

# VICTORY!

## ASU members win buddy allowance case

**In a decision this week, the Fair Work Commission has agreed with the ASU that clause 11 of the *Customer Service Employees (Menzies Aviation) Enterprise Agreement 2011* entitles employees to be paid Buddy Allowance when an employee is participating in a formal buddy training program.**

Menzies had argued that the allowance should only be paid when an employee providing buddy training is on the same or at a lower rate of pay than the employee receiving the training. Menzies argued that the employee's classification level already recognises a responsibility to provide training to employees on lower pay rates and so Buddy Allowance should only be where an employee is providing training to another employee paid at the same or a higher rate of pay.

The Commissioner found the issue was whether the Agreement provides for the Buddy Allowance to be paid at any time an employee is providing training at his/her substantive level, as argued by the ASU, or is it only to be paid when the employee is providing buddy

training to another employee in receipt of the same or a higher pay rate, as Menzies claimed.

### What we said

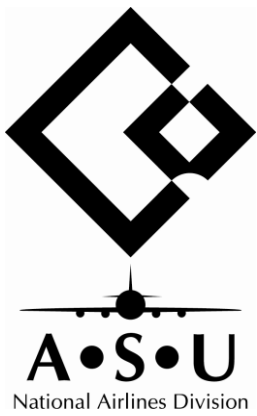
The ASU argued it was clear that the claim for the allowance was made in response to concerns from ASU Members that training in the airline industry was changing from being predominantly classroom based to more on-the-job training. ASU Members were concerned they were not being rewarded for training other employees in this way.

The ASU believes that the only criteria for an employee to receive Buddy Allowance is where the employee is required to provide instruction to another employee concerning duties classified at the same level as the employee providing the instruction. Menzies had a different view.

ASU Assistant National Secretary, Linda White, said the ASU was adamant that Menzies's bargaining representatives had had adequate opportunity during the course of the EBA negotiations to understand the nature of the claims being pursued and should not be arguing that it means



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something different after the Fair Work Commission had approve the Enterprise Agreement.

Menzies asked the Commission to interpret the Agreement to state that the employee's classification level already recognises a responsibility to provide training to employees on lower pay rates. The ASU argued that this interpretation was against the intent of the Agreement and that's the way it has been read.

**Our victory**

The Commission ruled in favour of the ASU members', stating that if Menzies's reading of the Agreement was to be given the meaning attributed to it by Menzies then the Buddy Allowance would clearly be expressed in a different way.

We firmly believe the dispute should have been resolved before reaching the Industrial Commission.

The Commissioner agreed with the ASU that the plain and ordinary meaning of the clause indicated it is intended to be applied in the way that the ASU has always said.

This ruling is a great outcome for ASU members and those employed in the airline industry.

Menzies rocked up with two high priced lawyers from the Australian Industry Group and yet the ASU won. The money Menzies spent on lawyers, given the plain and ordinary meaning of the clause, could and should have gone to meeting Menzies' obligations under their own Agreement. It is a great win for our members and it shows the benefits of working together.

**Not a member?**

If you are not a member now is the time to join the ASU – you can do it online at <https://www.asu.asn.au/asujoin> or fill out the form attached to this bulletin

**What next?**

Many members will be entitled to the buddy allowance due to this decision. The ASU will now be chasing Menzies for members who have not received the buddy allowance when they should have. Please contact your organiser or local delegate for more details about any claim you may have.

**Need more information?**

If you need more information contact your local ASU organiser or delegate.

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