

19th August 2009



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❖ NOTICE ❖

TO: ALL MEMBERS

RE: VIRGIN EBA UPDATE

Members are advised that the ALAEA have been attempting to engage Virgin Tech regarding a new Enterprise Agreement for Engineers working for Virgin. At this stage management have been rather allusive and appear to be avoiding any approach to negotiate. The ALAEA were further put out when Virgin issued a Tech team brief on July 27th stating that they would be presenting their own offer directly to employees with consultation or bargaining.

The ALAEA have prepared a log of claims based on member input and 9 Virgin EBA reps have been appointed to form an ALAEA negotiating team to bargain the best possible agreement for ALAEA members. Unfortunately, negotiating the best agreement cannot occur when the employer refuses to meet with the Association's team.

On 1 July new workplaces laws were implemented when John Howard's Workplace Relations Act was replaced by the Fair Work Act. The Fair Work Act provides much wider scope for unions to enforce good faith bargaining provisions when employers such as Virgin block legitimate attempts to negotiate collectively for fair wage and conditions outcomes. Many of the laws are untested; today the ALAEA decided to put one of those laws to the test.

Last week we lodged for orders under section 236 of the fair Work Act seeking a Majority Support Determination that will conclude with a ballot of all employees to be covered by a prospective agreement to see if they would like a new Enterprise Agreement negotiated. The determination would trigger the obligations for Virgin to negotiate with the ALAEA in good faith and allows for heavy fines if they refuse to. Alternatively, a declaration by Virgin that they would enter negotiations with the ALAEA would enact the same trigger; however we have been unable to attain confirmation from Virgin that they would negotiate.

The hearing was held today before Fair Work Australia Commission Raffaelli. Virgin failed to show for the event and were given another opportunity when the Commissioner's Associate advised them verbally that they could represent themselves via phone link. They did not call back. The hearing proceeded without Virgin and our ballot orders will be issued later this week should Virgin continue to refuse to bargain with the ALAEA. A full transcript will be sent to members when available.

STEVE PURVINAS
Federal Secretary

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