



Your chance **FOR CHANGE** at Flight Centre

Bulletin # 8
10 July 2019

Further clarification about where the Flight Centre EBA process is at

The ASU is receiving further reports about misinformation and claims from staff about the Agreement process being complete. This is not the case.

When we last updated you in April, we confirmed that *technically* the Agreement is not in operation and is still awaiting approval by the Fair Work Commission (FWC) before it can operate.

Clause 2 of the proposed Agreement states *“the Agreement commences operation 7 days after approval by the FWC and has a nominal expiry date of 12 October 2022. To the extent lawfully available it will be administratively applied from the date of a successful vote until the date it commences operation or an application to the FWC for approval is dismissed”*

It is still unclear which clauses Flight Centre is applying and which they are not – the Company has failed to communicate what they are doing.

It is important to note that although staff voted to approve the Agreement that does not mean that the FWC has to approve the Agreement.

The FWC listed a Hearing to deal with the extensive list of outstanding issues

Flight Centre’s application for approval of the Agreement was heard in Brisbane on 6 June 2019. The ASU attended the

Hearing, as did Flight Centre’s HR representatives and their solicitors from Minter Ellison.

Flight Centre spoke to a series of undertakings they drafted to deal the FWC’s extensive list of issues.

The FWC explains undertakings on their [agreement approval process page](#), as follows:

If the Commission has a concern that an enterprise agreement does not meet the approval requirements... the Commission can approve the agreement if it receives and accepts a written undertaking from the employer(s) covered by the agreement which addresses that concern... The undertaking is a commitment that the employer will comply with what is written in the undertaking in addition to or instead of a term of the agreement. The undertaking forms a part of the agreement and is legally binding on the employer.

Before accepting an undertaking, the FWC must still be satisfied an undertaking will leave staff better-off than if they were covered by the [General Retail Industry award 2010](#).

The ASU also attended the agreement Hearing to object to the approval of the Flight Centre Travel Group Agreement. 2018. The Hearing was adjourned for the

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parties to consider some further detail to some of Flight Centre's draft undertakings.

The FWC is considering some remaining issues where we could not reach agreement that an undertaking can or should be provided.

For example, we do not agree with Flight Centre's classification matching. Their assessment is that an employee engaged as either Travel Consultant A or B (i.e. the Travel Consultants who are not trainees) are equivalent to an entry level or Level 1 Clerical Assistant position as described in Schedule B of the [General Retail Industry award 2010](#). We advised the Commission that the typical duties and skills required of you are more closely aligned with the characteristics of a Clerical Officer Level 2. This argument has implications for minimum rates of pay applicable for the travel consultant roles.

What's next?

Since the matter has been adjourned, further detail was exchanged between Minter Ellison and the ASU.

All the matters still in dispute to be determined by the FWC are, as follows:

1. Classification matching
2. Break Penalties

3. Penalties and Commission
4. Home/Remote User

All the matters withdrawn or resolved on basis of re-drafted undertakings

1. Genuine agreement
2. Individual Flexibility Arrangement
3. Weekly Ordinary Hours
4. Giving Bank
5. Ordinary Time Rates and Casual Employees
6. Minimum Hours
7. Trading hours beyond 9pm
8. Ambiguous Terms
9. Overtime
10. Averaging of Hours

If you would like to look at the matters in more detail please contact your branch representative or write to info@asu.asn.au.

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The ASU has a network of representatives across Australia. You can contact your local reps:

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