

3 June 2009



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❖ NOTICE ❖

TO: ALAEA MEMBERS – JHAS

RE: Update on Union Activities

Federal Secretary-Steve Purvinas has authorised me to have responsibility for members employed by JHAS. My role is to service, support and organise members, as well as potential members into the Association. Also, my work involves research and advocacy in the Australian Industrial Relations Commission with up to 25% to 30% of my time spent dealing with issues affecting members employed by JHAS. This is the commitment the ALAEA has made to members at JHAS to ensure that your interests are served and resources are allocated to you so you receive a fair share of union support that members are entitled to.

I am writing to you in relation to union activities at John Holland Aviation Services. The AMWU and ALAEA have met with the company on two occasions to discuss the concerns raised by members about roster arrangements

At our meeting on May 4th 2009 the company admitted to having “consulted” only 65 employees out of a total of about 350. The AMWU & ALAEA believe this is totally unacceptable and that the company is in clear breach of their requirement under the Enterprise Agreement to consult with employees.

Genuine consultation means more than telling employees the way the company wants things. According to the definition of consultation provided by Australian Industrial Relations Commissioner Smith:

“Consultation means to appropriately inform employees, inviting and considering their response. Sufficient action must be taken to secure employees’ responses and give the employees’ views proper attention. Consultation requires more than a mere exchange of information. Employees must be contributing to the decision-making process”.

(Australian Workers’ Union v Campbell Mushrooms Pty Ltd 1183/96 Print N4825 (1996)
(Transcript of C No. 30472 of 1991).

In stating this definition Commissioner Smith said: “In relation to the concept of consultation I wish to make it clear that this involves more than a mere exchange of information. For consultation to be effective the participants must be contributing to the decision-making process, not only in appearance but in fact”. These statements make it clear John Holland has failed in every way to consult with employee.

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

Lodging a dispute in the Industrial Relations Commission.

The unions in consultation with members have resolved to take the dispute to the Australian Industrial Relations Commission. In order to lodge a dispute we are seeking **more than 50 employees** (union and no-union members) to sign a statement (see attached). Please fill out the statement and either scan and email to brads@alaea.asn.au or fax to ALAEA Sydney office 02 9554 9644 by 24 June 2009. The statement will also be mailed to your home address with a self addressed pre paid envelope. This statement will be used in the Commission as evidence of failure to consult.

We are conscious of the concern of many employees to John Holland Aviation Services possible reaction to the statements. For this reason the unions give an absolute commitment that the **statements will NOT be used until 50 employees have signed on**. Every unionist knows there is strength in numbers.

Right of Entry

In addition the AMWU and ALAEA intend to exercise a Right of Entry to investigate the breach of the agreement. This will take place 12.30pm, 4 June 2009. This is allowable under the Workplace Relations Act 1996. We intend to conduct interviews with employees to investigate the issue and gather evidence of the breach. This email represents notification to members prior to this occurring.

Wage Increases

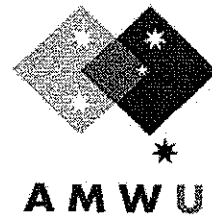
According to the enterprise agreement salary ranges will be adjusted annually on January 1st. Unfortunate this means that if you are in between the ranges John Holland Aviation Services can avoid giving you an increase. We believe that all employees should have been given a rise of at least 3%. If you did not receive an increase or you believe the increase was unfair or discriminatory we invite you to contact the union. We will to assist you in appealing the decision including taking action in the Australian Industrial Relations Commission if necessary.

If you have any questions or concerns please call me.

Yours in unity



Brad Stewart
National Union Organiser



Statement Concerning Alleged Breaches of the John Holland Aviation Services Agreement 2007

I _____ employed by JHAS are dissatisfied
(Print name in BLOCK letters)

with lack of proper consultation in regards to hours of work, in particular clause 13 hours of work as follows;

13 (e) of the EBA, which states;

Shift patterns and rosters will be developed jointly between the Company and Employees. In the development and modifications of rosters, the parties will ensure that the following matters are considered:

- i) regulatory restrictions and guidelines;**
- ii) OHS considerations, including human factor and fatigue issues;**
- iii) operational requirements and productivity; and**
- iv) work-life balance.**

I have not been properly consulted in regards to hours of work and support the unions listing a dispute in the Australian Industrial Relations Commission (AIRC) to resolve this matter.

I understand the unions give an absolute commitment that the **statements will NOT be used until 50 employees have signed on.**

Signature: _____

Date: _____

Note: Please return in self addressed envelope or fax to 02 9554 9644