

BEFORE THE FAIR WORK COMMISSION

AG2022/5615

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

WITNESS STATEMENT OF JUSTIN GUSSET

I, **Justin Gusset**, make the following statement based on my knowledge and belief, unless I indicate otherwise.

1. I have been employed by Apple as a Genius since June 2014. I am a full time employee.
2. I am a member of the Retail and Fast Food Workers Union.
3. In my role, I am required to have a detailed understanding every Apple product. My duties including the repairs of Mac computers and iPhones, as well as technical support to other workers such as Technical Specialists and Specialists. We also actively mentor workers in all other areas of the store, and implement training to other workers such as Specialists assisting customers with carrier contracts. At work, I required to wear a blue Apple branded t-shirt, unless it is during Christmas or Earth Day, where I instead wear a red Apple shirt or a green Apple shirt respectively.
4. I decided to apply for a job at Apple after I went to an Apple store. I was blown away by how well I was taken care of as a customer, and I believed it was somewhere I could thrive as an employee.
5. Unfortunately, my experience at Apple has not really reflected those early expectations. For a few years now I have felt that the work conditions were not up to scratch from what I would usually expect from a retail job and that the terms of the Apple Retail Enterprise Agreement 2014 were unfair to workers.
6. I have wanted to apply to terminate the Agreement since at least middle of June 2022, when I began looking to the process for terminating an enterprise agreement and looking at the General Retail Industry Award 2020. It was difficult trying to understand how the Agreement and Award levels mapped to each other, so once Apple announced that it would be bargaining with employees in August 2022 I decided to focus on that instead. When the first proposed enterprise agreement got voted down on 31 October 2022 by almost 70% of employees that voted, I decided to start the application process again.
7. The part I really like about my job is that I can look out for and mentor other workers. Apple has always impressed on us the importance and responsibility of being a Genius, and how we are leaders that employees look to. But, from my perspective, the best way I can look

out for my colleagues is helping them have better protections relating to their work conditions.

8. For example, the Genius' at my store are lead by a 'Lead Genius', who are responsible for the entire team at the store, and make sure everyone is following established procedures and works with other senior roles to manage the effective running of the store.
9. When a Lead Genius is away, Apple will ask one of the other Geniuses to act in that role.
10. Unfortunately, I don't think I would be entitled to extra pay for acting as a Lead Genius, because my colleagues Blayze and Carina who are also Geniuses I know have told me they haven't been paid more when they have done so. Taking up that role would be more responsibility for no extra pay, even though I might be doing it for a few days or longer depending on what the store needs, so I usually decline any invitation to take up that role when it is offered to me.
11. My rostering at Apple is very changeable. For example, from around September 2022 to February 2023, I started being more regularly rostered weekends off. I don't know why. Until then, I almost always worked on weekends. Prior to September 2022, having weekends off was very unusual and it would only happen every once in a while.
12. Another difficulty for me is that I am often required to work without getting more than one consecutive day off. For example, in the period between 9 April and 10 June 2022, I didn't have more than two days off in a row or a whole weekend off. I didn't receive any overtime for working this way. I attach as **JG-1** screenshots of my calendar including my work shifts from 9 April 2022 to 10 June 2022. If I ever had two days off or more, my colleagues would often greet me back at work with "where have you been?" and joke about what a surprise it was that I'd been away for so long.
13. That period was exhausting. I felt tired all the time, and I had a lot of trouble sleeping, because I felt like I could never 'wind down'. Any day I had off, I needed to spend it catching up on sleep or chores.
14. When I am rostered to work without more than one day off in a row, or when my shift times change a lot, which happens often, I have a lot of trouble sleeping and I feel like my 'body clock' is all out of whack. I estimate that for about 80% of the last 12 months, I have been rostered to work without consecutive days off.
15. I often can't go to sleep until 1am or 2am when I am working without more than one day off in a row, or my start time is different from what I had been doing for the past few days. For example, if I have a shift starting at 1pm and ending at 9.30pm, and up until then I had

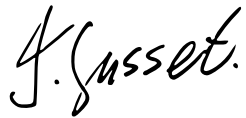
been working mornings, I often can't go to sleep until 1am or 2am. On days when I am rostered to and I am required to begin work the next day after those shifts at 8.30am, it usually means only getting 4 hours of sleep.

