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BREAKING: Fair Work Commission Rejects Aerocare Agreement as it does not meet legal minimum standards

On 31 August the Fair work commission rejected the substandard Aerocare agreement that was opposed by the Australian Services Union and the TWU.

This is a significant decision and has wide implications across the airline industry, including in the highly competitive ground handling market.

As ASU members know, the Aerocare model of split shifts at single time is a threat to the employment standards across the industry, and we have strongly argued that this model is below the Modern Award minimum standard.

The Aerocare model has seen other ground handlers such as Dnata try to follow suit and drive down wages and conditions through the creation of a low cost subsidiary company. Again opposed every step of the way by the ASU.

All along the ASU have maintained the Aerocare agreement would not meet the 'Better off Overall' test set down by the Fair Work Act and we were right.

In a long, detailed and considered decision the Fair work Commission says a number of things about this agreement:

- It should have included the casuals who were excluded from voting on and being included in the scope of the agreement;
- The FWC was not satisfied that the agreement passed the Better Off Overall Test (BOOT) required by the law - as the rates are too low to cover a number of the key Award conditions that are missing from the agreement – this means the Commission was concerned employees would be worse off than under the Award;
- The company's attempt to include parking reimbursements for every shift was not appropriate in calculating the BOOT;
- Providing split shifts in the agreement without paying overtime rates is contrary to the Award
- And much much more.....

This is a significant & important decision & vindicates the brave union members at Aerocare who stood up to say this was not a good agreement - it is also a sad indictment on the company who relentlessly told Aerocare staff the wrong information about the agreement.

It is also a significant decision for workers right across the airline industry. We hope other employers who have engaged in a shameless race to the bottom, take note of this decision and think twice before they come after the wages and conditions of hard working members of the ASU.

The ASU will always stand up against any employer seeking to game the industrial relations system and take away pay and conditions from workers. We need to strengthen protections available to workers. We need to change the rules to make them fairer!

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