



A•S•U

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Monday 30 March, 2020

Mr Alex Trifonidis
General Manager Human Resources
Helloworld Travel Limited

By email: alex.trifonidis@helloworld.com.au

Dear Mr Trifonidis

**Re: Notification of dispute pursuant to s 526 of the Fair Work Act 2009 –
Helloworld Services Pty Ltd Agreement 2015**

We write to notify disputes pursuant to s 526 of the *Fair Work Act 2009* (Cth) (**'the Act'**); clause 27 of the *Helloworld Services Pty Ltd Agreement 2015* (**'Helloworld Agreement'**); and, clause 14 of the *Australian Services Union (Qantas Holidays Limited) Agreement 3* (**'Qantas Holidays Agreement'**).

These disputes regard employees of Qantas Holidays Ltd and Helloworld Services Ltd (collectively **'Helloworld'**)

On or about 23 March 2020, Helloworld employees were given notice that they would be stood down under Part 3-5 of the Act. The employees were informed that they would be stood down between 5.00 pm, 24 March 2020 and 31 May 2020. They were also informed by Helloworld that they would be permitted to access two weeks of paid annual leave during the stand down period. Employees with more than two weeks leave accumulated would not be permitted to take any further leave.

The ASU understands that the travel industry is facing unprecedented changes. We are willing to urgently discuss every available option to keep jobs safe through this crisis. However, we will continue to ensure our members' rights are respected.

Dispute under s 526 of the Act

Section 525 of the Act provides that an employee is not taken to be stood down under s 524(1) when the employee is taking paid or unpaid leave that is authorised by the employee. Section 526 provides that the Fair Work Commission (**'Commission'**) may deal with a dispute about the operation of Part 3-5 of the Act. The Commission may deal with the dispute by arbitration. Section 526(4) provides the Commission must take into account fairness between the parties concerned that in dealing with the dispute.

The decision to refuse employees to grant more than two weeks paid annual leave to employees who have been stood down is unfair. The affected employees will be without pay for at least two months if not more. This is likely to cause significant financial hardship to those employees. That hardship may be mitigated if employees are permitted to access the paid annual leave to which they are entitled. Helloworld has not disclosed a reason why employees will only be permitted to access two weeks paid leave.

Dispute under cl 27 of the Helloworld Agreement

The Helloworld Agreement covers employees of Helloworld Services Pty Ltd.

Clause 19.3 of the Helloworld Agreement provides for the time of taking annual leave. Under clause 19.3.1 the taking of annual leave must be authorised by Helloworld, subject to its operational requirements. However, the Company will not unreasonably withhold authorisation.

If Helloworld refuses to authorise more than two weeks leave for a stood down employee, that decision would be unreasonable. Helloworld has not disclosed a reason why stood down employees would not be permitted to take more than two weeks leave. However, given Helloworld's assertion that there is no useful work for the stood down employees to do, no operational requirement is apparent.

Dispute under cl 14 of the Qantas Holidays Agreement

The Qantas Holidays Agreement covers employees of Qantas Holidays Ltd.

Clause 40.3 of the Qantas Holidays Agreement provides that the taking of leave must be authorised by the company and that this authorisation will be subject to the company's operational requirements. Under clause 40.3.3, employees are entitled to take up to 12 months accrual in a single period at a time approved by the company. Further, cl 40.3.4 provides that employees must be given the opportunity to take leave accumulated and not taken in excess of 1/13th of ordinary hours in the preceding 104 weeks.

Helloworld has not disclosed a reason why stood down employees would not be permitted to take more than two weeks leave. However, given Helloworld's assertion that there is no useful work for the stood down employees to do, no operational requirement is apparent.

Resolution of disputes

We ask that you confirm to us in writing that stood down employees will be permitted to access as much paid annual leave as they are entitled during the period in which they are stood down.

Given the urgency of the situation, we ask that you respond as soon as possible, **but not later than 9.00 AM, Tuesday, 31 March 2020.**

Finally, we reserve our rights to initiate proceedings if the matter is not resolve in an appropriate manner.

If you have any questions, please contact either Linda White, Assistant National Secretary, on 0419 507 809, or Michael Robson, National Industrial Officer, on 0428 447 114.

Yours faithfully



Linda White
ASSISTANT NATIONAL SECRETARY