

27th October 2015

Volume 3 Number 15

# UFU OF AN AVIATION BRANCH

## Newsletter



### **FEDERAL CIRCUIT MATTERS**

Representatives of your Union and Airservices met in Canberra on 14<sup>th</sup> October to further discuss the disputed EA clauses relating to rest relief, higher duties and hours and overtime payments while attending training and workshops. Unfortunately the parties were unable to settle on the issues. On Thursday 15<sup>th</sup> October the parties reported to the Registrar of the Federal Circuit Court [the mediator] that the matters remain unresolved and will need to be referred to the Court for directions for arbitration.

Airservices position remains that your Union should withdraw its applications from the Court and agree to arbitration of the matters by an “independent expert”. The matters are already before an independent expert – a judge of the Federal Circuit Court.

A further update will be provided after directions for the matters have been determined by the Court.

### **FOR THE INFORMATION OF MEMBERS: PFOS & PFOA**

[Hydrocarbon and fluorocarbon surfactant firefighting foams.]

#### **National Archives of Australia issue Records Retention Notice**

The National Archives of Australia have issued a Records Retention Notice for any records (and associated working papers and drafts) related to Aqueous Film Forming Foam (AFFF) fire suppressants containing Perfluorochemicals (PCFs) such as Perfluorooctane sulphonate (PFOS) and Perfluorooctanoic Acid (PFOA).

#### **What does the Record Retention Notice mean for you?**

The Notice means that Airservices are required to inform all staff that any records (and associated working papers and drafts) related to:

- the acquisition of AFFF,
  - its use in fire-fighting and fire-fighting training activities contamination and remediation endeavours,
  - evidence of exposure claims for personal injury by persons exposed to AFFF or contaminating compounds; and
  - claims or investigation of potential environmental contamination,
- must be retained indefinitely.

The Records Retention Notice suspends the National Archive’s permission to destroy any relevant records through normal administrative processes, or any general or agency-specific record authorities.

#### **Why was this Notice issued?**

The Notice was issued to notify relevant Commonwealth agencies (including Airservices) that these records must be retained for possible litigation in relation to claims for personal injury and environmental damage potentially linked to the use of products containing PFOS and PFOA and other AFFF compounds.

### **Does Airservices have to abide by the Notice?**

The notice places a legal requirement on Airservices to retain and protect the relevant records and convey this information to all staff working in Airservices.

### **Where can I get more details?**

You can learn more about this Records Retention Notice on the National Archive of Australia's website. If you have any questions about how to protect relevant records you may hold in your possession, per the information on Airservices webs contact David Horne in the Records Management Unit for assistance.

### **Further information**

Approximately 5 years ago Airservices substituted the use of Ansulite AFFF for Solberg RF6 due to the fact that AFFF contained both PFOS and PFOA, both compounds are known to be toxic and also possess the ability to bio-accumulate in humans and the environment. Further to this information members attention is drawn to the following excerpt taken from the CRC CARE Annual Report 2013/14. (CRC Care is a research organisation partially funded by the Commonwealth Government).

"Since the demonstration of adverse impacts of PFOS and PFOA, several new nominated AFFF products claiming to be fluorohydrocarbon surfactant-free have been introduced to the market. Solberg Rehealing foam RF6 is one such group of products. Department of Defence has requested CRC CARE to test the toxicity of two fire-fighting foam products, namely Solberg and Ansulite. The results demonstrate that Ansulite is less toxic than Solberg to all the organisms tested, including freshwater algae, marine algae and earthworms. Plant genotoxicity studies conducted with *Allium cepa* (onion) demonstrated that Solberg is more toxic than Ansulite in plants, the effects of which may also apply to humans and animals. These effects are dose dependent, with Solberg generally at least 10 times more toxic than Ansulite. Neither Solberg nor Ansulite bio-accumulate in earthworms or algae, while both are similarly biodegradable in soils, sediments and waters, and have relatively low persistence values."

**In relation to the use of Ansulite AFFF or Solberg RF6 foams members are advised to be aware of the hazards associated with exposure via ingestion and dermal absorption and when working with these chemicals to recognise the importance of best working practices, selection/use of correct PPE and decontamination and hygiene protocols.**

### **ATC EA talks to begin 28 October**

Airservices and Civil Air [Union for ATCs] will commence negotiations for a new Enterprise Agreement tomorrow. The current agreement expires on 30 November 2015. Your Union will be closely monitoring the negotiations as outcomes for ATCs will influence outcomes in the rest of Airservices.

Members are encouraged to familiarize themselves with the Government Bargaining Policy which affects our bargaining for a new Agreement as well. The policy can be found at <http://www.apsc.gov.au/priorities/workplace-relations/2014-workplace-bargaining-policy>.

### **SAVE YOUR PENALTY RATES**

Right now penalty rates for work on outside of normal hours, weekends and public holidays are under attack. We need to join the campaign to save our penalty rates. Join the fight by going to the links in the campaign bulletin below.

# BUILD A BETTER FUTURE

FIGHT FOR OUR  
LIVING STANDARDS

Australians are standing up to defend weekend penalty rates. We have set up an [online tool](#) that allows you to easily tell the world how important weekend penalty rates are by writing a letter to the editor of newspapers across Australia. These letters are also going viral on social media – with some of them reaching up to a million people.

### For some, it's sociable working hours only

At 9.30pm on Saturday, I rang the Restaurant & Catering Association, which argues that late-night loading should be stripped from the award. Its answering machine told me I had "rung outside our business hours".

I then rang Brickworks, which wants its workers to start at 4am, instead of the usual 6am, without penalties, and to abolish weekend penalty rates. I was told by its answering machine that its offices were open "weekdays from 7am to 5.30pm".

The Fair Work Commission's website told me "our assistance service operates between 9am and 5pm, Monday to Friday". It seems that none of these bodies is in any position to present a case, or make a decision, about penalty rates.

**Scott Fisher, Highgate Hill, Qld**

Australians have always been about the fair go, that's why people are paid a little bit extra for missing out on weekends when the rest of us are relaxing with friends and family. It's a boost that for many is all that keeps food on the table. Getting rid of weekend penalty rates is a sudden pay cut to workers who are already struggling with high costs of living.

**It's time to stand up for weekend penalty rates and help protect our living standard by [letting the world know](#).**

In unity

Ged

P.S [Volunteer here](#) to get more involved in the campaign to protect penalty rates and build a better future.



### Union website

Your Union has a new website. The website is one of our means of communicating with you. Please visit the website and then let us know what you think is good and bad and what else your Union can be offering you via the website. We are also working on a better facebook and twitter pages. Another facility which your Union has to ensure you receive your newsletters and other communications is direct emailing. Provide us with your private email address and receive newsletters and other communication directly.

### Branch Secretary on leave

The Branch Secretary is on leave until Monday 16<sup>th</sup> November. Branch President Jon Vaughan will holding down the fort while the Branch Secretary is on leave. As usual however, members should contact their Organiser or BCOM Delegate in the first instance for assistance with any issues.