

# Statement

No. AG2022/5615

Fair Work Commission

## Justin Gusset

Applicant

## Apple Pty Limited

Employer

Statement of: Dave Mottek

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

Occupation: Store Leader

Date: 7 June 2023

I, Dave Mottek, say:

1. I am employed by Apple Pty Ltd (**Apple**) as the Store Leader of Apple's Booragoon store and have worked in this position for almost 6 years.
2. I have been employed by Apple for over 15 years in retail management positions before working in the Store Leader position.
3. Before working at Apple, I worked in other retail management positions.
4. As a Store Leader, I am responsible for the operations and performance of the Apple Booragoon retail business. I am accountable for all functions in store such as shopping, support, operations and people.
5. As a Store Leader, I have 8 direct reports which make up the leadership team at Apple Booragoon. This consists of 2 Senior Managers, and 6 Managers.
6. I have been provided with the statement of Amy Lowe dated 22 March 2023 (**Lowe Statement**).
7. If I do not respond to other aspects of the Lowe Statement, this does not mean that I agree or accept what is said.

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**Apple Booragoon**

8. Apple's Booragoon store is located in the Westfield Shopping centre in Booragoon, a suburb in south Perth in Western Australia.
9. The Booragoon store opening hours are from:
  - (a) 9 am until 5:30 pm Monday, Tuesday, Wednesday and Friday;
  - (b) 9 am until 9 pm Thursday;
  - (c) 9 am until 5 pm Saturday; and
  - (d) 11 am until 5 pm Sunday.
10. Employees may be scheduled 2 hours before opening time, as early as 7 am each day. Employees may also be scheduled 1 hour after closing time on a Saturday or a Sunday, or 30 minutes on a weekday. This is the case for all positions.
11. Apple Booragoon is a relatively large retail store with around 125 employees, with 60 to 70 of these employees working on a part-time basis. We have 8 flexible working arrangements in place, across full-time and part-time employees, and a number of scheduling accommodations (around 24). These scheduling accommodations concern specific shifts, maximum weekly hours, temporary reductions in hours and allocation to specific zones and areas within the store.

**Response to Lowe Statement**

12. I have worked with Amy for her entire employment at Apple.
13. Amy's current actual hourly rate of pay is \$32.21.
14. In response to paragraph 1 of the Lowe Statement, Amy resigned from Apple to travel for an extended period of time. Amy later returned to work at Apple.
15. In response to paragraph 2 of the Lowe Statement, I agree that this generally describes the duties of a Technical Expert. However, I would make two corrections.
16. Firstly, a Technical Expert also has a role in repairing products, including physical repairs of iPhones.
17. Secondly, mentoring is not a scheduled task forming part of a Technical Expert's duties. Mentoring is common at Apple, and Amy would mentor other workers; however, this is not within the position's responsibilities. Mentoring of other employees may happen where an employee has previous experience completing a task and where they can, and choose to, field questions and offer advice to peers. I agree that Amy has good experience over a number of years at Apple and that her peers may ask questions of her

and seek her advice; however, it is not a scheduled task to mentor other workers and not expected of a Technical Expert to formally supervise others.

#### Hours of work for part-time employees at Apple

18. In paragraph 3 of the Lowe Statement, Amy states that she is not aware of her hours or day of work as an Apple employee.
19. All employees at Apple set their availability and preferred working hours. When doing so, part-time employees like Amy enter days they are not available to work, days that they prefer to not work, and any span of hours that they prefer not to work.
20. From this, Apple will schedule employees within their availability.
21. After the schedule is published, which happens 2 weeks in advance, employees can manage their own hours to a large degree, either by:
  - (a) shift release, which means opting to give away a shift that an employee has been scheduled to work; or
  - (b) shift pick up, which means where a part-time employee selects an available shift.
22. Employees can also partner with a Manager to otherwise configure their hours to suit them. What I mean by this is to discuss with a Manager what the issue is and collaborate to come to a solution that suits the employee and meets Apple's scheduling needs.
23. Apple's scheduling system may create a schedule with excess shifts if additional hours are required to meet customer demand for that specific roster period, but does not allocate every shift to an employee when the schedule is published. Employees also release shifts, which increases the number of shifts available for employees, particularly part-time employees. These are the available shifts that employees could pick up.
24. In this way, all employees have full transparency and a large degree of control over their hours of work.
25. The first that I was made aware that Amy finds Apple's scheduling system to be problematic or cause her difficulty outside of work was when I read the Lowe Statement.
26. In paragraph 4 of the Lowe Statement, Amy refers to average worked weekly hours in November or December 2022 of around 35 to 38 hours. These hours of work are excessive for part-time employees at the Booragoon store at most times of the year. In peak periods, some part-time employee may choose to work an average of 38 hours in a week.
27. Amy works longer hours than most part-time employees. I am aware that this is because Amy often will pick up available shifts to increase her weekly hours and I have heard

