

**Affidavit**

No. AM2014/305

Fair Work Commission

2014 Four Yearly Review of Modern Awards – Penalty Rates

**Re Application by:** The Australian Industry Group

Affidavit of: **Krista Terese Limbrey**

Address: [REDACTED]


Occupation: **HR Business Partner NSW/ACT**

Date: **10 August 2015**

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I, Krista Terese Limbrey of [REDACTED] in the State of [REDACTED], HR Business Partner NSW/ACT for McDonald's Australia Limited affirm:

1. I am employed by McDonald's Australia Limited (**McDonald's**) in the role of HR Business Partner NSW/ACT. I have held this role since 22 December 2014.
2. Prior to this role, I was employed by McDonald's in a number of roles, including National Training and HR Design Consultant, National Operations Consultant and Restaurant Manager of the Thornleigh restaurant. In total, I have been employed by McDonald's for over 12 years.
3. I make this affidavit based on my own knowledge, information and belief unless otherwise stated. Where I make statements based on information provided to me, I identify the source of that information and otherwise believe it to be true and correct.
4. McDonald's operates restaurants directly (through company-owned restaurants) and indirectly (through franchisees). Company-owned restaurants are often referred to as McOpCo restaurants. As at 19 May 2015 there were 943 McDonald's restaurants in operation in Australia. Of the 943 restaurants, 165 were McOpCo restaurants and 778 were operated by franchisees.
5. McOpCo and franchisee operated restaurants are spread across the country with the exception of the Northern Territory, Australian Capital Territory and Tasmania where all restaurants are operated by franchisees. As at 19 May 2015 of the 943 McDonald's restaurants, they were located as follows (broken down by McOpCo or franchisee):

State / Territory	Number of McOpCo Stores	Number of franchisee stores	Total
Queensland	33	192	225
New South Wales	78	218	296
Australian Capital Territory	0	19	19
Victoria	29	220	249
South Australia	6	46	52
Western Australia	19	60	79

CA -

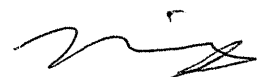
State / Territory	Number of McOpCo Stores	Number of franchisee stores	Total
Tasmania	0	17	17
Northern Territory	0	6	6
<b>Total</b>	<b>165</b>	<b>778</b>	<b>943</b>

### Types of McDonald's Restaurants

6. McDonald's operates two main categories of restaurants, which are "freestander" restaurants and "food court / instore" restaurants:
- (a) Freestander restaurants: Most of the time a freestander restaurant is located in a stand-alone building with its own car park. Freestander restaurants also usually have a McCafe, drive thru and restaurant dining area.
  - (b) Food Court / Instore restaurants:
    - (i) Both food court and instore restaurants are typically a restaurant operated in a particular space within a larger building. Some food court and instore restaurants may have a McCafe but this is not typical.
    - (ii) A "food court" restaurant is a store located in a retail environment, and which usually does not have its own restaurant dining area. Instead, it would share the dining space with other food outlets.
    - (iii) An "instore" restaurant might be attached to another building, for example, in a strip of buildings (and therefore differs to a freestander restaurant as it is not a stand-alone building). An instore restaurant typically does not have a drive thru. Instore restaurants also typically do not have a car park but may have a shared customer parking space with other businesses.
  - (c) Other: There are some restaurants that don't fit into either of the above two categories. For example, there are some stores that are only a McCafe. There are also freestanders that are located on the same site as a petrol station.
7. As at 19 May 2015 there were 729 freestander restaurants and 214 food-court and in-store restaurants.

### Hours of Operations

8. As at 19 May 2015, 601 McDonald's restaurants traded 24 hours per day on seven days per week ("24/7").
9. As at 19 May 2015, of the McDonald's restaurants that did not trade 24/7, some of these traded for 24 hours of the day on less than seven days a week, and some did not trade on a 24 hour basis at all.




