



ENTERPRISE BARGAINING UPDATE NUMBER 7

Airservices still seem to be having some difficulty in providing the facts about the current EA negotiations. This newsletter is intended to clarify the facts around the commencement of negotiations for a new Agreement and to respond to the most recent EA update from Airservices.

ARFF management are still blaming your Union for the delay in commencing negotiations. While we don't want to belabour this matter it is important that you have the facts. The following are the facts of what occurred from October 2016 when your Union first proposed dates for the commencement of negotiations.

Commencement of EA negotiations

In our newsletter issued on 28th October 2016 the Branch Secretary reported that "Negotiations for a new Agreement to operate from May 2017 will actually commence with a preliminary meeting in late November/early December." Later in the same newsletter there is a link to the notes Branch Executive Members made at the meeting and all Executive members noted to the effect that

"24. Commencement of next round of EA negotiations Jenkins- Flint asked for Union's view on commencement of next round of EA negotiations – Branch Secretary suggested preliminary meeting towards end of November with possible meeting/s before Xmas and then continuing into 2017.

Agreed"

<http://ufuav.asn.au/wp/wp-content/uploads/2016/10/SUMMARY-DCC-MEETING-CANBERRA-12TH-OCTOBER-2016.pdf>

No minutes of the meeting have been produced by Airservices.

It is important to note the following in regard to the commencement of negotiations.

HOW DOES BARGAINING BEGIN?

The FW Act removes the former concept of initiating a "bargaining period". Instead the scheme introduces the concept of a "notification time" for an agreement. An employer must take all reasonable steps to give notice of the right to be represented by a bargaining representative to each employee who will be covered by the proposed agreement. The notification time for a proposed agreement is the time when:

- The employer agrees to bargain, or initiates bargaining for the agreement; or
- *FWA makes a "majority support determination" (essentially if an employer does not choose to bargain with employees, FWA can make an order effectively requiring bargaining if it is satisfied that the majority of employees wish to collectively bargain); or*
- *FWA makes a "scope order" or a "low paid authorisation".*

The timing for the commencement of negotiations is clearly in the hands of the employer as shown above.

So, your Union raised this matter at the DCC meeting in Canberra on 12th October and the ARFF representatives at the meeting [Chief Fire Officer and Employee Relations Lawyer] agreed to a preliminary meeting towards the end of November 2016 with possible further meetings before Xmas 2016 and continuing into 2017. Your Union had done its part to try and get negotiations to commence well before they finally did.

Nothing further was heard from ARFF until 23rd December 2016 proposing a meeting between your Union's Committee of Management and ARFFS in Canberra on 23rd January 2017.

NOTE: The 23rd December was a Friday and the last working day before the Christmas closure.

At the meeting in Canberra on 23rd January 2017 ARFF tabled an "Indicative bargaining timeline. Remembering that bargaining cannot begin until the employer notifies its intention/agreement to bargain for a new Agreement which occurs when the employer notifies each employee who will be covered by a proposed Agreement that they have a right to be represented by a bargaining representative [requirement under the Fair Work Act 2009]. Airservices issued this notice in the week commencing 27th February 2017. Airservices scheduled the first bargaining meeting for the week commencing 13th March 2017.

It is our reasonable view that Airservices intentionally used a tactic commonly used by employers. That is, design negotiations around a very tight time frame to put as much pressure on employees and their Union to accept whatever is put on the table by the employer otherwise face a delayed pay rise. This clearly is not in your best interest and is the reason why your Union has not endorsed and recommended to you the "deal" from Airservices.

ARFFS EA negotiations update 23rd June 2017

As indicated in the ARFFS EA update, on the 29th May Airservices tabled a document titled "ARFF EA proposed deal." Two meetings of your BCOM were convened to consider the "deal" and after due consideration your BCOM authorised the following response which was sent to Airservices on 20th June:



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20th June 2017

Stephen Jenkins-Flint
Employment Relations Lawyer
Airservices Australia
Email: Stephen.Jenkins-Flint@airservicesaustralia.com

Dear Stephen,

Airservices correspondence 14 and 15 June 2017 and further response on proposed "deal".

The Union acknowledges receipt of Airservices correspondence dated 14th June.

The Union acknowledges receipt of Airservices correspondence dated 15th June. It is the Union's belief from discussions around rostering in the EA negotiations that there is a definite intention to reduce coverage at Sydney to Category 8 during the curfew hours. Reduction in overnight staffing at other airports is a moot point. Suffice to say, from previous experience on rostering and crewing arrangements, the BCOM does not accept that the discussions around Sydney under the proposed changes to the rostering principles does not amount to an intention to change staffing levels.