16. When I work shifts beginning at a regular time or two consecutive days off, I find I am much better able to sleep. I feel a lot happier and well rested and I am able to do all my house chores and get some time off for myself. When I don't get shifts which are regular in length and starting time or get more than one day off in a row, it is much more difficult to be well rested and it negatively impacts my physical and mental health.
17. Around January 2023, my part-time colleagues started telling me that they were experiencing deep cuts in their hours. As such, when I started getting rostered too many days in a row, I started giving away shifts on Apple's scheduling application 'Workjam'. When they got approved, I would try and take an annual leave day, or time off in lieu when I had worked a public holiday, so I could help out my colleagues and get some additional rest.
18. Unfortunately, I will eventually run out of leave days and I will need to stop doing this.
19. I tried to organise rostered time off a couple of times in 2020, but I often found that the centralised roster system ignored the requests when developing rosters, so I stopped doing it.
20. Nowadays, if I need to ensure I have the day off in the future, I will need to put in for an annual leave at least four weeks ahead before the rosters come out. This is frustrating because I could very well not be rostered that day, and it means wasting an annual leave day that I could have saved. The only way I could get the day off after a roster has come out is someone is able to cover my shift and the roster system approves it in time.
21. With my rostering being so unpredictable, I find it really hard to see friends or do my hobbies. For example, I used to love going mountain biking with my friends, but it requires committing to a day on the weekend I don't know that I will have. In January 2023, I sold my mountain bikes because I barely used them any more. The last time I went mountain biking with my friends before that was probably around April 2022. I also bought a Jetski in 2020 because I wanted to take it up to Morton Island, but it requires having a couple of days to do it, which happens so rarely. Since I've bought it, I have only ridden it for ten hours. It would be great to go out more but I simply don't have the time.
22. I also find it difficult to visit my parents, who are in their late 60s, as much as I would like to. They live in Ipswich, which is about 50 minutes to 1 hour drive from where I live. They need my help with chores they can't do easily, like cleaning the gutters and taking things