## Average Sales

10. For the purpose of these proceedings in around June the Finance Team of McDonald's prepared an analysis of sales of 45 McDonald's restaurants, which were a mixture of:
- (a) McOpCo and licensee restaurants;
  - (b) freestander and foodcourt/instore restaurants;
  - (c) 24/7 and limited trade; and
  - (d) geographical locations (including all States except Tasmania, and also excluding the Northern Territory and Australian Capital Territory) (the **Sample Restaurant Group**).

Exhibited to this affidavit and marked **Confidential Exhibit KTL-1** is a true copy of the list of stores included in the Sample Restaurant Group and the average daily sales of each day of the week for the year of 2014. I have reviewed Confidential Exhibit KTL-1 and have satisfied myself it is accurate.

11. The analysis shows that for the Sample Restaurant Group:
- (a) Average gross sales on a Saturday were the amount set out as **item (a) in Confidential Exhibit KTL - 2**.
  - (b) As a proportion of gross weekly sales, the amount of average gross sales on a Saturday represented approximately the percentage set out as **item (b) in Confidential Exhibit KTL-2**.
  - (c) As a percentage of gross weekly sales, the amount of average gross sales during the period Friday to Sunday inclusive represented the percentage set out as **item (c) in Confidential Exhibit KTL -2**.

Exhibited to this statement and marked **Confidential Exhibit KTL-3** is a document setting out the analysis undertaken by McDonalds' Finance Team. I have reviewed the analysis and have satisfied myself it is accurate.

12. The analysis undertaken by McDonalds' Finance Team shows that for the Sample Restaurant Group:
- (a) Average gross sales for a McDonald's store on a Sunday were the amount set out as **item (d) in Confidential Exhibit KTL-2**.
  - (b) As a proportion of gross weekly sales for the Sample Restaurant Group, the amount of average gross sales on a Sunday represents approximately the percentage set out as **item (e) in Confidential Exhibit KTL -2**.

## "metime System"

13. McDonald's currently operates a learning and engagement computer software program known as "metime" (the "**metime System**") that uses data from its company owned stores and its franchisee operated stores.
14. In the metime System, each employee (whether employed directly by McDonald's or indirectly by a franchisee) has a profile which includes information about that individual. Some of the information is the name, date of birth, employment type (for example, "casual", "part-time", "full time"), and commencement date. Position type is also collected for each employee on metime, including Crew, Crew Trainer, Maintenance and Trainee Crew (within the below analysis categorised as Level 2 employees), Shift Supervisor (within the below analysis categorised as Level 3 employees), and 1<sup>st</sup> Assistant Manager, 2<sup>nd</sup> Assistant Manager and Restaurant Manager (within the below analysis categorised as Level 4 employees). Attached and marked **KTL-4** is a sample employee profile in the metime System excluding employee details.



15. Some of the information in the metime System is supplied by the individual at the time that they apply for employment. Examples of information supplied at the time of applying for employment are the name and date of birth of the individual.
16. Some of the information in the metime System is entered and maintained from time to time by managers at the restaurant at which the individual works. An example of information maintained by a manager is employment type. This information is updated on an as needs basis. For example, an employee's employment type is updated if their employment status has changed (for example, if they have changed from being "casual" to "part-time") or if a Manager was prompted by the metime System to update an employee's right to work details if they were nearing their expiry.
17. One of my responsibilities relates to the metime System. I am responsible for advising on changes or modifications that McDonald's makes to the metime System that relate to recruitment, orientation and employee data.
18. I have used the metime System across a number of my roles with McDonald's. Initially I used the metime System as a Manager and Restaurant Manager at the Thornleigh restaurant where I used the system from a user perspective. As a Manager I used the system to recruit and hire new employees, as well as to maintain employee details and complete training and learning activities. I have also used the metime System in my roles at the McDonald's corporate office from an administration and development perspective. This has included developing training materials and modules and developing the recruitment process for applicants.
19. In my experience in using the metime System, most of the data contained in employee profiles in the metime System is accurate. This data is mostly accurate because it flows through to other systems and has cost and rostering implications so restaurants need to ensure that this data is maintained. For example, an employee's right to work status must be kept up to date or the rostering system used in restaurants will prevent the employee from being rostered. (I note that managers in restaurants have the ability to make changes to some details of employees' metime profiles as required.) (I also note that there are some fields in the metime System which may not be maintained as regularly as they are collected as part of the application process, but do not have an impact on any other systems. For example, a new employee provides emergency contact details at the time that they are hired, however this relies on the employee to update this field if it changes. A second example is that if a new employee is identified as an Australian citizen their proof of identity, such as passport details, are checked and recorded initially, however this will not need to be updated again. A third example is that a job applicant provides their student status at the time of making their application however is not required to update their student status.)
20. One of the aspects of the metime System is the ability to interrogate data in the metime System and prepare reports of information contained in the metime System.
21. I have accessed information in the metime System to prepare this affidavit. I have also printed reports from the metime System to prepare this affidavit.
22. Unless otherwise stated, the information I reference in paragraphs 23 to 42 was obtained from the metime System in May 2015.



