to an annualised salary and other improvements to terms and conditions. The first pay increase of 6.0% applies from January 2023 with further annual increases of 3.0% to apply.

Eastern Tamworth LAME EA

- by Noel Speers

The negotiations to achieve a new Eastern Tamworth LAMEs EA have well and truly become a lengthy drawn-out saga. Despite the ALAEAs ongoing efforts to achieve a fair and reasonable new deal, the Qantas negotiators have continued to stonewall any real progress. To try and facilitate progress in addition to the protected action campaign, the ALAEA has also sought mediation assistance from the Fair Work Commission.

Three mediation sessions have occurred at the Fair Work Commission in Sydney before Deputy President Easton, with the most recent session being held on 8 November. A further direct meeting between the parties took place on 30 November and a further meeting is scheduled for 19 December.

However, at this point, the ALAEA view is that the only breakthrough in negotiations is likely to come via an Intractable Bargaining Declaration issued by the Fair Work Commission.



Leidos EA now done

- by Noel Speers

The new Leidos Australia Airbourne Solutions Engineering Enterprise Agreement 2023-2027 has now been approved by the Fair Work Commission and came into operation from 29 November. The EA has a nominal expiry date of 30 June 2027.

The new EA provides for competitive annual pay outcomes and conditions improvements. It also provides long term stability for employee terms and conditions at Leidos.





Last Call ALAEA / Snap-on Sponsorship

- by Chris Burleigh

As a reminder, applications need to be submitted by 31 December 23.

AME Prize

Expenses paid trip to the Aerospace Maintenance Competition in Chicago, IL, USA, or \$1,500 reimbursement for tools or course costs.

A Snap-on toolkit worth at least \$3,500 (choice available).

ALAEA Membership (1 year, on gaining of a maintenance license).

Apprentice Prize

\$1,500 reimbursement for tools or course costs.

A Snap-on toolkit worth at least \$3,500 (choice available).

ALAEA Membership (1 year, on gaining of a maintenance license).

Please see application form and all T's & C's on ALAEA website.

To submit your application, or ask any questions, email

ame.sponsorship@alaea.asn.au

Enterprise Agreement Negotiation Watch

Enterprise Agreement	Status
Airbus Darwin	Expires June 2026
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	Expires Jun 2025
Hawker Pacific Sale	Expires Sep 2024
Heston	Expired Mar 2023 Negotiating
Jet Aviation Cairns	Expires Dec 2025

Enterprise Agreement	Status
Jetstar	Expires Dec 2026
Leidos	Expires Jun 2027
LifeFlight	Expired Jun 2025
Network	Expires May 2026
Northern NSW Helicopters	Expired Jun 2026
Northrup Grumman	Expires Jun 2026
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	Expires Jun 2027
Toll Aircraft Maintenance	Expired Jun 2021
Toll Helicopters	Expires Jun 2025
United	Expires Jul 2026
Virgin Tech	Expires Apr 2026
Virgin Australia Regional Airline (VARA)	Expires Jun 2025

Modular Licencing

- by Steve Re

The ability to gain an Aircraft Maintenance Engineers Licence in incremental stages has become much closer to reality with the required amendments now made in legislation.

The amendments set out the basic Modular Licence pathways and CASR Part 66 Module exams required to achieve those outcomes.

The Modular Licence provides for a person to pick up a licence covering single categories from Powerplant, Airframe, (Electrical add-on for B1) Electrical, Instrument and Radio systems, on a Part 66 licence utilising the existing Exclusion list. A Modular Licence isn't a separate licence to a regular Part 66 licence.

CASA is currently finalising a modified CASA Practical Logbook, designed to facilitate self-study to gain an initial Modular Licence and to remove exclusions. They are also working with the Training sector to identify and publish a list of Competency Units from the Aeroskills qualifications to suit the Modular Licence and Exclusion removal requirements. This means the Modular Licence will be achievable both through self-study and formal training pathways.

CASA has published information about the Modular Licencing pathways on the [Maintenance Engineers](#) section of their website.



New Qantas CEO

- by Steve Purvinas

Vanessa Hudson has become the CEO who sits above about half of all ALAEA members. Vanessa has met with all union leaders, and we understand that first impressions have been good.

In our case, she was asked to look at four new LAMEs and why they had not been back paid an EA increase. Within 48 hours, she had directed HR to remedy to issue. Let's hope the beneficial interactions continue.

The Battle of the Doctors

- by Sean Morgan

Very often the ALAEA is confronted with situations where a member's employer challenges the member's fitness for duty. This generally occurs where the member has recovered from a long-term injury. More often than not, the member will have seen their local doctor (or **GP**) and acquired a medical clearance.

When the medical certificate is handed over it always comes as a surprise to the member when their employer directs them to see the company doctor - and it is always the case that the company doctor is an 'Occupational Specialist' (**OP**).

Importantly, these directions are legal, and the medical opinions of OPs trump a GPs. Therefore, if you are a member in this situation (or you believe you could be), then we would encourage you to please contact the ALAEA for guidance and advice.



Produced by

Brad Stewart and

Steve Purvinas

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Aircraft Engineers Association

**Merry Christmas and a Safe and Happy New Year from the
ALAEA**

