

## Let's get back to the bargaining table.

### **ACE have provided you with the Fair Work Ombudsman's opinion on which Award applies at ACE.**

As the Ombudsman states in their correspondence, it is up to Fair Work Australia (the Commission) to make any binding decisions. The time to make that decision is when your Agreement comes before them to be approved. This means after the negotiations have been finalised and after you have voted on it.

The issue of which Award applies has little bearing on anyone's capacity to conclude these negotiations because the decision will be made by Fair Work Australia (FWA) once the proposed Agreement is lodged. If any of your conditions as they are currently being discussed, were below any Award standards, then it would matter.

Right now, none of your Agreement conditions are less than any of the conditions in either of the Awards that have been discussed. It also does not appear that any claims that are currently being negotiated are likely to reduce your entitlements to the Award level or less than the Award level. So the issue of the base Award is not an obstacle to concluding negotiations.

Clearly there is no need to continue to haggle over which Award applies, as this will be a technical determination by FWA and it is not possible for us to tell FWA which Award applies. In any event, we do not believe members will be materially disadvantaged either way, subject to the employer not changing their bargaining position on particular items.

We recommend members continue to bargain to reach a conclusion in the negotiations so you can vote on your new Agreement, and if you accept the new terms, send it to Fair Work Australia for approval. It will then be up to FWA to finalise the issue by determining which Award should be used for the purposes of the Better Off Overall Test.

A new meeting has been scheduled for early April and your ASU negotiating team look forward to getting back to the bargaining table and concluding the negotiations on an Agreement that will improve your wages and conditions.

## **Together We Win!**