

# Statement

No. AG2022/5615

Fair Work Commission

## Justin Gusset

Applicant

## Apple Pty Limited

Employer

Statement of: Reshaad Bader

Address: c/o Level 3/20 Martin Place Sydney NSW 2000

Occupation: Store Leader

Date: 8 June 2023

I, Reshaad Bader, say:

1. I am employed by Apple Pty Ltd (**Apple**) in the position of Store Leader, which I have held for around a year.
2. My usual position is Senior Manager, which reports to the Store Leader position.
3. I first commenced in the Senior Manager in August 2014.
4. I have worked from Apple's Brisbane store for the last 3 years.
5. In my position, I am responsible for the overall management of the Apple Brisbane store.
6. As Store Leader, I directly supervise two Senior Managers, Elise Craddock and Robin Sharpe, and six Managers, Asher Smith, Hendrik Van Aswagen, Nic Wright, Jacob Stuart, Ainsley Moore and Bayaan Al-majzoub Khizar.
7. My current position as Store Leader is temporary, as I am covering an employee on parental leave. This is known as an interim leadership program at Apple. This means that once the program is completed, I will return to the Senior Manager position. I am paid a higher amount than my substantive salary for the duration of the program.
8. I have been employed by Apple for over 11 and a half years.
9. I have been provided with:
  - (a) the statement of Justin Gusset dated 23 March 2023 (**Gusset Statement**);

Filed on behalf of Apple Pty Limited

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(b) the statement of Brenda Harris dated 21 March 2023 (**Harris Statement**); and

(c) the statement of Wilda Fong dated 22 March 2023 (**Fong Statement**).

10. The structure of this statement is to outline broadly applicable evidence about Apple's Brisbane store relevant to each of the above statements, before then turning to respond to those statements individually.
11. I do not respond to other aspects of any statement. If I have not responded to a particular matter, it should not be taken that I am agreeing or accepting what is said.

### **Apple Brisbane**

12. Apple's Brisbane store is located in the MacArthur Central Shopping Centre in the Brisbane CBD.
13. The Brisbane store opening hours are from 9 am each day, until:
  - (a) 6 pm Monday to Thursday;
  - (b) 9 pm Friday;
  - (c) 5 pm Saturday; and
  - (d) 4 pm Sunday.
14. Employees may be scheduled 2 hours before opening time, from 7 am each day, to undertake repairs before trade. Employees may also be scheduled 1 hour after closing.
15. We are a large store with around 130 staff employed to work from this location.
16. The majority of these employees work to specific hours to accommodate their personal circumstances and preferences.
17. For instance, employees access, and are encouraged to access, flexible working arrangements where appropriate. A flexible working arrangement is an enforceable agreement with Apple and an employee to ensure their hours of work align with their personal circumstances where the employee has substantiated a particular need for this. Out of around 130 employees, approximately 25 employees are on approved flexible working arrangements.
18. I am one of these employees. I work on a flexible working arrangement. I am a single parent of three school aged children, which means that I have limited hours of work at times. I do not work past by 4 pm on a Tuesday and I do not work Saturdays. I find Apple to be accommodating and supportive of my life outside of Apple.
19. The Brisbane store also employs a large number of part-time employees. The Brisbane store employs 30-40% full-time and up to 70% part-time employees. These part-time employees are mostly students who have limited and variable hours of work which change throughout the year. These employees are all scheduled based on their availability, taking into account their preferences throughout the year.