**Characteristics of people employed by McDonald's Australia Limited and its franchisees**

23. As at 19 May 2015, the total number of people who were employed by McDonald's to work in restaurants was 20,759, the number of people employed by franchisees to work in restaurants was 78,152 and total number of people employed in McDonald's restaurants overall was 98,911. These numbers only include employees employed to work in restaurants and do not include corporate employees (such as employees working in the head office of McDonald's or directors of franchisees).
24. Since 31 July 2013, the *McDonald's Australia Enterprise Agreement 2013* (the **Agreement**) has applied to all employees of McDonald's and its franchisees who work in its Australian restaurants as a Crew Member (Agreement Level 2), Shift Supervisor (Agreement Level 3), Shift or Trainee Manager (Agreement Level 4) or Manager (Agreement Level 4).
25. As at 19 May 2015, McDonald's and its franchisees employed employees in the following classifications under the Agreement:

Level 2 - Crew Member employees	Level 3 - Shift Supervisor employees	Level 4 - Shift or Trainee Manager or Manager
91,107	3,239	4,565

26. As at 19 May 2015, McDonald's employed directly the following employees under each classification:

Level 2	Level 3	Level 4
19,358	579	822

27. As at 19 May 2015, McDonald's franchisees employed the following employees under each classification:

Level 2	Level 3	Level 4
71,749	2,660	3,743

28. As at 3 August 2015, McDonald's employed directly the following numbers of males and females to work in restaurants:

Males	Females
10,170	10,684
47.77%	51.23%

29. As at 3 August 2015, McDonald's franchisees employed the following numbers of males and females to work in restaurants:

<b>Males</b>	<b>Females</b>
38,372	41,865
47.82%	52.18%

30. As at 19 May 2015, McDonald's employed directly the following number of employees as casual, part-time and full-time in restaurants:

<b>Casuals</b>	<b>Part-time</b>	<b>Full-time</b>
15,953	3,507	1,299

31. As at 19 May 2015, McDonald's franchisees employed the following number of employees as casual, part-time and full-time to work in restaurants:

<b>Casuals</b>	<b>Part-time</b>	<b>Full-time</b>
59,995	12,601	5,556

32. In the tables set out at paragraphs 30 and 31 above, and paragraphs 33 and 35 below, I identify the numbers of employees employed in McDonald's restaurants by McDonald's and its franchisees on a casual, part-time and full-time basis. The definition of each category is taken from the McDonald's Australia Enterprise Agreement 2013 and is as follows:

- (a) Full time: A full-time employee is an employee who works an average of 38 ordinary hours a week over a 4 week cycle.
- (b) Part time: A part-time employee is an employee who works less than 36 hours per week but shall work at least 10 hours per week who has reasonably practicable hours of work.
- (c) Casual: A casual employee is an employee engaged and employed as such.