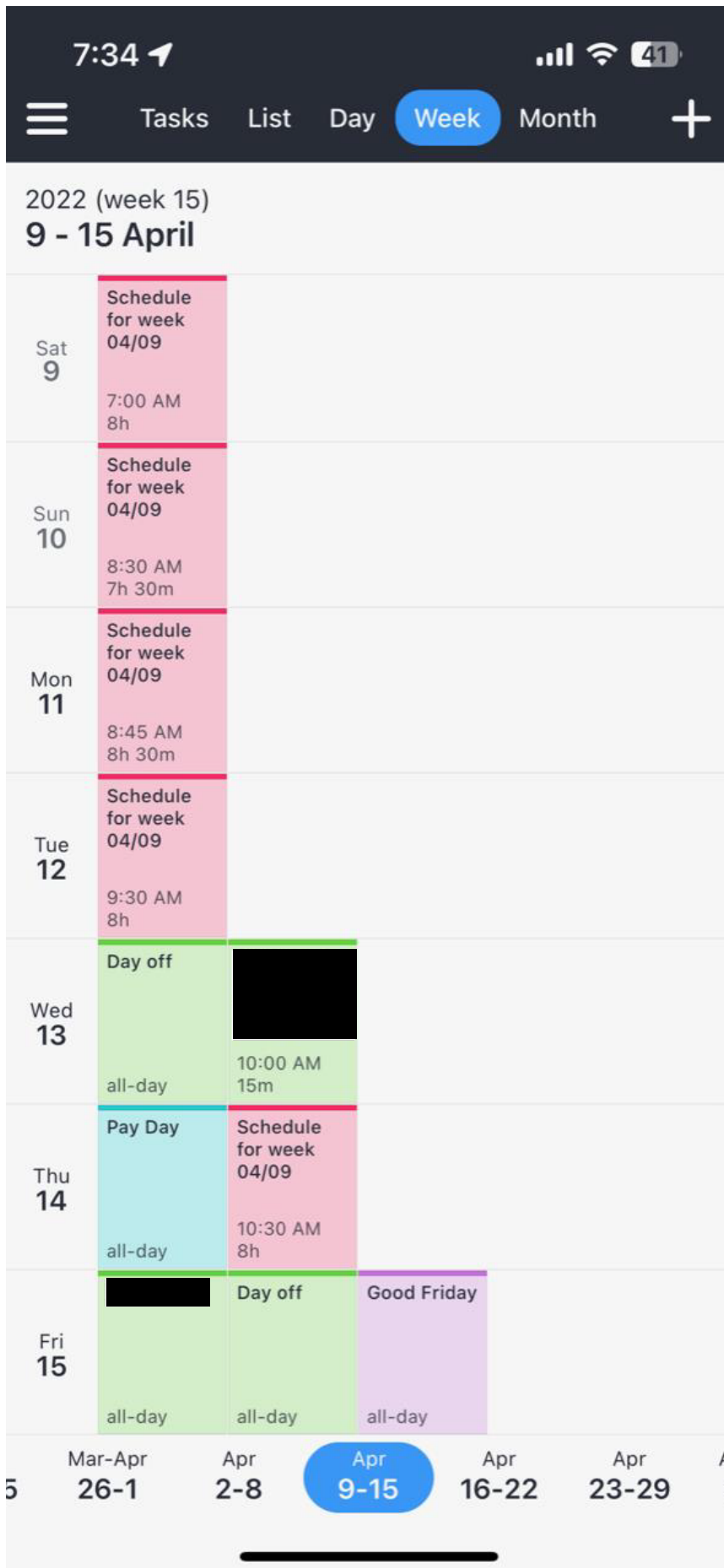
to the dump, and often I don't have enough time to help them do what they need help with because I am too busy working or using my spare day off to take care of my own immediate errands.

23. On the rare occasion I have two days off in a row, I would normally try and drive up on the evening I finish work so I can spend the night and get as much time with them as possible to help with yard and house maintenance.

24. Unfortunately, because I have been so busy working, I haven't been able to help them with jobs since 15 February 2023.

A handwritten signature in black ink that reads "J. Gusset." The signature is written in a cursive style with a large initial "J" and a period at the end.

Justin Gusset
23 March 2023



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Tasks

List

Day

Week

Month



2022 (week 16)
16 - 22 April

Sat 16	Saturday before Easter Sunday all-day	Schedule for week 04/16 8:30 AM 8h 30m
Sun 17	Day off all-day	Easter Sunday (ACT, NSW, QLD, VIC) all-day
Mon 18	Easter Monday all-day	Schedule for week 04/16 8:30 AM 8h
Tue 19	Day off all-day	Easter Tuesday (TAS) all-day
Wed 20	Schedule for week 04/16 9:30 AM 8h	
Thu 21	Schedule for week 04/16 7:00 AM 8h	
Fri 22	[Redacted] all-day	Schedule for week 04/16 10:00 AM 8h

Apr 2-8 Apr 9-15 **Apr 16-22** Apr 23-29 Apr-May 30-6

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2022 (week 17)
23 - 29 April

Sat 23	Schedule for week 04/23 8:30 AM 8h 30m	
Sun 24	all-day	Schedule for week 04/23 8:30 AM 7h 30m
Mon 25	ANZAC Day all-day	Day off all-day
Tue 26	Schedule for week 04/23 7:00 AM 8h 30m	
Wed 27	Schedule for week 04/23 8:45 AM 8h	
Thu 28	Day off all-day	Pay Day all-day
Fri 29	all-day	Schedule for week 04/23 1:30 PM 8h

Apr 9-15

Apr 16-22

Apr 23-29

Apr-May 30-6

May 7-13

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2022 (week 18)