20. Because the Brisbane store is a large CBD store, we are a busy team. There are frequently additional, available shifts for part-time employees to work if they elect to do so. This is true throughout the year, as well as in our peak periods based on seasonal demands, such as over the December and Christmas period, or where there is a new product launch.
21. In January 2023, following the busy December period, part-time employees were scheduled lower hours than had been the case in the previous few weeks where employees were scheduled higher hours. In my experience, this is common in retail and was the same or substantially the same as previous January averages at the Brisbane store.
22. I do not regard this as a 'cut' of the employees' hours; it is an adjustment following the end of the December period.
23. Leading up to the end of 2022, part-time employees in the Brisbane store were being scheduled to work an average of 23 to 25 hours each week and were typically picking up additional shifts.
24. In January 2023, part-time employees in the Brisbane store were being scheduled to work a minimum of 19 hours each week. This was no different to January in any other year.
25. By the third or fourth week of February 2023, part-time employees in the Brisbane store were being scheduled to work an average of 23 to 25 hours each week. As I described in paragraph 23 above, this matches the usual 13 week trend for this quarter. Around this time, the Brisbane store becomes busier, as some part-time employees returned to university and other study, employees were promoted and employees updated their availability for the year.
26. Even in January 2023, but as a general comment on shift availability in the Brisbane store, there are often available shifts that employees can pick up.
27. If an employee is interested in picking up additional shifts, the employee reviews Apple's scheduling application, called "*WorkJam*", to see if there are shifts that suit them to work and, subject to some rules about hours of work and positions (which I give examples of below), can be automatically allocated to that shift at their election.
28. Some of these rules include at least a 12 hour break between shifts, picking up a shift that would mean an employee worked 7 days without a day off, and shift swap within a "*job family*". By "*job family*" I mean the type of position an employee works in, and related jobs with similar skillsets that the employee could perform in without further training.
29. In addition to this automatic process, where an employee is unsure about information in WorkJam or needs any assistance, employees are encouraged to speak to their leader or manager. All employees are informed during recruitment, core training on

commencement and at routine catch ups in the first months of employment about scheduling practices.

30. I will also remind employees about the available shifts. I recall one conversation that I overheard where an employee said that they had fewer shifts than they expected and this impacted their take home pay, which worried them. I said to them privately after I overheard this *"I heard what you said before. There are hours and shifts available if you are free to work at those times, including across roles"*. When I discussed with this employee what shifts were available, the only days and hours that suited them were in a different role which the employee did not want to do, so the employee declined these additional hours.
31. Through specialised training about Apple's systems, employees are aware and capable of amending their availability and preferences. Employees can also complete other functions, including *"shift release"* (which will release a shift the employee was scheduled to work to a peer, without the employee taking on an alternate shift), picking up a shift (where an employee who is not already working is able to select an available shift, either in their position or an analogous position, and no matter their usual availability), entering leave, entering ad hoc unavailability or accessing accrued compensatory time (which is also known as time off in lieu, or TOIL).
32. Employees are also trained in Apple's workplace policies, which they can access on Apple's intranet. This includes its policy on making a flexible working arrangement if this is appropriate for them. The high number of employees working under a flexible working arrangement indicates to me that there is good awareness of this entitlement at the Brisbane store.

### **Response to Gusset Statement**

33. I know Justin Gusset as Gus, which is how colleagues refer to him in the Brisbane store. Gus worked at the Brisbane store before I began at the store.
34. Gus is employed as a Genius.
35. Gus earns a minimum hourly rate of \$37.05.
36. Where paragraph 3 of the Gusset Statement states that Genius employees *"implement training to other workers such as Specialists assisting customers with carrier contracts"*, this is not part of the Genius role.
37. A carrier contract is a contract between a customer and a telephone and communication network provider such as Vodafone, Optus or Telstra. The customer leaves the store with a phone from Apple, and a phone plan from this third party.
38. Assisting a customer with this task is not something that a Genius would do, nor would a Genius *"implement training"* to Specialists to do this task. This task is generally carried out in the sales part of a store, which is known as the Product Zone, and a Genius employee would never be rostered to work in this area to carry out their Genius duties.

On rare occasions, such as after a product launch, a Genius may be in the Product Zone, but the vast majority of the time outside of these one-off events, a Genius does not work in the area where customers are assisted with carrier contracts.

39. A Genius may interact with a customer on the topic of a carrier contract if speaking with a customer during their usual tasks, such as repairing an iPhone, to inform the customer that Apple can assist them in this way. This would be limited to the Genius, whilst undertaking their repairs, saying to the customer something to the effect of "*Did you know that Apple can help with a carrier plan? You can trade in your iPhone and sort out your plan here*", before then handing the customer over to a colleague if the customer is interested in this.
40. Mentoring and knowledge sharing around carrier contracts sits with other roles, the Expert and Pro roles, not a Genius role.
41. In response to paragraphs 4 and 5 of the Gusset Statement, I have never heard from Gus that Apple has not met his expectations as an employer. My experience as an employee of Apple is that, while we work in a retail establishment and are focused on customer service, Apple is a great place to work and the conditions of employment are not only fair, but generous.
42. Gus is an engaged employee who, I believe, freely expresses his views to managers and leaders. While I have never heard Gus express the sentiments in paragraphs 5 to 7 of the Gusset Statement before I read these paragraphs, Gus regularly shares his views about Apple's processes and practices where he has feedback. For example, a Genius uses an application called Mobile Genius to assist them in their repair work. Depending on the information a Genius puts into Mobile Genius, it will produce a proposed resolution to the issue with a product. I know that Gus has readily given feedback that the proposed resolution and automation in the application could be improved and streamlined.
43. Other than examples like this, Gus has never raised any complaint or concerns about the working conditions at Apple to me, and I am not aware of Gus raising complaints or concerns to other managers or leaders.

