



## FWC Canon GPS Tracking dispute arbitration update

**In the previous Newsletter members were informed that the FWC had rejected Canon’s jurisdictional objection and given this Decision the ASU would now write to the Commission asking it to schedule the arbitration dates to hear the GPS tracking dispute.**

As the ASU was preparing to write to the Commission it was informed of 2 things. Firstly, it was informed by Canon that it was about to hold meetings with employees to tell them that the GPS tracking technology was soon to go ‘live’. Secondly, members informed the ASU that the GPS tracking would occur from Manila in the Philippines.

Thus the ASU wrote to Canon expressing our serious concern with the tracking being done in a foreign country and what this meant for the privacy of our members. Furthermore, the ASU wrote to the Commission to not just schedule the arbitration hearing dates but also that the union wanted an urgent FWC conference to discuss the GPS going live soon and that the tracking would occur from Manila.

Within a few days the Commission scheduled a Conference in Melbourne on the 31 May 2018. Commissioner Gregory conducted the Conference with Glen Trestrail of Canon and Michael Rizzo from the ASU. The ASU informed the Commission of the 2 major issues above and argued that Canon should not proceed with either issue until the dispute had been heard by the Commission and a Decision handed down. Of course, Canon opposed these submissions and the Commission was of the view that the ‘status quo’ provisions in clause 39 of the Canon EBA were insufficient to stop Canon going live while the dispute was still to be resolved.

The compromise reached between the 3 parties at the Conference was that the arbitration schedule would be as tight as possible and that Canon undertook not to go live with the customers until at least 9 July when the FWC arbitration Decision is scheduled to be released. (See attached arbitration timeline where the arbitration hearing will take place on the 28 June 2018 and a Decision handed down very soon after on July 9.) Meanwhile, Canon informed the ASU and the Commission that Manila would commence in the next week or two and that the internal tracking only seen by Canon would commence at the end of June/ start of July while the customer as explained above would not have access to the tracking technology until at least the 9 July.

While this arbitration schedule progresses between now and the 9 July members are advised to follow lawful directions from Canon regarding this GPS dispute. The ASU will make its submissions to the Commission verbally and in writing as will Canon, then the Commission will make a Decision binding the parties to the dispute. The ASU asks members to be patient while we go through this important legal processing.

If you have any questions, please contact your relevant ASU official below.

**Join now**



Branch	Contact	Email
National Office	Michael Rizzo	<a href="mailto:mrizzo@asu.asn.au">mrizzo@asu.asn.au</a>
NSW/ACT	Lauren Hutchins Tom Edwards	<a href="mailto:lauren@asu.org.au">lauren@asu.org.au</a> <a href="mailto:tom@asu.org.au">tom@asu.org.au</a>
VIC/TAS	Lisa Darmanin	<a href="mailto:ldarmanin@asuvictas.com.au">ldarmanin@asuvictas.com.au</a>
QLD	Tammy Gaze	<a href="mailto:Tammy.gaze@theservicesunion.com.au">Tammy.gaze@theservicesunion.com.au</a>
WA	Jill Hugo	<a href="mailto:jill.hugo@asuwa.org">jill.hugo@asuwa.org</a>

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## Notice of Listing

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**Title of Matter:** Australian Municipal, Administrative, Clerical and Services Union (052V) v Canon Australia Pty Ltd T/A Canon

**Section:** s.739 - Application to deal with a dispute

**Subject:** Alleged dispute about any matters arising under the enterprise agreement and the NES:[s186(6)]

**Matter Number:** C2017/3345

Canon Australia Pty Ltd (Technical Consultants) Enterprise Agreement, 2015

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### Listing Details:

The above matter is listed for Hearing, before **Commissioner Gregory** at:

10:00 am  
Thursday, 28 June 2018  
Fair Work Commission  
11 Exhibition Street  
Melbourne

### Note

It is understood that the ASU, following the recent decision handed down by the Commission on 18 May 2018 [2018] FWC 2695, now seeks to have the matters in dispute arbitrated.

In accordance with the recent discussions in conference the Commission also indicates that it will then endeavour to hand down a decision in regard to the matter by Monday, 9 July 2018 or thereabouts.

### Directions

1. The Australian Municipal, Administrative, Clerical and Services Union is directed to file with the Fair Work Commission and serve on Canon Australia Pty Ltd any written submissions; witness statements; and any other material it intends to rely on by close of business on Monday, 18 June 2018.
2. Canon Australia Pty Ltd is directed to file with the Fair Work Commission and serve on the Australian Municipal, Administrative, Clerical and Services Union any written submissions; witness statements; and any other material it intends to rely on by close of business on Monday, 25 June 2018.

To:

Notified	Contact details
Mr Michael Rizzo National Industrial Officer Australian Municipal, Administrative, Clerical and Services Union	<a href="mailto:mrizzo@asu.asn.au">mrizzo@asu.asn.au</a>
Mr Glen Trestrail Senior General Manager Canon Australia Pty Ltd T/A Canon	<a href="mailto:glen.trestrail@canon.com.au">glen.trestrail@canon.com.au</a>

**Inquiries:**

All inquiries relating to this notice are to be directed to Alexa Kuzyk  
Phone: (03) 8656 4529, email: [chambers.gregory.c@fwc.gov.au](mailto:chambers.gregory.c@fwc.gov.au), Fax: (03) 9655 0401.

**Fair Work Commission, 31 May 2018 05:03 pm**