



## ASU Members Win Consent Order for an Interim Injunction.

**The Australian Services Union, after months of negotiations with ground handling Company OAS to resolve EBA non-compliance issues around daily minimum engagements, has resulted in the ASU seeking remedy through the Federal Magistrates Court.**

Furthermore, the employer in order to legitimise its non-compliance of the EBA with the Union, introduced Individual Flexibility Agreements (IFAs) to circumvent the Union's attempts to have the Award/EBA standard apply. The flexibility which the employer sought to have all employees sign involved acceptance that:

- an employee will not be provided with a minimum call out of four consecutive hours on any shift as required by the Award, but rather, the employee will be paid for the time taken to perform the duties required on any shift **which may be less than four hours for any shift.**

In exchange for:

- domestic flight privileges

Members expressed that this was unfair; that staff travel was already an existing condition of employment and that overall, they had not used staff travel because quite simply, they couldn't afford to.

Staff traditionally had been employed by the Company on hours between 2.0 – 3.0 hrs per shift and even though they were casual, had been consistently and regularly employed by the Company on these low hours over lengthy periods of time.

Despite your ASU representatives telling the Company that we could not support the introduction of the proposed IFAs because we believed that the compensation was not sufficiently matched to ensure that no employee would be worse off by having entered into such an agreement, pressure was applied to staff on the ground to sign.

This pressure continued to mount on those employees who did not wish to sign, and some staff gave in to the pressure, therefore losing future rights to minimum shifts. On this occasion, staff were told that "all had to sign otherwise all jobs would be lost" and encouraged those who had signed to put pressure on those refusing.

In our view, staff were being bullied into signing away their entitlements, which amounted to a breach of the Fair Work Act, General Protections Chapter 3 in particular, Adverse Action.

All staff believed the threat from their employer was real, which prompted the ASU to take legal action to stop the employer carrying through with its threat to sack workers. The ASU legal team took this matter on and applications were made to the Federal Magistrates Court. In the end, the employer agreed to enter into a consent order in which the Federal Magistrates Court ordered:

- Until further order of the Court, or pending final determination of the Unions' application, the employer be restrained from:
  - Dismissing its casual employees in question who are members of the union ; or
  - Taking any other steps to injure those employees in their employment;

in breach of Chapter 3, Part 3-1 of the Fair Work Act 2009 (Cth).

### **This is a significant victory in that it means:**

- ***No one can be forced to sign the IFA;***
- ***No one is to be fired;***
- ***Employees are protected from having their hours reduced as a result of this issue***

Workers across the airlines, travel and transport industries should be empowered by the outcomes achieved above. If anyone ever feels that they are being bullied or coerced or forced into signing anything, they should take heart in knowing that their Union can effectively deal with their issues, as we have above, as long as we are advised of the illegal activity by the employer, including threats to adversely deal with members who wish to maintain their rights and entitlements.

**For the ASU, it makes sense being in our Union, together we have a strong voice; together we make a difference and together we win.**

For more information, please contact the Airlines Travel and Transport Team at: [members@qld.asu.net.au](mailto:members@qld.asu.net.au) or if you require representation, please go to: [representation@qld.asu.net.au](mailto:representation@qld.asu.net.au) or phone the Union Office on 07 3017 6119.

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