



3 July 2024

Nicole Forbes
National Manager
People and Capability, Corporate Services Division
Civil Aviation Safety Authority

Sent via email only: Nicole.Forbes@casa.gov.au,
CC peoplepolicyperformance@casa.gov.au, WRG Committee members.

Re – Flexible Work Arrangements Consultation & Dispute

Dear Ms Forbes,

The Australian Federation of Air Pilots (**AFAP**) write to the Civil Aviation Safety Authority (**CASA**) regarding matters relating to the *Civil Aviation Safety Authority Enterprise Agreement 2023-2026* (**the Agreement**), the *National Employment Standards* (**NES**), and consultation on policies regarding Flexible Working Arrangements (**FWAs**).

FWA & CASA Undertakings/Guarantees

1. The Agreement provides for FWA conditions in clause 79, as below.

79. Flexible Working Arrangements

79.1. CASA, employees, and their representatives recognise:

79.1.1. the importance of an appropriate balance between employees' personal and working lives, and the role flexible working arrangements can play in helping to achieve this balance;

79.1.2. access to flexible work can support strategies to improve diversity in employment and leadership in the CASA;

79.1.3. access to flexible work supports capability, and can assist in attracting and retaining the employees needed to deliver for the Australian community, including employees located at a wider range of locations;

79.1.4. that flexibility applies to all roles in CASA, and different types of flexible working arrangements may be suitable for different types of roles or circumstances; and

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79.1.5. requests for flexible working arrangements are to be considered on a case-by-case basis, with a bias towards approving requests.

79.2. CASA is committed to engaging with employees and their representatives to build a culture that supports flexible working arrangements across CASA at all levels. This may include developing and implementing strategies through the Workplace Relations Group.

79.3. Flexible working arrangements include, but are not limited to, changes in hours of work, changes in patterns of work, and changes in location of work.

79.4. These provisions do not reduce an employee's entitlements under the NES.

79.5. The delegate must provide a written response to a request within 21 days of receiving the request.

79.6. Further information is available in the Flexible Working Arrangements Directive and Procedure.

2. The Agreement further protects the application of the NES as per clause 8, provided below.

8. NES Precedence

8.1. The terms of this Agreement are intended to apply in a manner that does not derogate from the NES. The NES will continue to apply to the extent that any term of this Agreement is detrimental to an employee of CASA in any respect when compared with the NES.

3. The following information was provided to CASA employees as part of the voting process for the new Agreement regarding the new clause 79, Flexible Working Arrangements, provided the following explanatory wording, and guarantee.

Reworded to adopt principles in APS SCC, with process and administration to remain in relevant Directive and Procedure.

4. The reference in [3] above refers to the adoption of principles in the Australian Public Service, Statement of Common Conditions (**APS SCC**).

5. The reference also refers to a guarantee that the CASA Directive and Procedure (referring to internal policy documents) would be limited to the '**process and administration**' (**emphasis added**).

6. The guarantee to CASA employees as part of the new Agreement, was to adopt to APS SCC principles (regarding the FWAs), and that this a guarantee provided in the voting process as per s.180 of the *Fair Work Act 2009* (Cth).

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7. CASA has therefore made undertakings that the minimum standards for all CASA employees Flexible Working Arrangements, policies will be (at a minimum) in accordance with the NES, clause 79 of the Agreement, and as per the explanatory materials and guarantees provided.
8. The principles of the FWA and surrounding process and administration in the APS SCC document do not reflect the same information as provided for in the CASA draft policies, and we are of the view there is significant work to be undertaken to address concerns.
9. As the NES outlines a significant process for the FWA (and is the minimum safety net for all national system employees) this establishes the minimum standards of the policy. Therefore the CASA policy documents should reflect the NES, and/or provide improved process. An important part of consultation is for the parties to understand the workplace rights of our members will be upheld in the policies.
10. The AFAP view that the CASA policy documentation, establishes arbitrary and inflexibility in various areas in the management of an agreed FWA. The process to terminate or vary an arrangement needs to include the considerations of the psychological welfare and impact on individuals and families, the day-to-day workplace health and safety considerations.
11. The AFAP are seeking to consult with CASA, and all the interested stakeholders regarding the FWA policies. The AFAP seek an outcome that results in fair FWA policies that appropriately align to the existing Agreement (including guarantees), NES, and APS SCC principles.
12. We seek clarification on CASA position to the following and relationship to the draft policies, manual and directive for the Flexible Working Arrangements.
 - a. The principles of the Flexible Work Arrangements in the APS SCC,
 - b. The policy documents (manual and directive) are limited in scope to process and administration,
 - c. The NES processes will serve as a minimum standard in the policy documents,
 - d. Additional information regarding the process to dispute(s) and review processes due to various applications available, and are correctly advising employees of their workplace rights, either via disputes as per the Agreement, the NES, or administrative decision reviews.

Consultation Dispute

13. The AFAP sought to collaborate with CASA by providing notice a timeframe was unable to be met, and were able to respond on 3 July 2025.
14. CASA did not respond appropriately to the AFAP notification, in place of this reasonable notice the AFAP received confirmation that no extensions would be allowed.
15. The AFAP support a WRG meeting to take place to discuss the FWA policies.

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16. However, the AFAP have a concern that CASA may be seeking to remove agreed conditions in the Agreement, NES and further seek to remove guarantees on conditions that were provided during bargaining.
17. The AFAP view the matter will remain in dispute until all concerns are addressed.
18. The AFAP reserve all rights regarding the dispute resolution procedures and/or other appropriate mechanisms to resolve outstanding concerns.
19. Please respond to the AFAP within 7 days of this correspondence via email to jason@afap.org.au .

Regards,

Jason Newell
Senior Industrial Officer

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