#### Scheduling at Apple

44. In response to paragraph 11 of the Gusset Statement, I have reviewed Gus' work pattern and confirm that he has regularly been scheduled to work on weekdays with rare weekend work since June 2022. Since that time, Gus has worked on weekends only on 12 occasions on the following dates: Sunday 3 July, Saturday 30 July, Saturday 27 August, Saturday 17 September, Saturday 24 September, Sunday 11 December (which I note was for a 3 hour meeting), Saturday 25 February 2023, Sunday 5 March 2023, Sunday 12 March 2023, Saturday 15 April 2023, Saturday 22 April 2023 and Saturday 29 April 2023.

45. Based on the summary of Gus' hours of work, Gus rarely works on weekends and almost always has two consecutive days off.
46. At Apple, a person's schedule will be based on their position, the pool of available employees to take up shifts based on individual's availability and preferences. As Gus is a full-time employee, and, for example, we have poor availability on Monday to Wednesday because a lot of our employees are university students who are not available on these days, Gus will be scheduled to work shifts during these weekdays unless he is not available.
47. Although Gus has not worked weekends for some time, it is common that staff regularly work weekends given the retail nature of the business. I regularly work weekends. There is no systematic reason why Gus does or does not regularly work weekends as the centralised scheduling software takes into account availability but not distribute weekend days off based on any other metric.
48. I am also aware that Gus has recently been releasing his shifts where he has been rostered to work, which has created more time off.
49. In response to paragraph 12 of the Gusset Statement, in the 5 week period Gus identifies, Gus did not approach me about his schedule. Where full-time employees are scheduled to work over 5 or 6 days in the week, the employee can approach a Manager to amend their shifts after the roster is published, request time off or release a shift and pick up an alternate shift. The flexibility of Apple's rostering system permits all of these actions, and so there is no reason that Gus could not have arranged for more than 2 days off.
50. In response to paragraphs 12 to 16 of the Gusset Statement, Gus did not indicate to me, in any way, that he was exhausted in April to June 2022, or at any other time. If I heard that Gus was exhausted, was tired all the time, had trouble sleeping, felt work was causing him to feel unable to wind down or that he did not have sufficient time to catch up on sleep or chores at home, I would have approached Gus to understand how I could assist him. If I do not hear from employees that the schedule, which is created and published taking into account employee's availability and shift preferences, is not suitable to them in any particular week or roster period, then I cannot take steps to support them.
51. I am not aware of Gus approaching any leader or manager about his schedule at any time. Because of the scheduling system at Apple, we can be flexible and accommodating of employee requests at most times. Unless there is a period of high activity, such as a new product launch or around a busy period like December, employees should assume that their change requests can be accommodated. Even at those periods of high activity, leaders and managers would always ask "*how could I make this change request happen?*"
52. As a rule, employees are scheduled to have at least a 12 hour break between shifts.