33. As at 19 May 2015, the ages of employees employed directly by McDonald's to work in its restaurants were:

<b>Age</b>	<b>Casual Employees</b>	<b>Part-time Employees</b>	<b>Full-time Employees</b>
14	1,575	4	3
15	3,623	93	3
16	3,357	228	13
17	2,593	380	16
18	1,979	531	48
19	1,149	543	81
20	600	402	109
21	311	333	128
22	201	210	90
23	120	166	104

Age	Casual Employees	Part-time Employees	Full-time Employees
24	103	105	106
25+	342	512	598
Total	15,953	3,507	1,299

34. As at 19 May 2015, McDonald's employed directly 8,899 employees aged 14, 15 and 16 years (see the numbers in the first three rows of the table in paragraph 33), which equated to 42.87 per cent of the total number of employees employed directly by McDonald's to work in its restaurants (calculated as 8,899 divided by the total number of employees in the table in paragraph 33).

35. As at 19 May 2015, the ages of employees of McDonald's franchisees engaged to work in restaurants were as set out below. Note that the data contained in the table set out in this paragraph, as well as the tables in paragraphs 36 and 42, excludes 234 employees. For those 234 employees, the date of birth information in these employees metime profile is not accurate. I know that the information is not accurate because the date of birth for these employees is recorded in the metime System as 01/01/1900, which would mean the employee is 115 years old. It is my understanding that employees employed prior to the introduction of the metime may have this date as a default, if they have not since updated their date of birth.

Age	Casual Employees	Part-time Employees	Full-time Employees
14	4,888	53	0
15	11,713	525	9
16	11,845	1,035	42
17	9,465	1,444	86
18	6,969	1,746	238
19	4,451	1,621	315
20	2,782	1,358	423
21	1,806	955	429
22	1,086	697	376
23	915	528	383
24	629	415	371
25+	3,433	2,205	2,682
Total	59,982	12,582	5,354


36. As at 19 May 2015, McDonald's franchisees employed 30,110 employees aged 14, 15 and 16 years (see the numbers in the first three rows of the table in paragraph 35), which equated to 38.64 per cent of the total number of employees employed by McDonald's franchisees to work in their restaurants (calculated as 30,110 divided by the total number of employees in the table in paragraph 35).



37. In my roles at McDonald's, I have dealt with thousands (literally) of McDonald's employees (both employees employed directly and indirectly). In these dealings I have come to realise that most McDonald's employees were and are at school or undertaking some kind of study. I have formed this view through my discussion with employees who raise their schooling either directly or indirectly, as well as by observation of things such as employees wearing school uniforms upon arrival at work or employees changing availabilities to fit in with studying commitments. In addition, I attended school and university for eight years whilst working at McDonald's restaurants. During this time, many of my work colleagues were also students at the same schools and universities or other close-by education institutions.
38. In my view, it is likely that most of the 39,009 employees aged between 14, 15 and 16 years (see paragraphs 34 and 36) are school students who attend school on weekdays. I base this view on my review of information from the following websites:
- (a) "Leaving School Info" at <http://leavingschoolinfo.com.au>;
  - (b) NSW Government – Education Public Schools at <http://www.schools.nsw.edu.au>;
  - (c) State Government, Victoria – Department of Education and Training at <http://www.education.vic.gov.au>;
  - (d) Queensland Government, Department of Education and Training at <http://education.qld.gov.au>
  - (e) Government of Western Australia, Department of Education at <http://det.wa.edu.au>;
  - (f) Tasmanian Government, The Department of Education Tasmania at <https://www.education.tas.gov.au>; and
  - (g) Government of South Australia, Department for Education and Child Development at <http://www.decd.sa.gov.au>

regarding the requirements concerning school attendance in each State. The information I reviewed from these websites indicates that the government in each State and Territory requires individuals under 17 to attend school and, if an individual under the age of 17 chooses to leave school, it is a government requirement that they have secured full time employment, education or training to do so. Seventy of the 39,009 employees aged between 14, 15 and 16 years work on a full-time basis (see paragraphs 33 and 35).