from Amy in our conversations at work that she is usually interested in working an extra shift or two in addition to her scheduled hours if she is available to work it.

28. Amy also will often arrive at work before her scheduled shift commences. Apple operates a clock in/clock out system and will pay employees from the moment they clock on even if they are not necessarily commencing work. This is not a criticism of Amy for doing so but is important for somebody outside of Apple to understand that this will increase hours of work an employee is paid for, particularly if routinely done by an employee.
29. Amy's average worked hours are rare for part-time employees at the Booragoon store. I have reviewed my store's average hours worked by a part-time employee in the past 13 weeks, and the average is 23.3 hours per week. In that same period, there are only 4 part-time employees who would work up to 31.4 hours on average each week, and 2 people who would work up to 30 hours on average each week. Excluding recent 3 weeks of annual leave for Amy, Amy worked 32.8 hours on average week.
30. In response to paragraph 4 of the Lowe Statement, Apple's standard shifts are 5 hours or 8 hours.
31. At the Booragoon store, we have over 20 employees with specific scheduling needs which are accommodated each roster period. For example, we have employees who can only work 21 to 24 hours over 3 days. Other examples are part-time employees who have communicated that they must work around 32 hours each week because this level of earnings is required to meet their financial needs, and so this is met by Apple. Where employees partner with us around their availability, scheduling preferences and any personal circumstances that they want or need accommodated, I will always do my best to ensure we meet those needs. Over my 8 years at Apple, I cannot think of any examples where an employee request around their hours of work and scheduling has not been met by Apple.
32. In paragraph 13 of the Lowe Statement, Amy says that she feels that flexibility at work is completely one sided. This is not how I would describe Apple, or how I see Amy's ability to manager her own schedule from week to week. Amy has never raised any concerns with me about flexibility at work with her schedule.

#### Hours of work at Apple Booragoon store in January 2023

33. In response to paragraph 5 of the Lowe Statement, staff were not scheduled to work as many hours in January 2023 as in December 2022 because of the reduction in customer traffic after the Christmas shopping peak period.

34. This is common across retail and has always been the case at Apple as a retail business. Part-time employees always expect a reduction in work following Christmas, given the nature of the retail industry and our customer-driven scheduling. January 2023 was no different in terms of re-alignment of hours than January 2022, or previous years.
35. Amy says, in paragraph 5 of the Lowe Statement, that she experienced a drop to 25 rostered (or scheduled) hours per week. On my review of Amy's hours of work, I can see that prior to December 2022, Amy's average scheduled hours were 27.3 per week. From December 2022, Amy's average scheduled hours are substantially the same at 26.9 per week. These scheduled hours are the hours that Apple rosters Amy on to work, but may be lower than the hours Amy actually works if Amy elects to pick up additional shifts.
36. Amy did not raise with me any concerns about her hours of work in January 2023, or at any other time. As I have said above, Amy works higher than average hours for a part-time employee and until I read the Lowe Statement, I was not aware that there was any issue with the hours of work or scheduling for Amy.

#### Employee seeking to pick up shifts

37. In paragraph 5 of the Lowe Statement, Amy speaks about approaching a manager in order to work more hours.
38. Because Apple Booragoon is a large store, there are almost always available shifts for employees to pick up if they are available to work them and want to do so. This happens because of customer demand, periods of annual leave, or unplanned leave which releases the employee's shift back into a pool of available shifts.
39. Employees are free to pick up available shifts within the Department, or area, that they work in which matches their skillset. Employees can see available shifts for their position (for Amy, this would be other shifts requiring a Technical Expert) on the WorkJam application, and automatically pick up any of these shifts. The WorkJam application is Apple's employee interface to nominate and vary availability and shifts. I have never heard that Amy has any difficulty with this process.
40. The only circumstances where a manager would assist an employee in a manner not readily available in WorkJam is if the employee was looking to see available shifts in other roles or where a shift was to be 'extended' by, for example, manually combining two existing shifts into one longer shift. This is because this requires particular authorisation; other than these actions to alter the scheduling rules or shifts, any employee can automatically pick up shifts in WorkJam and there should be no delay or difficulty in doing so for Amy.

