

BEFORE THE FAIR WORK COMMISSION

AG2022/5615

Application by Justin Gusset - Application to terminate the *Apple Retail Enterprise Agreement 2014*

WITNESS STATEMENT OF LISKA FELL

I, **Liska Fell**, make the following statement based on my knowledge and belief, unless otherwise stated.

1. I have been employed part-time by Apple as a Specialist at its Charlestown store since August 2021.
2. My duties involve assisting customers with purchasing Apple products, basic troubleshooting, and helping customers arrange contracts with their mobile phone carriers as well as any financing they might need to buy the product. I also help customers book in for appointments and do greeting duties.
3. At Apple, rosters are finalised about 2-3 weeks ahead of the shift. I am required, however, to give at least four weeks notice when taking any days off.
4. Unfortunately, I find Apple's rostering requirements very difficult. In particular, when Apple rosters me six days in a row or when I am not rostered to have any consecutive days off for more than a week at a time, I often find myself exhausted and stressed.
5. On perhaps four occasions in the last year, after I have been rostered in this way I have felt very run down and subsequently contracted a cold or flu-like illness which I would deem to be on the "serious end", and generally lasting for a week or two. I often use unpaid leave because I have used up my paid personal leave because I am so frequently ill.
6. I feel I am more susceptible to illness when I am exhausted from working and have not had a sufficient break in between rostered days off.

7. For example, recently I came down ill and took sick leave from on 29 January 2023. At that time, I had not had more than one day off in a row since 16 January 2023, and I estimate that I was working around 35 hours per week. I attach as **LF-1** a copy of the records of the shifts I worked for the 15 January - 30 January 2023 period.
8. During that time, I recall feeling physically exhausted and run down. I remember thinking myself many times during the period that I "*just have to make it until I get a couple of days off*". When I come to work when working that much, I feel like I'm putting on a mask just to have enough energy to do my job.
9. Not being granted consecutive days off, and also being required to be available on weekends, also impacts my ability to see my family and friends.
10. In particular, I find it very difficult to attend family events when I need to travel down to Sydney to visit my grandpa who is in an aged care facility.
11. My grandpa has dementia, which has deteriorated over the past year. It is increasingly less common that he is lucid enough to receive visitors.
12. Because I live in Newcastle, when I would travel to visit my grandpa I would stay overnight in Sydney. Usually, my family visits as a group together, and for most of them the only time they can do that is on weekends, so that is when visits are scheduled.
13. At Apple, we are required to give at least four weeks' notice before we take any time off. Because of the unpredictability of my grandpa's condition, it is impossible to take time off to see him when he is well enough to see me, because we never really know when that will be.
14. There have been perhaps two or three times over the past six months where my family has arranged visits to my grandpa on shorter notice than four weeks during periods where he has been relatively lucid, but I have not been able to attend because I have been working that weekend.

15. Nowadays, my family expects that when they arrange activities on the weekend, I won't be able to attend because I am working. If by some miracle I can attend, they treat it as a lucky surprise.
16. It is really hard not being able to see my family and my grandpa as often as I would like. The last time I saw him was in December 2022, and before that, August 2022. I have had to accept that every time I see him when he is coherent it might be the last time we can have a conversation, because I don't know when I'll be able to see him again.
17. Unfortunately, I also find it very difficult to catch up with friends, particularly at larger social gatherings which are usually scheduled on weekends when most people are free. In the past, I would have felt "FOMO" (or "fear of missing out") when I had to miss events on weekends because I was working, but now I have learned to accept that it is simply how it is at Apple. It is far from ideal, however, and I do wish I could have weekends, or at least a rotating weekend, off in a predictable way.
18. Apple is what I think of as my first "proper job". Before Apple, I had only ever worked in admin roles for very small businesses. Apple is the first place I have ever worked with a rostering system, and until recently I took it as granted that the way Apple was rostering me and my colleagues was normal for retail. I now know that my situation at Apple is unusual, and that it is normal for part-time workers have set times they work which have to be agreed, and can't be made to work more than six days in a row.
19. Around the middle of February 2023, I had a conversation with my line manager Kane Pyper who told me I could request to have two regular scheduled unpaid days off, as well as a third if I request it with four weeks in advance. Following this, I applied in Apple's scheduling application "Workjam" to have Monday and Tuesday off. I had not done this previously because I mistakenly believed that if I already had two regular unpaid days off then I would not be permitted a third, and wished to have the flexibility of having a Saturday or Sunday off when needed.

20. The times I have requested off are expressed in Workjam as “preferred unavailable”, so it is unclear to me if these days are guaranteed off, or if Apple will roster me on those days if they need to do so.