53. I have only had one conversation with Gus about his sleep and this happened in early April 2023. This was a casual conversation where I asked Gus "*how are you?*" and Gus volunteered that he was tired and was having difficulty sleeping.
54. In response to paragraph 16 of the Gusset Statement, Gus has not submitted any informal request or request for a flexible working arrangement to help him with the situation he describes, and the first time I have heard that he has previously or currently has issues with his sleep is when reading the Gusset statement.
55. In response to paragraph 19 of the Gusset Statement, I am not sure what Gus is referring to as a rostering practice in 2020. This may have been a COVID related issue. I also think, based on my experience at Apple, he is referring to "*preferred time off*" instead of rostered time off. The difference is preferred time off relates to an employee's availability to be scheduled whereas rostered time off can be selected by an employee who wants to refuse a shift that has already been scheduled.
56. In response to paragraph 20 of the Gusset Statement, if Gus wanted to be absent on a particular day in the future, he could request rostered time off (or an RTO). An RTO is requested prior to the schedule being published and, when scheduling, will be approved where there are a sufficient number of employees who are available on that day. If there are too few employees (for example, for pre-approved leave or employees' specific hours requirements like a flexible work arrangement), then an employee would be scheduled to work despite their request for an RTO. However, if this does happen, or an employee would like an RTO for a day they are scheduled to work after the schedule has been published, an employee would partner with a Manager to release them from that shift and work with the employee to find a solution. I cannot remember a situation where an employee has approached me to assist them in this way and they have remained scheduled for the shift they are seeking to be released from.
57. I have never heard from Gus that the need to apply for leave to be absent from work is frustrating. Gus has not raised the issue in paragraph 20 of the Gusset Statement to me in the past.
58. In response to paragraph 21 of the Gusset Statement, I reiterate that Gus does not have unpredictable rostering. Gus has had, other than a handful of instances, both weekend days off since June 2022. Gus is also able to raise issues with his availability for particular days, or part days, to ensure he has time off for personal activities. I have never heard from Gus the complaints he makes in paragraph 21 of the Gusset Statement.
59. In response to paragraph 22 of the Gusset Statement, I have heard Gus speak about his parents but was not aware that he was providing the care and support he describes in his statement. In these circumstances, Gus is able to make request a flexible working arrangement to care and support his parents. As I have described above, this is common at Apple and something which many employees at the Brisbane store access

and are supported to continue, including me. To date, Gus has never made a request for a flexible working arrangement.

60. In response to paragraph 23 of the Gusset Statement, I disagree that it is rare that Gus has two days off in a row. Gus has received two days off in a row for almost 12 months.
61. In response to paragraph 24 of the Gusset Statement, I am not sure what significance the date of 15 February 2023 has for Gus but it is not significant in terms of scheduling at the Brisbane store.

#### Hours of work at Apple Brisbane in January 2023

62. In response to paragraph 17 of the Gusset Statement, I disagree that any employee received a 'cut' in their hours of work for the reasons outlined in paragraphs 20 26 above<sup>109(a)</sup> below.
63. There is no reason for an employee to release their shifts in order for a part-time employee to receive additional hours of work. It is not clear to me what Gus means when he states that in January 2023 he was being "*rostered too many days in a row*", as his scheduling has remained substantially Monday to Friday since June 2022 (see paragraphs 44 and 45 above).
64. I note that Gus' current annual leave balance is over 232 hours.

#### **Response to Harris Statement**

65. Brenda is a Technical Specialist who has worked from the Brisbane store for about the same period of time as I have work from this store.
66. Brenda's hourly rate is \$31.62.

#### Hours of work at Apple Brisbane in January 2023

67. In response to paragraphs 3 to 8 of the Harris Statement, I refer to paragraph 62.
68. I disagree with Brenda's suggestion that there is generally competition for available hours of work for employees at the Brisbane store. There are generally shifts that are available to all employees that 'go to waste' because employees do not pick them up; this includes over the start of 2023. There is no reason any part-time employee should describe the availability of additional shifts as an exercise in "*scrounging for any work*" given the excess hours of work available at the Brisbane store.
69. Brenda has never raised any issues with me about the use or functionality of WorkJam. It is widely commented at Apple Brisbane that WorkJam is not the best platform and could be updated and improved. However, there is nothing about WorkJam that hinders scheduling or picking up shifts; that it one if its core functions.
70. In response to paragraph 6 of the Harris Statement, I have not had a conversation with Brenda about her hours of work or extending the length of her shifts. However, as a



leadership group, both managers and I speak with staff to inform them that there are shifts available.

