

QF: 038/2008

23 April 2008



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❖ NOTICE ❖

TO: QANTAS MEMBERS

RE: LAME EBA UPDATE 23 APRIL

With most members waiting for ballot papers from the Australian Electoral Commission, I thought it would be timely to put in writing some of the questions and responses from last week's member meetings at the St George Rowers Club.

When will the vote take place and if it gets up when can we take action?

The ballot opens on the 28th of April and closes at 10AM on May the 8th. Assuming the result is successful and declared on the same day, the commencement of bans would be on the fourth business day after declaration being the 15th May.

Will the ALAEA staff around this time or are they actually going to take the action?

I intend to notify Qantas from day one that some bans will be commencing from the 15th of May. Last time around we gave them every opportunity to put the action back so we could continue negotiation. As far as we are concerned, that trust was abused when things that were agreed to did not appear in the final documents and Qantas managers were advising our members of things that were inaccurate or untrue. We will always be available for further negotiation but the airline has had 18 months to sort this agreement out and avoid action.

Nobody is having their leave approved in May and others are having theirs cancelled, isn't this unprotected Industrial Action by Qantas?

It must be made clear to members that the cancelling of leave is not defined by the Workplace Relations Act as Industrial Action. See below -

1) For the purposes of this Act, **industrial action** means any action of the following kinds:

(a) the performance of work by an employee in a manner different from that in which it is customarily performed, or the adoption of a practice in relation to work by an employee, the result of which is a restriction or limitation on, or a delay in, the performance of the work;

"To undertake supervise and certify for the safety of all who fly."

(b) a ban, limitation or restriction on the performance of work by an employee or on the acceptance of or offering for work by an employee;

(c) a failure or refusal by employees to attend for work or a failure or refusal to perform any work at all by employees who attend for work;

(d) the lockout of employees from their employment by the employer of the employees;

The cancelling or non approval of leave however is in our view a breach of our current certified agreement. The ALAEA commenced an AIRC hearing on this in January which was resolved when action was called off. We have now re-opened the case as per the attached correspondence.

If we have a stop work meeting can we have it on base so we don't get locked out?

There is a big misconception out there that a "lockout" occurs when you are off base and somebody puts a big pad lock on a gate so you can't get back in. This is not the case. You can be "locked out" if you are onsite, offsite, taking Protected IA, not taking Protected IA and all ALAEA members have been able to be locked out by Qantas at any time since our previous EBA expired (subject to relevant notification). It is more likely to occur when we are undertaking Protected IA because the airline does not need to give us 3 days notice, it can occur on the spot.

Usually when a member is locked out, the others on the base will have a stop work meeting immediately in support of the person who has been taken out. The idea of a group stopping work for a couple of hours is some deterrent to the airline to make them think twice about this step but they usually can plan the aircraft schedules and chose a quiet period to lockout an employee. This time those employees at the meeting may have the opportunity to have a further secret ballot to decide if they want to go out for 2 days in support of their brother. This would only occur if 80% of them wanted to do so and the Federal Executive thought it appropriate but the fact that this is one possibility will certainly make the airline think twice before they decide to commence any lockouts. The additional step is there to protect you.

Why are some LAMEs working bucket loads of overtime now when they know it just helps the airline clear the backlog of work and our action will take longer to kick in?

We aren't sure why they are doing this but at this stage we are not in a legal position to direct them otherwise.

Our manager has said that a lot of ALAEA members have resigned so they can become scabs during this dispute. Is that true?

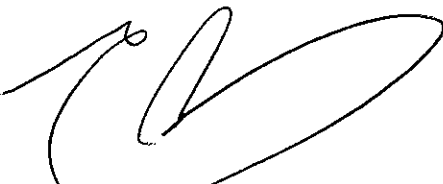
Firstly it would be unwise particularly around the workplace to use to use such language to describe Qantas' alternative workers. We all know what they are and why they put themselves before everyone else but the last thing we need is a member to be stood down and sacked for breaching a Qantas harassment policy. In the last 4 months there has only been one resignation of a Qantas member due to the possibility of pending action. Most members have worked out by now that managers come and go but most LAMEs remain in

the industry for life and we all have good memories. No point greasing the wrong wheel when it is due to be changed.

I heard that Qantas will attempt to sack or discipline LAMEs when it starts for inconsequential breaches of Qantas policy like the guy who got stood down for putting safety cones in the wrong place. What can they do?

The rules remain the same during Protected Industrial Action as they were before. It must be remembered though that some managers who face missing out on bonuses may decide to come down heavy on LAMEs for the most minor infringements. For example it may occur from time to time that minor maintenance tasks such as globe changes or armrest refits take place without looking at a maintenance manual. All members are reminded that every single task however minor must be documented and a printed version of the maintenance reference at hand whilst the task is being carried out. The last thing we want is for a Qantas manager to hide around a corner and sneak up on an unsuspecting engineer and demand a look at his maintenance procedure. It could cost somebody their job.

Members who have further questions should direct them to the ALAEA website or can reply to the notices email address that this notice has been issued from.



STEPHEN PURVINAS
Federal Secretary

23rd April 2008

The Registrar
Australian Industrial Relations Commission
11 Exhibition Street
Melbourne VIC 3001

Facsimile: 03 9655 0401

Attention: Vice President Watson

Dear Sir/Ms,

C2008/2158 – Qantas & ALAEA Annual Leave Withdrawal



The above matter was listed before VP Watson on the 10th January 2008 and was adjourned sine die.

The parties have attempted to reach agreement on a new Workplace Agreement but have reached an impasse to the extent that the AIRC has issued orders for a Protected Industrial Action Ballot to take place.

Qantas has commenced withdrawing employees' (whose employment would be covered by the proposed agreement and currently covered by a pre reform agreement) previously fixed annual leave and the issues in dispute brought before VP Watson on the 10th January 2008 are now re-enlivened.

The ALAEA therefore requests the matter C2008/2158 be relisted for conciliation and conference.

Yours truly,



Gary Norris
Senior Industrial Officer



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AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

FAX TRANSMISSION

Subject: C2008/2158 - NoL for 29 April 2008 Vice President Watson

Message:

See attached documents. <<2064836.doc>>



**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION
NOTICE OF LISTING OF A MATTER**

Title of Matter: Australian Licenced Aircraft Engineers Association, The v Qantas Airways Limited

Section: s.170LW - prreform Act - Appl'n for settlement of dispute (certified agreement)

Subject: Alleged dispute concerning annual leave

Matter Number(s): C2008/2158

The above matter is listed for Conference before Vice President Watson at:

2:00 PM
 Tuesday, 29 April, 2008
 Australian Industrial Relations Commission
 11 Exhibition Street
 Melbourne

To:

| Notified: | Attention: | Address/fax no.: |
|---|-----------------------|-------------------------|
| Australian Licenced Aircraft Engineers Association, The | The Federal Secretary | (02) 9554 9644 |
| Australian Licenced Aircraft Engineers Association, The | Mr Gary Norris | (02) 9554 9644 |
| Qantas Airways Limited | Ms Sue Bussell | (02) 9691 2065 |
| Freehills | Mr Nicholas Ogilvie | (03) 9288 1567 |
| Qantas Airways Limited | Mr James Morley | (02) 9691 2065 |
| Maurice Blackburn | Ms Lisa Doust | (03) 9258 9613 |

All enquiries relating to this notice are to be directed to Ashley Hurrell on 03 8861 7844, fax 03 9655 0401, or email chambers.watson.vp@air.gov.au.

Registrar, 23/4/2008 5:02 PM

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