

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005

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Submitter: Captain Ian Woods

Organisation: Australian and International Pilots Association

Address: Level 1, 12 Lord Street
BOTANY NSW 2019

Phone: 02 8307 777

Fax: 02 8307 7799

Email: office@aipa.org.au



Advancing the interests of our members and the profession

Australian & International Pilots Association ABN 30 006 191 853

Level 1, 12 Lord Street Tel: +61 2 8307 7777
Botany NSW 2019 Fax: +61 2 8307 7799
Locked Bag 747 office@aipa.org.au
Botany NSW 1455 www.aipa.org.au

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Express Post

Mr David Sullivan
Committee Secretary
Senate Employment, Workplace Relations and Education Committee
Department of the Senate
Parliament House
CANBERRA ACT 2601

Facsimile: (02) 6277 5706

Dear David,

Re: Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005

Thank you for allowing us the dispensation to submit our belated objection to the Workplace Relations Amendment (Workchoices) Bill 2005 (**Bill**).

About AIPA

The Australian and International Pilots Association (**AIPA**) is a professional Association and federally registered organisation representing pilots and flight engineers employed by the Qantas Group (currently Qantas Airways Limited, Australian Airlines Limited, Jetstar Airways Pty Limited, Eastern Australia Airlines Pty Limited and Sunstate Airlines (QLD) Pty Limited) in airline operations within Australia and around the world.

Membership

Representing just over 2,300 Qantas Group technical flight crew (**flight crew**) in both domestic and international operations, AIPA is the largest pilot body in Australia. It was formed in 1981 when it separated from the Australian Federation of Airline Pilots in response to the changing aviation environment of the time and the need to enhance the industrial position of Qantas technical aircrew.

AIPA has a number of serious concerns with the proposed legislation. Our concerns surround the financial impact on our members, the creation of inequality and safety considerations for the wider public.

Proposed Clause 103L

Clause 103L of the Bill purports to unilaterally deprive members of conditions negotiated. The conditions in the flight crew certified agreements (**Agreements**) were bought by flight crew over time, with efficiencies or pay freezes. Under clause 103L, these conditions can be unilaterally removed, following notice, without recompense.

A ramification of clause 103L is that flight crew may have their Agreements terminated and be required to fall back on the parent award, begin negotiations from a blank piece of paper or negotiate Australian Workplace Agreements (**AWA**). These three possibilities are explored below:

- if flight crew revert to the parent award, hard fought conditions would be unilaterally removed without recompense;
- if flight crew are forced to negotiate a certified agreement from a blank piece of paper, they are clearly left in a less favourable position; or
- if the flight crew negotiate AWAs it is possible that this will pose a great security risk to both flight crew and the public in general.

The Government has attempted to assure the public that workers would not be 'worse off' under these reforms. However, if this clause is invoked, ALL of our members will be significantly 'worse off'. Clause 103L is merely a vehicle for powerful employer to reduce wages and conditions back to the minimal award standard. The clause makes a mockery of the way parties have bargained in good faith since the introduction of the Workplace Relations Act 1996.

Flight crew are not equip to negotiate agreements

Flight crew have specialised skills. Flight crew are not trained, nor are they equipped to negotiate individual workplace agreements. The impact of clause 103L is that ill-equipped flight crew may be required to negotiate their individual conditions, thereby resulting in a marked inequality between flight crew.

The risk of AWAs to aviation industry

Aviation is a unique industry. Flight crew perform identical duties within their individual ranks. It is therefore impossible to distinguish flight crew members within a specific rank by ability and performance. All flight crew are required to perform to a single standard.

Given the nature of aviation, it would be illogical to expect flight crew to negotiate an AWA. Flight crew do not have any means by which to differentiate themselves or bargain for conditions over and above that of the majority.

Further to this, the introduction of AWAs will pose a significant threat to aviation safety. The risk is that flight crew will discuss the detail of individual contracts in the cockpit. Accordingly, we have a major concern regarding the consequent impact on aviation safety. Flight crew squabbling over individual contract conditions in (or out of) the cockpit poses a serious threat to aviation safety.

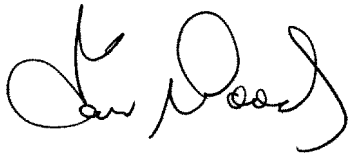
Solution

The solution AIPA seeks is for Australia to follow the practice of the United Kingdom and the United States of America so that the majority of AIPA members can elect which industrial instrument they would rather be bound by.

We request that flight crew, as a collective, be given the opportunity to decide whether certified agreements are better suited to this industry, rather than being forced to be bound by a dangerous mixture of certified agreements and AWAs.

AIPA would like to thank all Senators for the opportunity to make this submission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ian Woods', written in a cursive style.

Captain Ian Woods
President

Tel: 61 – 2 – 8307 7777
Fax: 61 – 2 – 8307 7799
Email: office@aipa.org.au