

IN FAIR WORK AUSTRALIA

FWA Matter No: AM2014/283

Applicant: CLUBS AUSTRALIA INDUSTRIAL

WITNESS STATEMENT OF MICHAELA HAMILTON

I, Michaela Hamilton of 19/98-100 Burbs Bay Road, Lane Cove NSW, Gym Attendant, make oath and say/affirm:

1. I am employed at DOOLEYS Health + Fitness at DOOLEYS Lidcombe Catholic Club. I have previously sworn an affidavit in relation to this matter, and confirm this affidavit to be a true and correct statement. Annexed and marked 'A' is a copy of this affidavit.

Signed by Michaela Hamilton: M

Date: 13/10/15

Signature of Witness: T. O'Brien

Name of Witness: Terence McKeeney

Filed on behalf of:

Prepared by:

Address for Service in Australia:

Telephone: (02) 9268 3000

Clubs Australia Industrial

Helen Carayannis, Workplace Relations

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IN FAIR WORK COMMISSION

FWC Matter No: AM2014/283

Applicant: CLUBS AUSTRALIA INDUSTRIAL

AFFIDAVIT OF MICHAELA HAMILTON

I, Michaela Hamilton of Unit 19/98-100 Burns Bay Road, Lane Cove make oath and say/affirm:

1. I am employed as a permanent part-time Gym Attendant at DOOLEYS Health + Fitness at DOOLEYS Lidcombe Catholic Club Limited. I have been in this position for one year and 4 months. The part-time provisions that apply to me are those set out under Clause 36 of the DOOLEYS Lidcombe Catholic Club Limited Enterprise Agreement 2010 - 2014. Annexed and marked A is a copy of those provisions.
2. Even though our part-time provisions provide flexibility in hours and days of work, I have set days and times with the benefit of flexibility when I require. An average week consists of me working between 25 and 32 hours between the days of Sunday and Thursday. The shifts that I do are mainly afternoons and nights and start at lunch time up until 10.15pm.
3. My main position and responsibilities within DOOLEYS Health + Fitness is working at the Member Services desk, meeting and greeting members and guests and completing administration based tasks in addition to completing fitness programming for members. I act in a Supervisory role for the gym supervising and monitoring the operations of the gym floor and other employees twice a week. I also teach group exercise classes when required on a less frequent basis.

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4. I have held casual employment in the past, but not with DOOLEYS. The benefits that I enjoy as a permanent part-time employee are being entitled to annual leave and sick leave benefits. These two things are very important to me as I love going on holidays with my children and knowing I will still get paid while I'm away. When I was a casual employee it was a lot more stressful if ever I wanted a break as I had to make sure I'd budgeted for it months in advance otherwise my family would suffer whenever I needed a few days away from work.
5. The same applies to sick leave. If I was to ever get sick and need to take time away from the workforce as a permanent part-time employee I don't have the additional stress of not having a regular income for the days I'm unable to work due to illness. I enjoy knowing what days and hours I'm required to work in advance so I can organise my children, their attendance to day care and my bills and weekly expenditure around the amount of hours I work. As a part-time employee I also get other benefits such as a uniform and uniform allowance, paid community service leave as I enjoy helping the community when I can and a paid day off for my birthday. All of these benefits are great for my lifestyle and help keep me positive about my work commitments and lifestyle choice.
6. The reason why I choose to work part-time is my commitment to my two young children. My Fiancé works full time so I have the responsibility of being a part-time mother whilst being able to build our financial future and still doing something I love for work. As my children are both pre-school age, I am very hands on and enjoy being able to take them to day care each morning then spending the hours that I'm not at work with them. The ability for me to re-enter the work force on a part-time basis was also a very good option. This allowed myself and my family to adjust to me attending work whilst still being able to meet their needs and assist with paying bills.
7. The reason why it's important for me to hold part-time employment rather than casual employment is because I enjoy the security of guaranteed hours each week whilst having the flexibility to suit my needs through reduced hours of work in comparison to a full-time employee and forward planning through a roster for my shifts. Because I am engaged as a part-time employee each week I have a relatively stable income which helps me to plan better each month to pay for bills and rent that are due.
8. My family and I are in the process of applying for a loan so we can buy our first house and my type of employment was the first thing the bank asked me. I know the bank considers people who work on a casual basis or who are sole traders as high risk and it's very hard for them to get a loan. If I was a casual employee I probably wouldn't feel comfortable applying for a loan as I wouldn't be able to estimate how much I could

afford to pay. Additionally, part-time employment allows me to revolve my life around my work roster and organise care for my children when I'm at work through their day care and my Fiancé. If I was required to be on call as a casual as I've done in the past I would have to change careers or leave the workforce as I wouldn't be able to drop everything at the drop of a hat to accept shifts because there would be no organised care for my children. It would be catastrophic for me and my family.

