

17<sup>th</sup> July 2009



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# ❖ NOTICE ❖

**TO: ALL MEMBERS**

## **RE: SKYWEST AGREEMENT PROTECTED ACTION**

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Members should note that our brothers at Skywest have been in negotiations for a new enterprise agreement for over six months and at this stage have been unable to make sufficient headway with management regarding terms for a new wage agreement. At the request of local representatives, it has been deemed appropriate to put in place some form Protected Industrial Action in support of claims made by the Skywest Engineers.

The ALAEA have today lodged formal application with Fair Work Australia to conduct a protected action ballot over the coming weeks. This application is our first since new workplace laws were implemented by the Australian Government that came into effect on 1 July 2009. It is expected that a hearing would take place early next week in the Commission with specific orders for how the ballot should be conducted to follow.

Going into PIA is never easy and during the coming period members should support the Skywest Engineers in their endeavours. Updates on their progress will be sent to all members. Although still partially restrictive, the new workplace laws do allow more flexibility in how we can plan and take our action when all avenues to a negotiated outcome are blocked. One step that has always been available will occur next week as part of our preparations, a members meetings with ALAEA Representatives down at the local pub.

**The meetings will take place at the following times at the Ascot Inn Perth:**

**Wednesday 22<sup>nd</sup> July 2009 1400 hrs**

**and**

**Wednesday 22<sup>nd</sup> July 1630 hrs**

All Skywest Engineers should attempt to get to one of these meetings. Other ALAEA members are also welcome to attend. A copy of our application accompanies this notice.

**STEVE PURVINAS**  
Federal Secretary

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

FAIR WORK AUSTRALIA

*Fair Work Act 2009*

s.437 application for order for protected action ballot to be held

*Compilation of roll of voters.*

### **1. TITLE**

This Order shall be known as the **ALAEA – Skywest Protected Action Ballot - Compilation of Roll of Voters Order No. 1 of 2009.**

### **2. APPLICANT / PARTIES BOUND**

The applicant for this order is the **ALAEA** ("the Australian Licenced Aircraft Engineers Association")

The order shall be binding on:

- the **ALAEA**;
- the Australian Electoral Commission ("the Ballot Agent"); and
- **Skywest Limited** ("the employer").

### **3. BALLOT AGENT TO COMPILE ROLL OF VOTERS**

3.1 The Ballot Agent shall compile a roll of voters for the ballot to be held in accordance with the order of the Commission in Print [insert print number].

3.2 The Ballot Agent shall maintain the privacy and confidentiality of employees employed by the employer.

### **4. EMPLOYER TO PROVIDE LIST**

4.1 The employer must provide to the Ballot Agent a list of all employees who would be bound by the proposed Skywest Aircraft Engineers enterprise agreement.

4.2 The list of employees must be provided in the form of a Microsoft Excel compatible spreadsheet in a file named according to the format "Skywest Aircraft Engineers - Employee List".

4.3 The list of employees must include columns with the following names, and information as indicated by those column names for each employee in the list:

- Surname
- Given Name
- Address Line 1
- Address Line 2
- Post Code
- Date of Birth
- Home, mobile and work telephone numbers [where available]
- Pay roll number

[note: address information may be provided with different column names if this is more convenient provided that there is a separate column for postcode]

4.4 This list must be provided by email to the Australian Electoral Commission at the address [ballot.lists@aec.gov.au](mailto:ballot.lists@aec.gov.au).

4.5 The list must be provided by 4pm on the next working day following the making of this order.

## **5. ALAEA TO PROVIDE LIST**

5.1 The ALAEA must provide to the Ballot Agent a list of all its members who are employees of Skywest Limited who do the type of work that would be covered by the proposed Skywest Aircraft Engineers enterprise agreement.

5.2 The list of members must be provided in the form of a Microsoft Excel compatible Spreadsheet in a file named according to the format "Skywest - Member List".

5.3 The list of members must include columns with the following names, and information as indicated by those column names for each employee in the list:

- Surname
- Given Name
- Address Line 1
- Address Line 2
- Post Code
- Date of Birth [where available]
- Home, mobile and work telephone numbers [where available]
- Membership number

[note: address information may be provided with different column names if this is more convenient provided that there is a separate column for postcode]

5.4 This list must be provided by email to the Australian Electoral Commission at the address [ballot.lists@aec.gov.au](mailto:ballot.lists@aec.gov.au).

5.5 The list must be provided by 4pm on the next working day following the making of this order.

## **6. REVOCATION OR VARIATION**

Fair Work Australia notes that any person bound by this order may seek, at short notice, a revocation or variation of the order.

## **7. TERM AND DATE OF EFFECT**

This Order shall come into effect from [date] and shall remain in force for a period of 1 month.

BY THE COMMISSION

The ballot shall open no sooner than [date]

The ballot shall close on [date]

#### **8. QUESTIONS TO BE PUT TO THE RELEVANT EMPLOYEES**

The following question shall be put to the employees in the ballot:

*Do you, for the purpose of advancing claims in the negotiation of an enterprise agreement for Aircraft Engineers employed by Skywest Limited authorise industrial action in the form of:*

- *Overtime bans and restrictions*
- *Higher duties bans*
- *Work stoppages of up to 2 days*
- *Stop work meetings*
- *Bans and/or limitations on travelling away from home base for work purposes*

*over the remaining period of negotiation for a Skywest Aircraft Engineers enterprise agreement?*

#### **9. POSTING OF ORDER**

The employer shall cause a copy of this order to be posted at prominent locations in, or about, the site/s.