41. If Amy was having any difficulty with WorkJam or wanted to enquire about her hours, Amy could approach any member of the Booragoon store for this. I am the Store Leader, and there are two Senior Managers who report to me. From here, there are 6 Managers and 5 Leads; in addition to our Leads, we have two employees who are completing career experiences (which is a form of internal secondment), so there are currently 7 Leads at the Booragoon store. Amy could approach any one of those 15 or so managers with questions or for assistance, management staff can provide further on the spot training about the WorkJam system and assist with scheduling requests.

Consecutive days off

42. In paragraph 7 of the Lowe Statement, Amy speaks to her selection of two days off in each week.
43. Employees enter their availability on commencement of employment with Apple and can change this from time to time through the WorkJam system and in consultation with Apple management or People teams. Amy has changed her unavailable days, and this is common as employees' personal circumstances may change, and this is generally approved by Managers through WorkJam. Employees can do this whenever suits them, but it may take one roster period (being 2 weeks) to come into effect in the system. If employees change their availability and the schedule has already been published, this can still be amended by partnering with a manager to swap shifts.
44. In addition to the two consecutive days off in each week, part-time employees including Amy will often have additional days off in the week. This happens either through scheduling or because an employee will release a shift.
45. I am sorry to hear that she experienced a decline in her mental health 2019 and earlier when her availability did not include unavailable days of work. During this period, as a part-time employee, Amy was free to select two days off in the week that she was unavailable to work. I did not know about this at the time, or before reading the Lowe Statement. I find that employees, including part-time employees, speak to me about Apple's flexibility as a valuable thing for them and do not hear about difficulties in managing personal commitments outside of work because of Apple's scheduling system. I have not spoken with any employee in my store about concerns over Apple's scheduling system or saying to me that there is a lack of flexibility.
46. I know that Amy is an employee bargaining representative for the new enterprise agreement at Apple. I know that bargaining meetings have occurred on the days that Amy would otherwise not be in the workplace and her participation in bargaining as an employee bargaining representative has meant that she has allocated some of her personal time to this activity.

47. In paragraph 9 of the Lowe Statement, Amy speaks about her brother's diagnosis. I am aware that some Managers have discussed this situation with Amy and offered our support, seeking to understand how Apple can ensure that Amy can balance her work with her important care work of her family outside of Apple. I am glad to read that her consecutive days off have been positive for her.

#### Late night trading

48. In paragraphs 10 and 11 of the Lowe Statement, Amy speaks about scheduling on a Thursday. Thursday has late night trading, and so there are typically shifts for the day and shifts for the afternoon and evening.
49. As a retail business, our customers drive greater store traffic over weekends and on Thursdays, which means most of our staff to work on weekends and on a Thursday.
50. This does not mean that employee cannot take weekends or Thursday evenings off. If an employee has those days as available days but there are particular personal circumstances that make some of these hours of work difficult to work, and an employee wants to permanently be unavailable at these times, this can be raised in a conversation with management. For example, some employees play social sport which requires specific night and weekend time for training and matches. These employees, both full-time and part-time, will raise this with a Manager in advance of the seasons to say, for example, they must not be scheduled after 4.30 pm on a Tuesday or on Saturdays for the length of the season. This has been accommodated for the 4 to 6 month period of the season, and these employees will then work regular Saturdays outside of this period. This could also be done for an activity like yoga or Pilates if this was specific to a Thursday evening.
51. At the end of the day, employees are working in a retail environment which requires weekend work and late night trading on a Thursday, but this does not mean that Apple is inflexible or unfair to its employees. In my experience, Apple will attempt to accommodate all outside of work commitments that its employees have.
52. I have not heard that Amy has difficulty with committing to social activities outside of work because of her hours of work, and this has not, to my knowledge, been raised with any manager. I would be happy to work with Amy to ensure that she is not missing out on social activities outside of work.

53. Apple publishes its roster 2 weeks in advance, and has set limits of hours into the afternoon and evening by reason of our store opening hours (referred to in paragraph 9 above).



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Signature of witness