



Aerocare Flight Support Update

There is no doubt it has been a big year at Aerocare – there has been much activity on the agreement front and most recently as you know the company has been purchased by a very large international group handling company – Swissport International Ltd.

The following is a brief recap of where things are at and on the back of this bulletin we have a brief summary of Aerocare’s legal journey so far:

Aerocare Collective Agreement 2017

Last week Aerocare lost their appeal against the Fair Work Commission decision not to approve the Aerocare Collective Agreement 2017.

So Aerocare have now had two goes at having the Aerocare Collective Agreement 2017 approved and have been knocked back both times. You have been telling us that now is the time for Aerocare to move on and negotiate for a proper Enterprise Agreement for employees – we agree.

Two times now the Fair Work Commission has panned Aerocare’s decision to exclude casual employees from the *Aerocare Collective Agreement 2017*.

The Fair Work Commission took such a dim view of the treatment of casual employees in Aerocare Collective Agreement 2017 that the Full Bench felt it was not necessary to determine the other two grounds Aerocare appealed on, which were the use of split shifts and the possibility of promises the company could make about the agreement.

But hey, who doesn’t love lawyers, court actions and spending money on legal fees?

We like you think the money would be better spent on frontline staff. Now Aerocare want permission to *address the Full Bench on whether an undertaking giving effect to the above commitments (a 5% back dated pay increase and that casual employees no longer have to pay the car parking co-contribution) to casual employees address the “fairly chosen” finding*. The Full Bench has agreed to this to hear what they say

directing material is to be filed by Friday 22 December 2017.

This is just more legal manoeuvring.

Are there other legal actions?

Yes. Aerocare have also applied to the Federal Court for a re-interpretation of the split shifts and continuous hours of work clauses in the Airline Operations Ground Staff Award. This is the Award that the Aerocare Collective Agreement is tested against. Aerocare hopes that the Federal Court will interpret the Award more suitably for Aerocare, and that the Fair Work Commission will be required to follow this interpretation.

The ASU are opposing the Aerocare attempt to effectively diminish the Award. The ASU has asked the Federal Court to dismiss Aerocare’s claim, the Federal Court will hear this on the 16 February 2018.

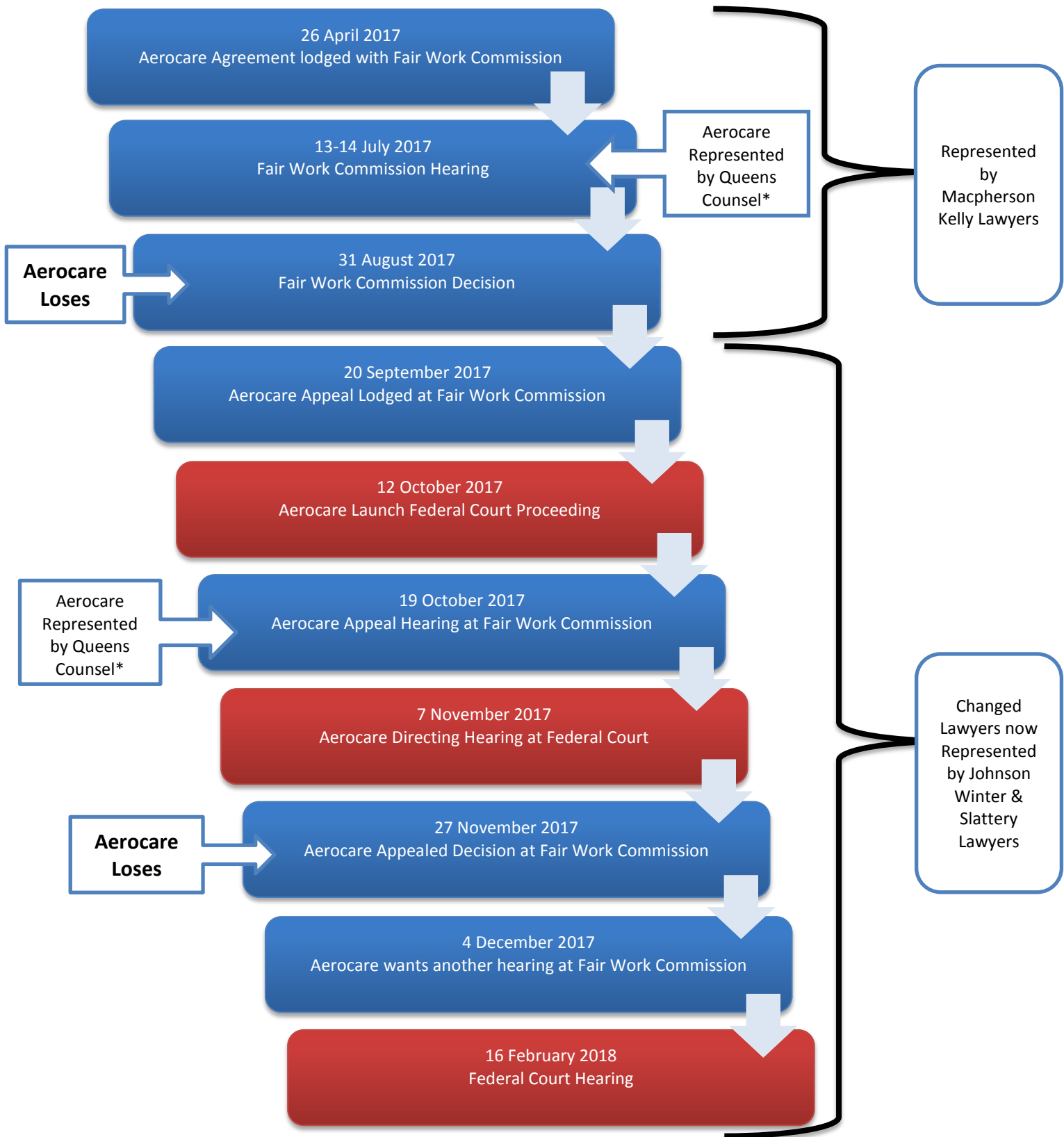
What Should Happen Now Swissport own Aerocare

Swissport International Ltd is the world’s largest ground and cargo handling company. Swissport was originally part of the Swissair Group but is now owned by HNA Group based in China.

The ASU sees Aerocare’s new ownership as an opportunity to improve the employee relationship and bargain for an Enterprise Agreement that the Fair Work Commission can approve.

We all just want to negotiate a fair agreement hopefully Swissport thinks the same.

Aerocare's Legal Journey to date



*A Queens Counsel (QC) is a Senior Lawyer who appears with another Junior Barrister and on average a QC can charge between \$5,000 to \$10,000 per day they work.

Fair Work Commission case
 Federal Court case