#### **10. TERM AND DATE OF EFFECT**

This Order shall come into effect from [date] and shall remain in force for the period a period of 12 months.

BY THE COMMISSION

## DRAFT ORDERS TO CONDUCT A PROTECTED ACTION BALLOT

FAIR WORK AUSTRALIA

*Fair Work Act 2009*

s.437 application for order for protected action ballot to be held

### **Australian Licenced Aircraft Engineers Association (ALAEA)**

*Protection action ballot to be held concerning an enterprise agreement.*

## DRAFT ORDER

### 1. TITLE

This Order shall be known as the **ALAEA – Skywest** Protected Action Ballot Order No. 1 of 2009.

### 2. APPLICANT / PARTIES BOUND

The applicant for this order is the **ALAEA** ("the Australian Licenced Aircraft Engineers Association")

The order shall be binding on:

- the **ALAEA**;
- the Australian Electoral Commission ("the Ballot Agent"); and
- **Skywest Limited** ("the employer").

### 3. PROTECTED ACTION BALLOT TO TAKE PLACE

The ALAEA must hold a protected action ballot to determine whether proposed industrial action has the support of the types of employees described in Clause 5 of this order.

### 4. NAME OF PERSON AUTHORISED TO CONDUCT THE BALLOT

The ballot shall be conducted by the Australian Electoral Commission.

### 5. TYPES OF EMPLOYEES TO BE BALLOTTED

The types of employees to be balloted are those employees of Skywest Limited who are members of the ALAEA and who would be subject to the proposed enterprise agreement covering Aircraft Engineers at Skywest Limited.

### 6. VOTING METHOD

#### **Postal Ballot**

The voting shall be by postal ballot.

Votes must be received by the appointed returning officer before the voting closing time on the day on which the ballot is to close.

The voting shall be conducted as determined by the Australian Electoral Commission.

### 7. TIMETABLE FOR THE BALLOT

The roll of voters shall close on [date]

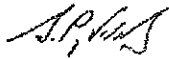
## Protected Action Ballot Agent

Does the applicant seek the appointment of someone **other** than the Australian Electoral Commission as the Protected Action Ballot Agent? [ ] Yes [ X ] No.

**Date:**

17<sup>th</sup> July 2009

**Signature:**



**Name:**

Stephen Purvinas

**Capacity/Position:**

Australian Licenced Aircraft Engineers Association  
Federal Secretary

**Service requirements**

This application must be served, as soon as practicable after it is lodged with FWA, on:

- the employer(s) who will be covered by the proposed agreement;
- the proposed Protected Action Ballot Agent (in the case of the Australian Electoral Commission, by sending a copy of the application by email to [secret.ballots@aec.gov.au](mailto:secret.ballots@aec.gov.au)) and any person proposed as an Independent Ballot Advisor;

Note: Rules 9 and 10 deal with how service is effected.

**Other Requirements**

The application must be accompanied by a draft order.

An electronic copy of this application and the draft order should be emailed to the chambers of the member of FWA named on any notice of listing as soon as practicable after the application has been listed.

**Address:**

Perth Airport  
WA 6105

**a bargaining  
representative for:**

Skywest Airways Pty Ltd

**Contact****Person:**

Peter Burrows

**Phone:**

0894778397

**Mobile:** N/K

**Facsimile:**

0894789928

**Email:**

peter.burrows@skywest.com.au

**What is the industry of the employer?**

Airline Operations

**Existing enterprise agreement(s):**

Skywest Airlines Aircraft Engineers Agreement 2006

Expired 31<sup>st</sup> December 2008

**The group or groups of employees to be balloted:**

All Aircraft Engineers employed by Skywest who are members of the Australian Licenced Aircraft Engineers Association

**Question to be put:**

*Do you, for the purpose of advancing claims in the negotiation of an enterprise agreement for Aircraft Engineers employed by Skywest Limited authorise industrial action in the form of:*

- *Overtime bans and restrictions*
- *Higher duties bans*
- *Work stoppages of up to 2 days*
- *Stop work meetings*
- *Bans and/or limitations on travelling away from home base for work purposes*

*over the remaining period of negotiation for a Skywest Aircraft Engineers enterprise agreement?*

**Proposed date by which voting is to close:**

Close of business Wednesday 12<sup>th</sup> August 2009

**Form F34—Application for a Protected Action Ballot Order**

**IN FAIR WORK AUSTRALIA**

**FWA Matter No:**

**Applicant: Australian Licenced Aircraft Engineers Association**

**Respondent: Skywest Limited**

**APPLICATION FOR A PROTECTED ACTION  
BALLOT ORDER**

*Fair Work Act 2009—s.437*

**Applicant**

**Name:**

Australian  
Licenced Aircraft  
Engineers  
Association

ABN: 84234747620

**Address:**

25 Stoney Creek  
Road Bexley  
NSW 2207

**a bargaining representative  
for:**

Skywest Aircraft Engineers

**Contact Person:**

Steve Purvinas

**Phone:**

0295549399

**Mobile:**

0400071505

**Facsimile:**

0295549644

**Email:**

fedsec@alaea.asn.au

**Respondent(s)**

**(Employer(s) who will be covered by the proposed agreement)**

**Name:**

Skywest  
Airways Pty Ltd

ABN: 51098904262