



22 October 2024

Stan Quinlivan

Chief Executive Officer

Valentine Road, Redcliffe WA 6105

Sent by email only: ceo@skippers.com.au

Re: ENTERPRISE BARGAINING

Dear Mr Quinlivan,

The Australian Federation of Air Pilots (AFAP) write on behalf of AFAP members, pilots employed by Skippers Aviation Pty Ltd (Skippers), as a bargaining representative as per the *Fair Work Act 2009* (Cth) (FW Act) regarding bargaining for a proposed new agreement.

In summary the AFAP claims reflect, improvements to remuneration and application to remuneration progression during the life of the agreement, updating allowance rates, productivity payments and retention strategy (collaborative), and the need for modernisation of a proposed agreement to meet the requirements of the FW Act.

The AFAP seek further meetings to speak to these proposed claims in more detail, at a time suitable to Skippers management reps.

Please contact AFAP Industrial Officer, Jason Newell Jason@afap.org.au .

Regards,

Jason Newell

AFAP Industrial Officer

AUSTRALIAN FEDERATION OF AIR PILOTS

MELBOURNE OFFICE
LEVEL 4 132-136 ALBERT RD
SOUTH MELBOURNE VIC 3205
T: 03 9928 5737 F: 03 9699 8799

BRISBANE OFFICE
33 MONTEPELIER ROAD
BOWEN HILLS QLD 4006
T: 03 9928 5737 F: 03 9699 8799

E: ADMIN@AFAPORG.AU
WWW.AFAP.ORG.AU

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APPENDIX A. AFAP Log of Claims

Claim	Details
1.A-1.C	Above Award Remuneration on all classifications/types
2.A	Remuneration Level Increases
2.B	Annual Remuneration Increases
2.C	Remuneration Work Hours (38 Hours as per NES)
2.D	Allowances Rates Updated
3.A	Training Bonds fixed rates
4.A	Double shifts allowance
4.B	Overtime rate
5.A	Retention Strategy & Payments
6.A	Rostering Rules
7.A-7.D	Modernisation of the Enterprise Agreement - Workplace Delegates, Right To Disconnect, Fixed Term Contracts & NES (inc. leave) conditions

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AFAP Claim 1. Remuneration Annual Salary Rates

Comparisons in pay rates include (additions to salary), and comparisons to both Schedule A and Schedule B of the Award relative to the competitive labour market for same skills.

AFAP claim seeks for above award rates of pay.

Remuneration Summary A. Fokker 100

Table – Claim 1.A.

Fokker 100	Award Sch. A	Award Sch. B	Current	Pilot Feedback	AFAP Claim
Captain	\$160,853 (Salary) + \$7560.17 (IFR - Cmd) +\$13,219.97 (Jet) =\$181,633.14	\$160,853 (Salary) + \$7560.17 (IFR - Cmd) +\$13,219.97 (Jet) =\$181,633.14	Level 1 \$157,380	Level 1 \$157,380	Level 1 \$182,000 Above award min (\$400+)
			Level 2 \$177,906	Level 2 \$182,906	Level 2 \$188,000 Approx 3.5% above Award (Sch. B).
			Level 3 \$191,593	Level 3 \$196,593	Level 3 \$198,000 Approx 9 % above Award (Sch. B).
First Officer	\$106,222 (Salary) + \$7,560.17 (IFR-Cmd) + \$8,592.98 (65% Jet) =\$122,375.15	\$106,222 (Salary) + \$7,560.17 (IFR-Cmd) + \$8,592.98 (65% Jet) =\$122,375.15	Level 1 \$115,199	Level 1 \$115,199	Level 1 \$124,000 Approx 1.5% above Award min (Sch. B).
			Level 2 \$128,336	Level 2 \$128,336	Level 2 \$130,000 Approx 6 % above Award (Sch. B).
			Level 3 N/A	Level 3 \$134,336	Level 3 \$136,000 Approx 11% above Award (Sch. B).

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Remuneration Summary B. Dash 8

Table – Claim 1.B.

Dash 8 100/300	Award Sch. A	Award Sch. B	Current	Pilot Feedback	AFAP Claim
Captain	\$86,410.00 (Salary) + \$7560.17 (IFR-Cmd) + \$8231.50 (T-Prop) = \$102,201.67	\$104,770	Level 1 \$115,119	Level 1 \$115,119	Level 1 \$116,000 Approx 11% above Award (Sch. B).
			Level 2 \$131,505	Level 2 \$136,505	Level 2 \$138,000 Approx 32% above Award (Sch. B).
			Level 3 \$136,637	Level 3 \$141,637	Level 3 \$142,000 Approx 36% above Award (Sch. B).
First Officer	\$64,216.00 (Salary) + \$7560.17 (IFR-Cmd) + \$5,350.48 (65% T-Prop) = \$77,126.65	\$70,460	Level 1 \$70,585	Level 1 \$70,585	Level 1 \$78,000 Approx 11% above Award (Sch. B).
			Level 2 \$78,926	Level 2 \$78,926	Level 2 \$80,000 Approx 14% above Award (Sch. B).
			Level 3 N/A	Level 3 \$85,926	Level 3 \$88,000 Approx 25% above Award (Sch. B).