In regard to the Union not seeking any change to the current clause which Airservices claims permits a reduction in overnight staffing, the Union does not agree with Airservices' interpretation.

The Union's BCOM has met twice now to consider and discuss the proposal. The second meeting was Tuesday 20th June and the BCOM determined that:

1. The proposal did not address matters in Part 3 and that a proposed new consultation clause be drafted and submitted for agreement by Airservices. That clause will be sent within the next two days. Also, Workplace Delegates rights are to be preserved on the same basis as ATCs.

In this regard the Union refers to the Workplace Bargaining Policy 2015 which states under **All Workplace Arrangements:**

"Consultative and workplace relations arrangements in agencies are to be balanced and not unreasonably favour one group of employees over another."

The Union will not accept our members being forced to accept any lesser conditions than those applying to ATCs. This does not only apply to Part 3 of any proposed Agreement, but generally.

2. The Travel Standard for ARFF employees be maintained on the same basis as for ATCs.
3. No changes be made to the current clauses 4.3.6 (a) and (b).
4. In regard to the proposal for Allowances, the BCOM determined that this proposal would be agreed to in principle on the same basis as applies to ATCs.

5. In light of the recent decision of the Fair Work Commission to increase the minimum wage by 3%, the government's deal for Defence personnel [a wage increase with no loss of conditions], statements by the federal treasurer regarding wages growth in his budget statement and the statements by the Governor of the Reserve Bank that workers should be demanding higher wage increases, the Union believes that the wage increase of 2% needs to be reconsidered.
6. FIFO Allowance proposal – the consensus so far, after advice from our auditor, is the proposal can be agreed to on a “without prejudice” basis.

The Union believes that a fair wage increase for our members is 3% with no loss of conditions save for those matters already agreed on a “without prejudice” basis.

Yours faithfully

Henry Lawrence
Branch Secretary

You can see from the above letter that your Union has indicated Airservices should reconsider its position on the wage increase you will most likely be offered. This is a perfectly reasonable suggestion in the context of the points raised in our letter on this matter. Our comments on wage increases are not delaying and will not delay further negotiations.

Airservices argues that the government's bargaining policy doesn't allow it any room to negotiate on consultation structures and provisions. The government's policy is just that, a policy. The policy didn't stop Airservices from negotiating with the ATCs' Union on consultation provisions and in fact, the government's policy clearly states the following in relation to workplace arrangements:

All Workplace Arrangements:

“Consultative and workplace relations arrangements in agencies are to be balanced and not unreasonably favour one group of employees over another. Agencies may make provision for consultative structures with employees, and where employees choose, their representatives regarding employment relations matters.”*

*When you choose to join your Union you are choosing for your Union to negotiate consultative structures about employment relations matters.

In your roles as Aviation Fire Fighters and the environment you work in, it is vital that there are appropriate “consultative structures” in place. Your Union doesn't accept and neither should you, that there is no room to negotiate on consultative provisions just as Airservices did with Civil Air, the ATCs Union. Consultative structures and provisions are a vital issue for you and your support to fight for decent provisions is a critical issue for you. A proposed consultation clause is being drafted for submission to Airservices for their agreement.

Your Union wants to negotiate a proposal for a new Agreement which it can endorse and recommend to you but will not do so if any proposal is not in your best interests and at the moment, the current proposed “deal” from Airservices is not in our best interests for the following reasons:

- proposed changes to rostering principles can and will most likely be used to reduce staffing levels;
- consultation provisions and structures are inadequate for the protection of your interests and safety;

- unreasonably favours Air Traffic Controllers over you by offering you inferior consultation provisions and workplace delegates' rights; and
- removal of the current Travel Standard.

It is important to note that negotiations for the ATCs Agreement were concluded under that same bargaining policy as we are negotiating under.

Your Union wants to work constructively with Airservices to conclude an acceptable Agreement as quickly as possible and is keen to resume negotiations as quickly as possible as well.

We are currently preparing a draft Agreement based on matters that have been "agreed in principle" [in favour of it based on what you know so far] so you can see the significant areas of Agreement and the few areas where it has not yet been possible to reach agreement. We hope to circulate that in the next few days.

Please note that additional information is available to members in the Late June edition of the Bumper Monitor and also in the email the Branch Secretary sent to all BCOM Delegates and Organisers on 27th June. Just ask your BCOM Delegate or Organiser to see the email for more facts on the current state of play.

LATE ITEM: YOUR UNION AND AIRSERVICES ARE SET TO CONTINUE NEGOTIATIONS ON WEDNESDAY 5TH AND THURSDAY 6TH JULY.

Authorised by Henry Lawrence Branch Secretary UFUA Aviation Branch