#### Consecutive days off

71. In response to paragraph 7 and 8 of the Harris Statement, I am aware that Brenda's son recently had an accident at the start of the year. I have personally offered Brenda support and I know that other leaders and managers at the Brisbane store have too. When I have spoken to Brenda, I have indicated that we would do our best to provide whatever support she might need and have checked in on her wellbeing.
72. As I have described in paragraphs 18 and 56 above, my view is that Apple Brisbane has a supportive environment with a number of employees working part-time including about a third of current employees working in accordance with a flexible working arrangement. This allows employees with different personal circumstances to ensure they have days and hours of work that do not conflict with the need to care and support their families.
73. In response to paragraph 9 to 13 of the Harris Statement, Brenda is a part-time employee and can indicate her availability to take consecutive days off. This has always been the case.
74. Brenda has had 2 to 3 consecutive days off every week for the period 4 June 2022 to the date of this statement. Currently, Brenda has indicated that she is not available to be scheduled on Monday and Tuesday.
75. In response to paragraph 11 of the Harris Statement, I was not aware that Brenda felt burnt out at the end of 2021 or any time around this period. Brenda is a genuinely open person and has good rapport with all managers and leaders, and has good relationships with her managers and leaders, and I consider that Brenda would have opportunities to have raised this, including with me. I have never heard from Brenda that her hours of work, work pattern or scheduling has affected her in any way. To my knowledge, Brenda has never raised this with leaders or managers at the Brisbane store before making the Harris Statement. She has not raised this issue with me.
76. I am glad to read in paragraph 12 of the Harris Statement that Brenda's two consecutive days off are valuable to her and allow her to care and support her son.
77. In paragraph 13 of the Harris Statement, Brenda suggests a rotating weekend roster to ensure she maintains connection with her friends on weekends. This is possible to do at the moment although it is not something that Brenda has raised with me. As a retail business, Apple is generally busiest over the weekend and so our staff are scheduled to work during these times. This does not mean that there are no exceptions to this rule.
78. Currently, a part-time employee is able to take weekend days off as unavailable or on annual leave where they indicate this is their availability for particular weekends or applies for leave in accordance with Apple's usual processes. There is no issue with staff taking off particular weekends and this is common. I have never heard from Brenda that

she has difficulties applying for leave or has attempted to take a weekend day off to see friends or family over the weekend; if I had heard this, I would have assisted Brenda to secure this time off as I do with other employees if this is raised with me.

#### Shift end and start times

79. In response to paragraphs 14 and 15 of the Harris Statement, Brenda is describing hours of work mixed with her travel time, family responsibilities and how she organises her attendance at work.
80. While I do not discount her experiences and would be happy to assist her to ensure her schedule better suits her personal life and demands on her time, Apple schedules employees to have a minimum 12 hour break between shifts. If this break is not sufficient, or other factors impact on employees feeling that they have had a sufficient break between shifts, employees should raise this so it can be addressed. Brenda has never raised the matters in paragraphs 14 and 15 of the Harris Statement and I have heard about them for the first time since reading the Harris Statement.
81. From my review of Apple's employee records, recently, Brenda was scheduled and worked the following instances of a Friday late shift and a Saturday early shift: 12 and 13 August 2022, 16 and 17 December 2022 and 3 and 4 February 2023.

#### **Response to Fong Statement**

82. Wilda is also a Technical Specialist in the Brisbane store. Her minimum hourly rate of pay is \$31.85.

#### Hours of work at Apple Brisbane in January 2023

83. In response to paragraphs 7 to 19 of the Fong Statement, I refer to paragraph 62.
84. In response to paragraph 7 of the Fong Statement, I am shocked to read that any person in the management team said words to the effect "*that Apple had been cutting hours because they were going to send more devices to an external repair depot*". I am shocked because the statement is not true.
85. Around a year ago, Apple engaged a third party company to carry out repairs to some Apple technology offsite. This is what I understand is being referred to as the "*external repair depot*". I know that this decision was taken in an effort to support the retail team, by managing volume and to ensure that customers are not waiting longer than necessary or appropriate because of demand on the in-store team. This decision has nothing to do with reducing staff numbers or staff hours and has not affected the total number of staff or available hours in the past year at all, in any way. As a Store Leader, responsible for overall financial and staff performance for the Apple Brisbane store, there is no metric that the store is measured against by reference to the use of this support service. There is no decision or intention to increase reliance on the third party company.