39. Based on my observation and knowledge as set out at paragraph 38 above, many McDonald's employees aged over 17 years are also undertaking some kind of study which may require attendance at classes at varying times during the week.
40. As a large employer of young people, McDonald's understands that many employees will also be at school or undertaking some kind of study. McDonald's aims to support employees who are at school or studying. Since 2007 McDonald's has had a Responsible Student Policy that applies to school students who are 17 years of age or under working in either a McOpCo store or a franchisee store. The Responsible Student Policy advocates that restaurants schedule relevant employees so that they will not be required to work beyond 12am on Sunday to Thursday nights, and before 5am on Monday to Friday, during school weeks. The Responsible Student Policy also recommends that these employees should not work any more than three shifts per week. (Whilst this is a McDonald's policy, restaurants are also subject to relevant youth employment legislation, which takes precedence). A copy of the current Responsible Student Policy is annexed and marked **KTL-5**.



41. As at 19 May 2015, the length of service of employees employed directly by McDonald's who were casuals or part-time employees engaged to work in restaurants was:

Casual Employees

Age	Less than one year service	More than one year but less than three years' service	More than three years' service
14	1,575	0	0
15	2,865	758	0
16	1,630	1,727	0
17	983	1,378	232
18	862	610	507
19	489	304	356
20	204	195	201
21	80	89	142
22	60	46	95
23	46	20	54
24	45	19	39
25+	124	89	129
Total	8,963	5,234	1,755
%	56.19%	32.81%	11.00%

Part-time Employees

Age	Less than one year service	More than one year but less than three years' service	More than three years' service
14	4	0	0
15	47	46	0
16	39	189	0
17	51	238	91
18	128	181	222
19	119	168	256
20	55	145	202
21	48	116	169
22	36	52	122
23	24	34	108

Age	Less than one year service	More than one year but less than three years' service	More than three years' service
24	17	20	68
25+	111	86	315
Total	679	1,275	1,553
%	19.36%	36.36%	44.28%

42. As at 19 May 2015, the length of service of employees of McDonald's franchisees employed to work in restaurants was:

Casual Employees

Age	Less than one year service	More than one year but less than three years' service	More than three years' service
14	4,888	0	0
15	9,071	2,642	0
16	5,663	6,182	0
17	3,246	5,368	851
18	2,760	2,523	1,686
19	1,665	1,348	1,438
20	815	964	1,003
21	461	579	766
22	315	308	463
23	304	255	356
24	207	176	246
25+	1,142	996	1,295
<b>Total</b>	<b>30,537</b>	<b>21,341</b>	<b>8,104</b>
<b>%</b>	<b>50.91%</b>	<b>35.58%</b>	<b>13.51%</b>

Part-time Employees

Age	Less than one year service	More than one year but less than three years' service	More than three years' service
14	53	0	0
15	426	99	0
16	395	639	1
17	349	892	203

Age	Less than one year service	More than one year but less than three years' service	More than three years' service
18	526	652	568
19	502	517	602
20	318	472	568
21	191	304	460
22	135	220	342
23	127	150	251
24	86	141	188
25+	497	641	1,068
<b>Total</b>	<b>3,604</b>	<b>4,727</b>	<b>4,251</b>
<b>%</b>	<b>28.64%</b>	<b>37.57%</b>	<b>33.79%</b>

43. For the purpose of my affidavit in these proceedings, I directed the Payroll department of McDonald's to prepare a report regarding the number of hours worked per week for all full time, part time and casual employees employed directly by McDonald's working in restaurants for the period 4 May 2015 to 31 May 2015 inclusive. This information was retrieved from the centralised payroll system used by all McDonald's operated restaurants. The reports from the payroll system show the hours worked by each of the employees employed at McDonald's operated restaurants in any given week. A true copy of the report is annexed and marked "KTL-6". Based on the report, the working hours were as follows:

<b>4 – 10 May 2015</b>	<b>Casual Employees</b>	<b>Part time employees</b>	<b>Full time employees</b>	<b>Total for all employees</b>
<10 per week	56.83%	10.78%	1.85%	46.00%
Between 10 – 20 hours per week	30.66%	40.23%	3.69%	31.94%
20 or more hours per week	12.51%	48.99%	94.46%	22.06%
<b>11-17 May 2015</b>	<b>Casual Employees</b>	<b>Part time employees</b>	<b>Full time employees</b>	<b>Total for all employees</b>
<10 per week	57.10%	10.40%	1.81%	46.30%
Between 10 – 20 hours per week	31.06%	39.80%	3.61%	32.15%
20 or more hours per week	11.85%	49.80%	94.58%	21.55%
<b>18 – 24 May 2015</b>	<b>Casual Employees</b>	<b>Part time employees</b>	<b>Full time employees</b>	<b>Total for all employees</b>
<10 per week	56.59%	11.24%	1.45%	45.99%
Between 10 – 20 hours per week	31.00%	38.26%	4.05%	31.78%
20 or more hours per week	12.41%	50.49%	94.51%	22.23%