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Remuneration Summary C. Conquest

Table – Claim 1.C.

Type	Award Sch. A	Award Sch. B	Current	Pilot Feedback	AFAP Claim
Conquest Capt.	\$65,023.00 (Salary) + \$7560.17 (IFR-Cmd) + \$8,231.50 (T-Prop) = \$80,814.67	\$75,051	Level 1 \$78,921	Level 1 \$78,921	Level 1 \$82,000 Approx 10% above Award (Sch. B).
			Level 2 \$78,921	Level 2 \$82,921	Level 2 \$84,000 Approx 14% above Award (Sch. B).
			Level 3 \$78,921	Level 3 \$85,921	Level 3 \$88,000 Approx 17% above Award (Sch. B).

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AFAP Claim 2. Remuneration Management

2. A Remuneration Level Progression

Progression of pay increments as follows.

- a. Level 1 (commencement, transfer to base),
- b. Level 2 (check to line), and
- c. Level 3 (1 year of service).

Notes on Progression

- Application of Level 1, AFAP seek an increase to meet the Award minimums for those classifications.
- Application of Level 3 increase after 1 year of service.
- *Consider Claim 2.A and retention strategy concurrently to have improved progression over life of career with Skippers Aviation.

2. B Remuneration Annual Increases

Annual 3% increase or CPI (whichever is the greater).

Pay increase to continue after the nominal expiry date until new agreement or termination of the agreement.

2. C Remuneration Work Hours

Hours of work.

Clear reference in the EA and reference to work 38 hours as per NES.

This is required to calculate pay rates and required to construct the required details for application of the FW Act, EA better off overall test in comparison to the Award.

Consider application of average hours (proposal below).

Proposed Averaging of Hours & Additional Hours

*Proposed is a conditional inclusion to the new EA linked to Claim 4.B (Productivity – Additional Hours) that an average of hours (all duty hours) of 152 hours arrangement can be in place where the pilot agrees.

2. D Allowances Rates Updated

Update allowance rates to ensure will be maintained as per the award (where required).

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AFAP Claim 3. Training Bonds

3.A Training Bonds Fixed

The AFAP seek that training bonds to be at a “**fixed rate**” for the life of the agreement, a rate that is reasonable and fair for particular class/type ratings. Limit application of bonds as per the Award.

As the Award requires the employer to bear costs for the attainment and maintenance of pilot qualifications required in the role, the agreed fixed amount is relative to encouragement of a limited scope return of service (not cost recovery for training).

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AFAP Claim 4. Productivity

4.A Double Shifts

Double shift/recall to duty allowance at \$200 Captain & \$150 First Officer.

- a. Agreed definitions to double shift and recall to duty to be included in the EA.

*Consider application and interaction to the 2 productivity claims, i.e. overtime hours (Claim 4.B) below.

4.B Additional Hours Rate

Work Hours

- Acknowledgement of ebbs and flows of workload that occurs during the life of the agreement, and nature of charter work depends on demand.
- Proposal that an additional hours rates by linked to potential opt-in for the pilot to consider, therefore as per FW Act the EA provide an authority to allow the employer/pilot agreement of averaging of hours 4 week (28 day period) period and work up to 152 hours (equal to 38 hours per week in the NES).
- Duty hours to be reported and monitored (already required).

Additional Hours Payment

- Benefit for the pilot to opt in to averaging arrangement above, is a structured approach to additional hours.
- Additional hours above 152 hours in the designated standing period (not a rolling period used in safety regulations) to be paid at an overtime rate.
- Overtime rate defined in the EA, above usual rate of pay – therefore a penalty rate (125% per duty hour above the 152 hours, i.e. penalty rate for the 153 hour and beyond).

In Application

- Noting where pilot has potential to additional hours above the 152 hours during the 4 week period, then the employer may apply additional rostered days off to their existing roster (only with minimum notice of changes as required under the Award) to result in a day(s) free of duty to prevent additional hours and application of overtime allowance.
- Potential to create flexibility to the pilots and employer, noting the restriction of duties in the Award. For example. *Award clause 15.4*, pilot will not fly more than 100 hours in 28 days, and *clause 15.8(r)* limit for 90 hours of any duty in standing fortnight) require consideration and application.

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AFAP Claim 5. Retention

5.A Retention Strategy

Retention payments

Agreement to provide a minimum retention strategy includes additional payment after 3 years of service, as follows (or an alternative agreed retention strategy that can be introduced during the life of the agreement for attraction and retention).

- Captain Level 3 - \$2,000 each 2 years (24 month period) of service at level 3.
- First Officer Level 3 - \$1,500 each 2 years (24 month period) of service at level 3.

*Retention payment is a bonus payment paid at time of activation only (not added to salary rate).