86. Because there is no decision or intention to increase reliance on the third party company, there was no change in the available hours for staff in January 2023 for this reason.
87. The comment also does not make sense from an operational perspective. Wilda's hours of work, as a Technical Specialist, do not relate to the volume of repairs booked in either in store or out of store. Wilda's responsibilities sit outside of these tasks.
88. In response to paragraph 7 of the Fong Statement, it is also not true to state that Apple was, or is, "*no longer rostering for projected sick leave*".
89. Apple does not schedule its employees by reference to anticipated personal/carer's leave. This leave is unplanned leave and cannot be projected. It would be speculative to estimate the days or part days, or number of hours, that an employee may potentially takes personal/carer's leave.
90. What actually happens at Apple is for employees who can no longer attend their scheduled shift to release that shift or, if they need to take unplanned leave if, for example, they are sick, they access their paid personal/carer's leave in the ordinary way and the system automatically releases that shift. If another employee is available to pick up this shift, they may then do so as it will be free in the pool of available shifts.
91. In response to paragraph 10 in the Fong Statement, I recognise the employees Wilda is referring to here. Neither Jack and Lisa have raised any financial distress with me. I do not want to go into detail about these employees' attendance for the purpose of this statement, but I was shocked to hear that these employees would raise concerns about their hours of work. Both employees have a pattern of releasing shifts they are scheduled to work, and consistently work fewer hours than they are scheduled to work. Both employees have also exhausted their accrued personal/carer's leave and take unpaid leave as a result. I estimate that this happens every other week on at least one shift for each employee. As at the time of this statement, both employees have no balance of accrued personal/carer's leave because they have taken this leave and, even so, access unpaid personal leave and release shifts frequently.
92. In response to paragraph 11 of the Fong Statement, Wilda's hours of work have remained largely the same in January 2023 in the following months. I am aware from Apple's employees records that Wilda has been scheduled to work an average of 24 hours per week but that she has worked an average of 28.5 hours per week. In my experience, this slight increase is typical without additional shifts being worked by an employee, although (as I have described in paragraph 26 above), additional shifts are almost always available to employees at the Brisbane store.
93. In response to paragraph 12 of the Fong Statement, it is not true to say that WorkJam, as an application, has a delay before shifts released by employees are visible for other employees to pick up. From my observations and experience, this is instantaneous. Wilda has never spoken to me about any delay in this function when she uses WorkJam.

94. In response to paragraph 13 of the Fong Statement, I disagree with Wilda's recollection. This conversation did not happen as Wilda describes.
95. I recall speaking with Wilda around the end of January 2023. I do not remember the specific date, as the conversation was not significant to me at the time.
96. I did not say "*I don't have any ability to increase your hours. But you could call the store in the morning of your shift to ask if it could be extended*", or words to that effect.
97. It is true that as Store Leader, or Senior Manager, for the Brisbane store, cannot create shifts. Available shifts are programmed as part of Apple's centralised scheduling and communicated to employees. Those shifts are then worked, or not worked if an employee is not available or no employee is scheduled or selects to work those shifts. Employees have the ability to increase the hours they ultimately work by picking up available shifts.
98. Wilda said to me words to the effect of "*I am getting less hours than I usually would.*"
99. I responded to Wilda "*There's open shifts, there's plenty of them. At the moment there are about 30 open shifts. You might not be able to see them in WorkJam where the shift is for a different position or there's been a last minute change. Always feel free to ask a manager if you've looked and cannot see open shifts to confirm if there are any available shifts, or longer shifts on days you're already working*".
100. I recall that Wilda commented that this was not obvious to her. Because of the training Apple employees receive about scheduling, and given Wilda has worked at Apple in the Brisbane store for over 4 and a half years, what I was saying to Wilda was telling her what she should already have known. Wilda would not be able to see all free shifts for other roles which she would be able to pick up, but all employees are encouraged to speak with managers or leaders about any questions they have including about scheduling.
101. I disagree that Wilda asked me to share what I told her in Hello. Hello is Apple's intranet. I also disagree that I said that I could not share information in Hello, or that I said "*spread the word for me*". This did not happen.
102. I did say to Wilda, given her comment that what I informed her about was not obvious to her, that "*if there are other people that feel the same way, they can come and talk to me, and I can explain this to them too.*" It is part of my role to make sure that all employees at the Brisbane store feel supported at work and I am always happy to answer employees' queries or concerns.
103. In response to paragraph 14 of the Fong Statement, I did not hear from any other employee in relation to queries or concerns I discussed with Wilda.
104. In response to paragraphs 15 and 16 of the Fong Statement, Apple's records indicate that Wilda was rostered for 20 hours, not 15 hours for the week beginning 30 January 2023 and 22.5 hours for the week commencing 6 February 2023.