30 Apr - 6 May

Sat 30	Schedule for week 04/30 10:00 AM 8h		
Sun 1	all-day	Schedule for week 04/30 8:00 AM 8h	
Mon 2	Day off all-day	Labour Day (QLD) all-day	May Day (NT) all-day
Tue 3	Schedule for week 04/30 9:30 AM 8h		
Wed 4	Schedule for week 04/30 10:30 AM 8h		
Thu 5	all-day	all-day	Day off all-day
Fri 6	all-day	Schedule for week 04/30 12:30 PM 8h 30m	

Apr 16-22

Apr 23-29

Apr-May 30-6

May 7-13

May 14-20

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2022 (week 19)
7 - 13 May

Sat 7	Schedule for week 05/07 8:30 AM 8h 30m	
Sun 8	Mother's Day all-day	Schedule for week 05/07 8:00 AM 7h 30m
Mon 9	Schedule for week 05/07 9:30 AM 8h 30m	
Tue 10	Schedule for week 05/07 10:30 AM 8h	
Wed 11	Day off all-day	
Thu 12	Pay Day all-day	Schedule for week 05/07 7:00 AM 8h
Fri 13	Day off all-day	all-day

Apr 23-29 Apr-May 30-6 **May 7-13** May 14-20 May 21-27 M

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2022 (week 20)
14 - 20 May

Sat 14	Schedule for week 05/14 8:30 AM 8h 30m	
Sun 15	Schedule for week 05/14 8:30 AM 8h	
Mon 16	Schedule for week 05/14 10:30 AM 8h	
Tue 17	all-day	Schedule for week 05/14 9:30 AM 8h
Wed 18	Day off 7:00 AM 12h	
Thu 19	Schedule for week 05/14 10:30 AM 8h	
Fri 20	all-day	Day off 7:00 AM 12h

9 Apr-May 30-6 May 7-13 **May 14-20** May 21-27 May-Jun 28-3

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Tasks

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2022 (week 21)
21 - 27 May

Sat
21

Schedule
for week
05/21

7:00 AM
8h 30m

Sun
22

Day off

7:00 AM
12h

Mon
23

all-day

Schedule
for week
05/21

10:30 AM
8h

Tue
24

Schedule
for week
05/21

10:30 AM
8h

Wed
25

Day off

7:00 AM
12h

Thu
26

Pay Day

all-day

Schedule
for week
05/21

10:00 AM
8h

Fri
27

all-day

Schedule
for week
05/21

1:00 PM
8h

May

May
7-13

May
14-20

May
21-27

May-Jun
28-3

Jun
4-10

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Tasks

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2022 (week 22)

28 May - 3 Jun

Sat 28	Day off 7:00 AM 12h	
Sun 29	Schedule for week 05/28 8:30 AM 8h 30m	
Mon 30	Reconciliati on Day (ACT) all-day	Schedule for week 05/28 7:00 AM 8h
Tue 31	Schedule for week 05/28 8:30 AM 8h	
Wed 1	Day off 7:00 AM 12h	
Thu 2	Schedule for week 05/28 8:45 AM 8h	
Fri 3	all-day	Schedule for week 05/28 8:45 AM 8h

May 14-20

May 21-27

May-Jun 28-3

Jun 4-10

Jun 11-17

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Tasks

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2022 (week 23)
4 - 10 June

Sat 4	Schedule for week 06/04 10:00 AM 8h	
Sun 5	Day off 7:00 AM 12h	
Mon 6	Western Australia Day (WA) all-day	Schedule for week 06/04 8:45 AM 8h
Tue 7	Schedule for week 06/04 10:30 AM 8h	
Wed 8	Schedule for week 06/04 7:45 AM 8h 30m	
Thu 9	Pay Day all-day	Schedule for week 06/04 10:30 AM 8h
Fri 10	Day off 7:00 AM 12h	

May 21-27 May-Jun 28-3 Jun 4-10 Jun 11-17 Jun 18-24