Table 5.A Example of Progression

Rank and Status	Remuneration notes	Example Duration (Service)
First Officer – Level 1	Commencement	Commencement 3 month
First Officer – Level 2	Increase Checked to Line	6 months
First Officer – Level 3	Increase (AFAP Claim – Level 3 after 1 Year of Service)	1 year
First Officer – Level 3 Retention	No change+ Retention bonus payment #1	3 years
First Officer – Level 3 Retention	No change+ Retention bonus payment #2	5 years
Captain – Level 1	Commencement or Upgrade in Rank & Status	Commencement 3 month
Captain – Level 3	Increase Checked to Line	6 month
Captain – Level 3	Increase (AFAP Claim – Level 3 after 1 Year of Service)	1 year
Captain - Level 3 Retention	No change+ Retention bonus payment #1	3 years
Captain – Level 3 Retention	No change+ Retention bonus payment #2	5 years

Progression Issues & Notes

- Progress at existing classification via Level 1 to Level 2 (Checked to line).
- Progress due to 4 years of service (claim to shorten level 2 -3).
- Progress via change in Type/Class (higher remuneration).
- Annual increase is not a progression increase (adjustment relative to cost of living).
- No progress due to 'no opportunity' to update to higher classification (type/class rating).
- No progress due achieved Level 3.

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Retention Strategy Agreed Alternative

The employer and pilots may agree to an alternate retention strategy, including a change in amounts and service achievements periods during the life of the agreement.

A change will require majority agreement between all the pilots covered by the agreement, must not result in less than the standard agreement condition (treated as a facilitative provision, including recording as a time and wages records, as well as representation and negotiation with AFAP).

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AFAP Claim 6. Rostering Rules

6.A Rostering Principles

Work Practice & Work Life Balance

Apply work practice rules into the rosters to protect pilots' ability to plan work life balance, management of recreation and family life outside of the workplace.

- Roster to be published in advance (14 day roster 7 days in advance) and outlining.
 - Pilot's duty days and duty periods, (Including assigned duty period pending confirmed assignment, and/or to include the confirmed assignment when details available subject to rosters considerations).
 - Stand-by duty (Including duty period, Start and End time).
 - Periods free of duty (Rest Period or Rostered Days Off).
 - Leave (not to be specified).
- Roster re-published due to changes to be titled and dated (i.e. version 2, xx Jan 2025) and available for all pilots to review.
- Rostered Days Off in any rostered remain protected and can not be changed except by mutual agreement (activate additional payment).
- Maintain fair rosters rules of the EA, including maintaining pilot's duties within rostered periods (i.e. change in rostered period limited to be shift change like for like, AM to AM, or PM to PM).
- Limit to rosters changes without consent and require consultation on proposed changes prior to amendments, including when a change results in
 - Greater than 2 hours to roster period start 'or' end time,
 - An increase in planned duty hours,
 - A change in tour of duty (addition/reduction of planned layover),
- In the case of cancelled flight, a standby shift that replaces shift must be rostered in same period of duty within roster (and consistent to claims above).

Similarly to above, an alternate approach is to define steps are required when rosters can be changed without consultation/consent.

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BRISBANE OFFICE
33 MONTPELIER ROAD
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AFAP Claim 7. Modernisation of the Agreement

7.A Workplace Delegates Rights

- Update EA to reflect current references to the FW Act and ensure mandatory terms are included in the EA.

7.B Right to Disconnect

- Discuss and consider custom terms to suit needs of pilots and employer.

7.C Fixed Term Contracts

- Application of limitation of fixed term contracts to apply (although term contract not preferred employment).
- Fixed term contract (guarantee) can not be less than requirement for the return of service on a training bond and can not contradict FW Act restriction on term employees.

7.D National Employment Standards

- EA to refer to all leave types under the NES.
- Rights to request flexible working arrangements to have a reference in the EA.

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APPENDIX B. FW Act & Award Considerations

Term	Details
FW Act s.350C	Workplace delegates and their rights. <i>Ensure EA refers back to the protections in the Award (update current agreement).</i>
Award 29.A	Workplace delegates' rights <i>Award terms similar to the current agreement, and look at any suggested changes.</i>
FW Act s.333M	Employee right to disconnect. <i>Enterprise Agreement can include terms (equal to or more favourable than FW Act). Discuss contactable hours (i.e. standby), active/passive comms.</i>
Award 15.A	Employee right to disconnect <i>Review Award terms and consider application in the agreement.</i>
FW Act s.333E	Fixed Term Contacts s.333E (up to s.333H) <i>NB requirement of the Fixed Term Information Sheet (s.333K) Review the agreement and update and refer back the FW Act.</i>
FW Act s.61	National Employment Standards Leave <i>As per division listed in s.61 of the FW Act, include reference to all forms of leave within the agreement as per current FW Act (including where referring back to the NES and/or Award).</i>
FW Act s.65	Request for Flexible Working Arrangements ss.65, 65A, 65B, 65C, & 66 <i>Note and refer to process under the NES (as per FW Act scope including decision important to note).</i>
Changes to the Award since 2016 EA to discuss	
Award 13.6	Training Bonds
FW Act s.66A (to s.66MA)	Casual employment, casual rights and conversion to ongoing employment. Review Award and reference back to current conditions.
Award 2 & 10.7	Casual employment and casual conversion (as per NES). Right to pathway towards ongoing work.

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