



## What is happening with the Aerocare Collective Agreement 2017?

**As you are likely aware the Aerocare Collective Agreement 2017 was rejected by the Fair Work Commission. The Australian Services Union is putting out this bulletin to explain the consequences for your terms and conditions of employment.**

### Do I currently have an enterprise agreement?

Yes. The Aerocare Collective Agreement 2012 remains the enterprise agreement governing your wages and other conditions of employment.

### Where are things at right now?

Even though the 2012 Collective Agreement remains in place all the parties involved in the negotiations agree that the 2012 Collective Agreement needs to be updated. The point of difference is over the wages and other conditions that you will have once the 2012 Collective Agreement is replaced.

The ASU is adamant that wages and other conditions have to be fair and consistent with the conditions generally available in the ground handling industry, and must be an improvement on 2012 Collective Agreement.

The ASU did not think that the Aerocare Collective Agreement 2017 would do this, and the Fair Work Commission agreed because the Aerocare Collective Agreement 2017:

- Excluded casuals;
- Continued to have employees working split shifts without the fair pay that the Award provides; and
- Did not pass the Fair Work Commission's better off overall test meaning that employees' wages and conditions under the proposed 2017 Agreement were not better than the wages and conditions under the Award.

So now we have the situation where Aerocare is appealing against the umpire's decision.

Interestingly Aerocare are now using a different law firm from the lawyers Aerocare used in the application for approval of Agreement 2017.

This appeal by Aerocare is one of three legal actions that are currently with the Fair Work Commission including:

- The Aerocare appeal against the Fair Work Commission declining the Aerocare Collective Agreement 2017;
- Another Union applying to the Fair Work Commission to terminate the Aerocare Collective Agreement 2012; and
- Aerocare appealing against the Fair Work Commission decision to allow that Union to be covered by the Aerocare Collective Agreement 2012.

The ASU believes that the Fair Work Commission will firstly deal with Aerocare's appeal of the Commissioner's decision declining to approve the Aerocare Collective Agreement 2017. The result of this appeal is likely to be known by around Christmas this year.

### What is the ASU doing?

The ASU will argue in the appeal that the Commissioner was correct to not approve the Aerocare Collective Agreement 2017.

But the ASU has also written to Aerocare saying that bargaining for a new Enterprise Agreement should begin immediately. This is the fair genuine answer to replacing Aerocare Collective Agreement 2012.

No legal actions and counter actions - just bargaining in good faith for a fair enterprise agreement for employees. In response to the

ASU's request to bargain Aerocare said that it was considering its options.

If one of those options Aerocare is considering is to negotiate a fair enterprise agreement, (and we now have a Fair Work Commission decision pointing out the right direction for a fair enterprise agreement) then the ASU believes employees will be better off, sooner, and money will not be wasted on lawyers.

### What happens next?

The ASU will defend our members' interests in the Fair Work Commission, and continue to keep our members informed of the legal maneuvering.

However the fundamental issue is a new, fair enterprise agreement for employees. The ASU calls on Aerocare to stop taking the legal approach and instead negotiate a fair enterprise agreement.

In fact there is nothing stopping Aerocare from right now making the pay increases that were promised under Agreement 2017. The legal to'ing and fro'ing by Aerocare does not prevent Aerocare from improving employees' pay from today.

### Join the ASU

To join the ASU, you can join online now at our secure form: [www.asu.asn.au/asujoin](http://www.asu.asn.au/asujoin)

### More information

If you have questions or queries make sure you contact your local ASU representative.

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