105. In response to paragraphs 15 to 17 of the Fong Statement, I recall this meeting. However, the description of the purpose and content of the meeting is not correct.
106. I conduct a meeting every Friday at the Brisbane store. This regular meeting is a feedback session, called a Pulse session, where team members attend and share with me, as the management representative for Apple, what is working and what is not working. This is important to me, and I believe demonstrates to Brisbane team members that I am an open and transparent leader. Team members from across the store are scheduled to attend, with the aim to be that 8 team members will attend. Wilda is referring to one of these feedback sessions with me, which she attended.
107. I would have asked the group questions to the effect of “*what could be improved at the Brisbane store?*”.
108. I remember that Wilda speaking up about hours of work in that meeting but I do not remember if she said what is reproduced in her statement. I largely agree with the exchange in paragraph 16 of the Fong Statement. When I referred to 19 hours per week, this refers to the average minimum hours target for part-time employees at Apple.
109. In response to paragraph 17 of the Fong Statement, I do not remember having a second one-on-one conversation with Wilda about her hours of work and scheduling. However, I disagree with the contents of paragraph 17 for the following reasons:
- (a) the statement suggests that there are hours I “*was permitted to give to workers*”. I do not give hours to employees. Employees select hours from available shifts and, if required, I discuss with employees what available shifts there are as I have described above. I do not create the schedule, or roster employees;
  - (b) the statement suggests that I “*explained that [I] wasn’t able to give employees back their regular working hours*”. I disagree with this. Part-time employees at the Brisbane store did not have hours of work taken from them, and as I have set out in detail above, there was no hours ‘cut’. This is an inaccurate description of scheduling and hours of work at the Brisbane store including in January 2023. I did not say this or anything words to this effect;
  - (c) the statement that I provided “*a few extra shifts*” or “*extended*” shifts is not accurate. I have explained above how employees determine their working hours. In addition to this, because shifts are fixed in Apple’s scheduling system, there is no mechanism to extend a shift to “*provide extra hours*”. What happens is that an employee takes up a different or longer shift, or two separate shifts are merged.
110. Because I had an earlier conversation with Wilda about this so recently, I felt that Wilda raised this to Wilda wanted to turn this into a bargaining conversation with an audience.

#### Part-time employees picking up additional shifts

111. In response to paragraphs 18 to 21 of the Fong Statement, Wilda has never expressed to me that she requires additional shifts to earn a higher wage at any time.

112. As I have described elsewhere in this statement, there are available shifts at the Brisbane store that employees including Wilda can readily take on if it suits their availability. Wilda has never requested to work full-time, although I understand she has other employment outside of Apple. I see that Wilda does often pick up additional shifts. The flexibility of Apple's scheduling, which allows employees to easily pick up additional hours if they would like to do so, is of real benefit to our part-time employees because it allows them to add hours if they choose to work more, which has real benefits if (like Wilda) employees have other flexible employment.
113. I have never spoken to Wilda, or heard from others, that Wilda is stressed about her wages. When I have spoken to Wilda about her financial situation and personal circumstances outside of work, Wilda has informed me that she is financially "comfortable" particularly as she has no mortgage on her home. This is her business and a matter for her, and I only raise this because of the contents of paragraphs 18 to 21 of the Fong Statement which are contrary to what Wilda has described to me about her financial situation.
114. In response to paragraph 23 to 25 of the Fong Statement, I have never spoken with Wilda about her scheduling and Wilda has not indicated to me that she has particularly unavailability in order to fulfil family responsibilities. As described elsewhere in this statement, this is something that I feel Apple does well where employees have particularly availability or personal circumstances outside of work. Wilda describes that from January 2023 she has had difficulties with her hours, however, hours of work at the Brisbane store are at a regular level.
115. In response to paragraph 25 of the Fong Statement, there is no restriction in the system that prevents an employee from accessing accrued annual leave above 3.8 hours or 7.6 hours of work. Employees can enter another amount different to these two amounts. For example, if an employee would normally work 5 hours on a weekday, they can apply for the same amount of hours as annual leave and it will be automatically approved if they have this balance. The amount of leave does not need to correlate to a shift.

#### Classifications under the enterprise agreement

116. In response to paragraphs 26 to 28 of the Fong Statement, Wilda is a Level 1 employee. Level 1 and Level 2 are classifications in the *Apple Retail Enterprise Agreement 2014*.
117. Wilda has never indicated to me that she was unaware of her level under the agreement.
118. Wilda is able to access Apple's 'mypage', a human resources intranet site, which displays her employee details including her Level. This is visible for all employees.
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Signature of witness