



Malaysia Airlines EBA Vote second time around

Malaysia Airlines management have acknowledged the need to have a re-vote for the 2013 Enterprise Agreement after their failure to distribute the *Notice of Employee Representational Rights*, a requirement of the Fair Work Act.

Distribution of the ***Notice of Employee Representational Rights*** is an employer responsibility and the failure to do so means that the Fair Work Commission cannot legally approve the Agreement. The upshot is that regrettably the Agreement needs to again be voted on and agreed to by a majority of employees before it can be lodged with the Fair Work Commission.

What does this mean?

Voting on the Malaysia Airlines Enterprise Agreement cannot occur again until twenty-one days after issuing the Notice of Employee Representational Rights. During this time Malaysia Airlines must make themselves available to negotiate with employee representatives if a log of claims is served.

The ASU respects that employees in the first ballot voted in support of the Agreement with the intention that the Agreement would be quickly approved. The negotiations had been continuing for a long time

and members wanted the certainty of a registered Agreement.

Now it is known that there was a Malaysia Airlines error in correctly following the Fair Work Commission procedures employees have a legal right to re-commence negotiations. The ASU is asking members how they wish to proceed, either to recommence negotiations or not.

While the Agreement is acceptable there are clauses that can be improved in it, either now or when next negotiated. Before the first vote the ASU had concerns that some clauses could have been better constructed. For example the casual employment, accident pay and district allowances clauses were direct from the Airline Operations – Ground Staff Award. Though the Award is the minimum entitlement it does not prevent employees from bargaining (as can now occur) to improve these conditions.

What next?

As always the ASU will listen to members and be guided by members in how to proceed. If you believe negotiations should recommence please contact your local organiser:

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