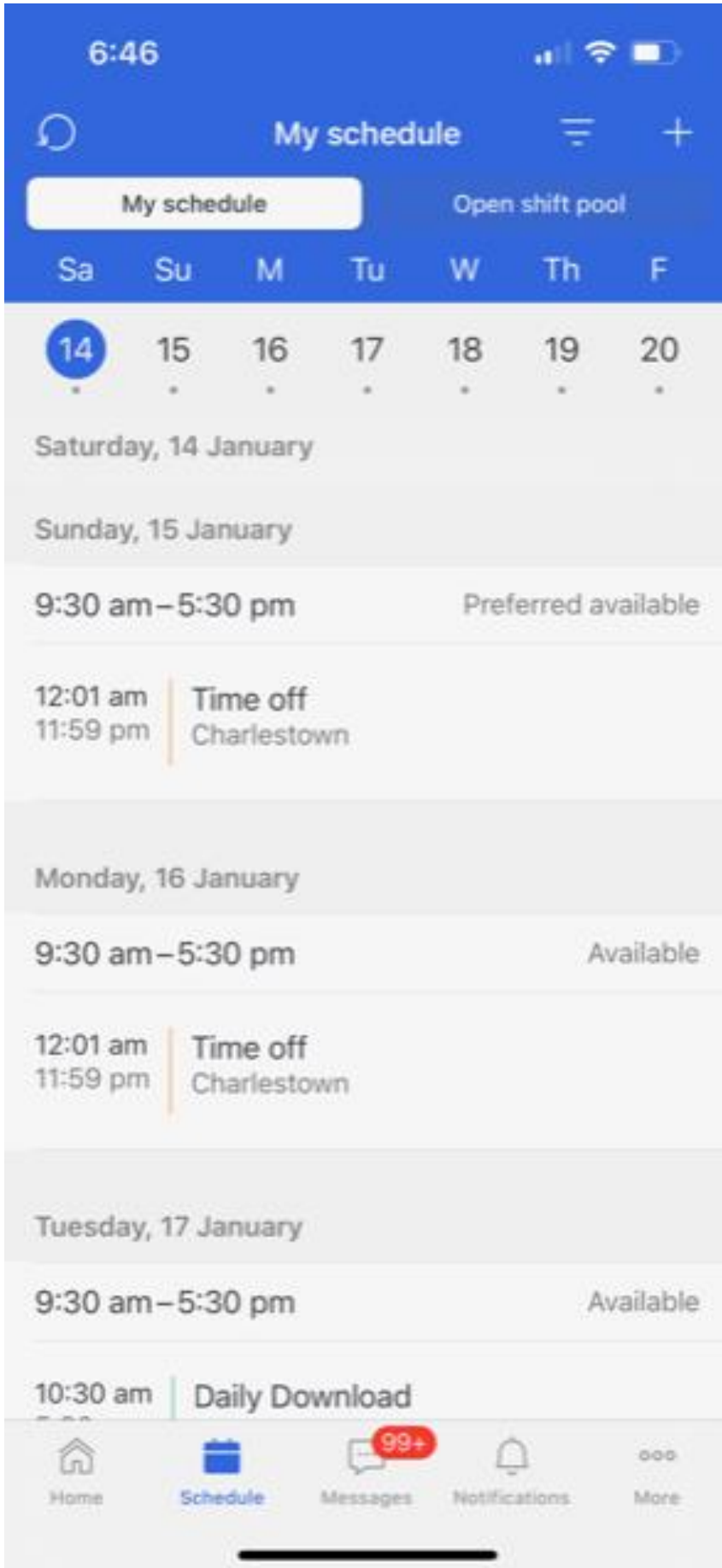
21. I am hopeful that by requesting these days off I can see my family, friends and my grandpa more easily, which I don’t think is asking much. My experiences from when I first started working in August 2021 to now have been very stressful for me, and it would have been much better for me if I had been able to set my days off and agree when I was available to work by default when I had been first hired instead.

Liska Fell

22 March 2023

A handwritten signature in black ink, appearing to read 'Liska Fell', with a large, stylized flourish at the end.

LF-1



6:46



My schedule



My schedule

Open shift pool

Sa

Su

M

Tu

W

Th

F

14

15

16

17

18

19

20

Monday, 16 January

Tuesday, 17 January

9:30 am – 5:30 pm

Available

10:30 am | Daily Download
5:30 pm | Charlestown

Wednesday, 18 January

9:30 am – 5:30 pm

Available

10:30 am | Daily Download
5:30 pm | Charlestown

Thursday, 19 January

9:30 am – 5:30 pm

Available



Home



Schedule



Messages

99+



Notifications



More

6:46



My schedule



My schedule

Open shift pool

Sa Su M Tu W Th F

14 15 16 17 18 19 20

Wednesday, 18 January

5:30 pm | Charlestown

Thursday, 19 January

9:30 am – 5:30 pm Available

10:30 am | Daily Download
3:30 pm | Charlestown

Friday, 20 January

9:30 am – 5:30 pm Available

9:30 am | Daily Download
5:30 pm | Charlestown

Saturday, 21 January



Home



Schedule



Messages

99+



Notifications



More

6:47



My schedule



My schedule

Open shift pool

Sa Su M Tu W Th F

14 15 16 17 18 19 20

Friday, 20 January

Saturday, 21 January

9:30 am – 5:30 pm Preferred available

9:30 am | Daily Download
5:00 pm | Charlestown

Sunday, 22 January

9:30 am – 5:30 pm Preferred available

Monday, 23 January

9:30 am – 5:30 pm Available

9:30 am | Daily Download
5:30 pm | Charlestown



Home



Schedule



Messages

99+



Notifications



More

6:47



My schedule



My schedule

Open shift pool

Sa

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21

22

23

24

25

26

27

Monday, 23 January

Tuesday, 24 January

9:30 am – 5:30 pm

Available

Wednesday, 25 January

9:30 am – 5:30 pm

Available

10:30 am | Daily Download
5:30 pm | Charlestown

Thursday, 26 January

9:30 am – 5:30 pm

Available

9:30 am | Daily Download
4:00 pm | Charlestown

Friday, 27 January



Home



Schedule



Messages

99+



Notifications

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More

