

BEFORE THE FAIR WORK COMMISSION

AG2022/5615

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

Reply Statement of Amy Lowe

I, Amy Lowe, make the following statement based on my knowledge and belief, unless otherwise indicated.

1. On 22 March 2023, I made a statement (**First Statement**) in these proceedings. I continue to rely on that statement.

Statement of Dave Mottek

2. I have read the statement of Dave Mottek made on 7 June 2023.

3. I do not specifically comment on a matter in that statement, it does not necessarily mean that I agree with it.

4. Regarding paragraph [12], it is not true that Dave has worked with me for my entire employment at Apple. I began my employment in June 2017, and began working with Dave around October 2017.

5. Regarding paragraph [14], it is true that I resigned to go overseas for six weeks for a study tour to Mongolia in June 2019. This was because Apple refused to permit me to take leave for this period, although I made the request around December 2018 or January 2019.

6. Regarding paragraphs [15] – [17], I clarify that my mentoring duties are those I have adopted at Apple's encouragement to share our expertise and knowledge with other workers. They do not form part of my formal responsibilities as a Technical Expert. I also do not supervise other workers.

7. Regarding paragraphs [18], Dave describes my

statement at paragraph 3 of my First Statement such that I am not aware of my hours or days of work at Apple. This is not true. To clarify, because I am a part-time employee, I do not have any agreed hours of work per fortnight, or set days of work per week. My hours and times of work change from week to week.

8. Regarding paragraphs [19] – [20], it is true that I can see and request my preferred hours of work. However, I would not be permitted, for example, to request that I do not work on both days of the weekend, or less than four days a week. WorkJam does not permit you to set preferred unavailability outside the parameters set by Apple – if you do so, Workjam will not permit you to finalise your choices.
9. Regarding paragraphs [23] – [24], I disagree that I have full transparency and a large degree of control over my hours of work. As I have explained, Apple’s rules in WorkJam would not permit me or other part-time employees to choose not to work both days on the weekends, or less than four days per week, if we wanted to do so.
10. While I agree that I can sometimes pick up ‘released shifts’, I do not agree that I have much control over the process. For example, I have set my notifications on my phone to alert me when a shift is released – but often when I click on it, as soon as it comes up, it will be available in one moment and gone the next without giving a reason. This means I have uncertainty from week to week about how many hours I might actually work.
11. Since around the start of the year, I have been trying to pick up more shifts because my rostered hours were cut at that time to around 25 hours per week from the 35-38 hours I was getting before that time. I have never experienced such a drastic difference in cuts before. Since then, I have made a concerted effort to pick up released shifts as early and as often as I can, as otherwise I lose several hundred dollars a week that I previously came to rely on.
12. Furthermore, any action in WorkJam, whether it be

setting availability, releasing a shift, or accepting a shift is subject to manager approval. The speed in which these actions are approved down to how fast the manager acts on it – this can mean shifts not being approved until the morning that the shift is due to start.

13. Regarding paragraph [28], I and other staff are often encouraged to clock in 5 minutes before and after our rostered shifts where required so we can check our emails, check our company notifications for announcements on Apple's internal "Hello" app, and set up or clean up for work that day. This would only add 5 or at most 10 minutes to my shift, and I disagree that it contributes in any significant way to how many hours I work per week. Usually when this occurs for me, it is because I haven't been able to do those tasks earlier because I am ending a shift in a customer interaction. When this occurs, I will partner with a manager to advise them as to why I am clocking off at the time I am. I estimate this occurs once every three or four shifts.
14. Regarding paragraph [29], I am not "rostered" 32.8 hours per week. I am usually rostered 3 or 3.5 full days shifts per week, at about 25-28 hours a week. I can usually extend a half day shift or a full day of work via released shifts as well.
15. Regarding paragraph [32], it is true that I have not raised any specific issues with Dave. There are other managers who have been in the store, such as DM Colgan or Jeremy Ngo, who I trust more and have a better relationship with. For example, recently I have not been regularly rostered on Sundays after a long period of doing so. I had become accustomed to the additional penalty rates that accompanied that Sunday work and wished to return to that roster. I have raised this concern with Jeremy, who is a senior manager at the store, on a number of occasions over the past month or so. Each time he has advised that he will raise a ticket or contact a person in the People Planning Operations team who are located in Singapore, but the issue has not been resolved.

16. Regarding paragraph [33], I agree that there are often less shifts given to part-timers after peak periods are over. However, the cuts that have occurred since January 2023 have been deep and consistent, which I have never experienced before. In years past, hours will normally recover around the end of January when many part timers return to university studies. This hasn't occurred this year, and Apple has not given a reason why.
17. Regarding paragraph [35], I was frequently sick during 2022, for reasons including the stress of my brother undergoing cancer treatments. I often took sick leave during this time. When you take sick leave from a rostered shift it is 'deleted' from your schedule on WorkJam. I was usually rostered 35-38 hours per week, but on reflection the amount I actually worked was likely lower than this because of my illnesses. I disagree that the amounts Dave is referring to are the amounts I was originally rostered for.
18. Regarding paragraphs [38]-[39], at least in my case I disagree that there are almost always available shifts for me to pick up. Since the hour cuts occurred at the start of the year, there are usually very few available shifts in Technical Specialist and Technical Expert roles in the open pool for employees to pick up. Prior to the hour cuts occurring, I agree that there were far more available shifts to be picked up.
19. Regarding paragraph [43], I don't agree that employees can change their preferred unavailability whenever suits them. Employee unavailability is subject to management approval and can be rejected.
20. For example, around the end of 2021 or the start of 2022, I applied to not work past 5pm on Thursday evening for a two week period before I was rostered. The approving manager Monica Moreschi (who was a Senior Manager in store at the time but is now a Senior Manager at the Perth City store) told me that if I wanted not to work on Thursday nights I should request rostered time off. I responded that I still wanted to work on Thursdays, just not past 5pm so rostered time off was not suitable. Monica did not

approve my request, and I was rostered for those evenings. Consequently, I had to seek out other workers to swap my shifts for the times I wasn't available.

21. As to paragraphs [51] – [53], a roster that that is constantly changing provided only two weeks in advance is not, in my view, enough time to sufficiently plan most things in life. Things like doctors appointments, specialists and even regular activities like getting dinner with a friend are all affected by this work schedule and the lack of predictability in this respect means that it is difficult to plan these things easily. A predictable schedule would mean being able to plan other parts of my life without having to worry about whether I'll be able to make it work with my job.



Amy Lowe
21 June 2023