9. It's important for me to have the flexibility that part-time employment offers. With the permanent part-time team that we have at DOOLEYS Health + Fitness I can do shift swaps with my colleagues if ever I need to swap a shift over one week then pick up one of their shifts the next week as repayment and in order for me to make up the pay. Working outside of the normal nine-to-five also allows me to avoid peak hour traffic, which means less time either at work or at home with my family.
10. Changes to my roster by the Club don't happen very often. At worst, once a fortnight. Any time I've been asked or advised of a change to my roster I've happily accepted. My manager never rosters me outside of the hours I've told him I'm available for shifts so it's always worked perfectly.
11. If ever my roster has needed to be altered, I've always been provided with at least 48 hours notice. Every instance I can think of this having to happen has been to cover my colleagues' shifts that they've been unable to do due to being off sick.
12. Approximately once a fortnight over the last 6 months I've requested for my roster to be adjusted to meet my personal commitments. On nearly every occasion this has been accepted by my manager and the rosters changed to suit my needs.
13. I don't support any change in the Club industry that would discourage Club's from engaging part time workers. If I was in the position where I had to change my employment from part-time to casual in order to keep my current hours, it would be catastrophic to me and my family. I'd have to seek employment outside of the industry and I'd be devastated to lose a job that I really enjoy doing.

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14. I don't understand why the Union would not be supporting part time provisions that encourage part time employment in Clubs. As someone who has worked in both capacities, there is no doubt in my mind that having part time employment is by far more appealing than being a casual.

Sworn/Affirmed by the Deponent: MICHAELA HAMILTON

Declared at DOOLEYS Lidcombe Catholic Club Limited on TUESDAY, 18TH
November 2014

Before me:

Signature of Witness: KLO

Name of Witness: Rebecca McCueeney

Qualification of Witness:

DOOLEYS

UDCOMBE CATHOLIC CLUB

of dated...../...../.....Before me.....

Solicitor / Justice of the Peace

36 PART-TIME EMPLOYEES

- 36.1 Employees will be employed to work not less than thirty two (32) nor more than one hundred and forty-eight (148) ordinary hours per four (4) week period.
- 36.2 The maximum number of days on which ordinary hours is to be worked will not exceed twenty (20) in any four (4) week period.
- 36.3 The minimum ordinary hours on any shift will not be less than three (3).
- 36.4 The maximum ordinary hours on any shift will not exceed twelve (12).
- 36.5 Employees may be required to work shifts separated by more than one (1) hour. Each shift will be a minimum of three (3) continuous ordinary hours.
- 36.6 The margin of hours will not exceed fourteen (14).
- 36.7 If the Club offers Part Time Employees extra hours of work and shifts in addition to those expressed on the roster or those extra hours of work and additional shifts will be paid for at their applicable ordinary hourly rate of pay provided that any extra hours of work and shifts do not exceed the maximum hours of work prescribed by Subclause 36.1 or the maximum number of days on which ordinary hours is to be worked prescribed by Subclause 36.2.
- 36.8 Employees should have at least eight (8) hours between the cessation of one shift (of ordinary hours of work including overtime) and the commencement of another shift (of ordinary hours of work including overtime).
- 36.9 If Employees have not had at least eight (8) hours between the cessation of one shift (of ordinary hours of work including overtime) and the commencement of another shift (of ordinary hours of work including overtime) as prescribed by Subclause 36.9, they will either:
 - 36.9.1 Be released from starting their next ordinary shift without loss of pay until the Employee has had eight (8) hours off duty; or
 - 36.9.2 The Employee will be paid at double (2) ordinary rate time until they are released to have eight (8) hours off duty without loss of pay for ordinary working time.

37 CASUAL EMPLOYEES

- 37.1 Employees will be engaged to work as and when requested to by the Club.
- 37.2 Employees will be engaged and paid by the hour and their employment will cease at the conclusion of each engagement.
- 37.3 The minimum engagement will be three (3) continuous ordinary hours.
- 37.4 Where Employees are required to perform work for engagements of time separated by more than one (1) unpaid hour, each engagement will be a minimum of three (3) continuous ordinary hours.

38 APPRENTICES

- 38.1 Employees will be employed to work one-hundred-and-fifty-two (152) hours per four (4) week period. This equates to an average of thirty-eight (38) ordinary hours per week.