<b>25 – 31 May 2015</b>	<b>Casual Employees</b>	<b>Part time employees</b>	<b>Full time employees</b>	<b>Total for all employees</b>
<10 per week	54.86%	11.02%	1.42%	44.51%
Between 10 – 20 hours per week	31.68%	38.62%	4.27%	32.40%
20 or more hours per week	13.47%	50.36%	94.40%	23.09%
<b>4 – 31 May 2015</b>	<b>Casual Employees</b>	<b>Part time employees</b>	<b>Full time employees</b>	<b>Total for all employees</b>
<10 per week	56.33%	10.86%	1.62%	45.69%
Between 10 – 20 hours per week	31.11%	39.21%	3.91%	32.07%
20 or more hours per week	12.56%	49.92%	94.46%	22.24%

#### **Employee Numbers of McDonald’s and its franchisees over time**

44. In 1971, McDonald’s opened its first restaurant in Australia.
45. Since that time, McDonald’s has increased its number of restaurants to 943 restaurants (as at 19 May 2015).
46. Since that time, employee numbers, both directly and indirectly, have increased progressively.
47. Since that time, the average number of employees per restaurant has also increased due to restaurant trading hours extending and additional platforms or areas of the business being introduced, for example adding the breakfast menu or introducing McCafé.
48. By way of example:
  - (a) In December 2009, approximately 320 Australian McDonald’s restaurants traded 24 hours of the day for 7 days of the week (24/7). As at 19 May 2015, approximately 601 Australian McDonald’s restaurants traded 24/7.
  - (b) In 2005, the first McCafé opened in an Australian McDonald’s restaurant. In December 2009, there were 585 Australian McDonald’s restaurants operating a McCafé. In July 2015, there were 776 Australian McDonald’s restaurants that operated a McCafé.
49. In December 2009, McDonald’s had approximately 80,000 employees, both directly and indirectly, in 808 restaurants at an average of 99 employees per restaurant. As at 19 May 2015, McDonald’s had 98,911 employees across 943 restaurants, at an average of 105 employees per restaurant.

#### **Working Preferences of Employees**

50. McDonald’s currently operates a computer system known as “myRestaurant” that it uses in its company-owned restaurants and that it licences to most of its franchisees (the “myRestaurant System”).

51. One aspect of the myRestaurant System is a computer portal that allows employees working at company-owned stores and employees of franchisees to record their hours of availability and preference to work. The employees may indicate their hours of availability in two ways.
52. The first way is part of the application for employment process with McDonald's. The second way is by following a process (outlined in paragraphs 64, 65 and 66 below) after employment has commenced.
53. All of the availabilities information (set out at paragraphs 54 to 158 below) applies to Level 2 employees only. Level 3 and 4 employees are engaged in supervisory or managerial positions so availability preferences and scheduling are managed in a different way.

***First Way***

54. McDonald's and most of its franchisees follow a practice for recruiting employees.
55. One part of the practice is an on-line application by the employee. A second part of the practice is an interview. A third part of the practice is a record check.
56. As part of the on-line application process, an applicant enters on a McDonald's webpage their hours of availability to work for each day of the week (if they were to be employed) and their preferred hours of work each day of the week (if they were to be employed). These hours of availability and preference are recorded in answers to standard questions.
57. The standard questions have changed over time. However, the current standard questions are annexed and marked **KTL-7**.
58. One aspect of the standard questions is for the applicant to specify the number of shifts that they are available each week day period. A second aspect of the standard questions is for the applicant to specify the number of shifts that they are available for each weekend.
59. If an applicant is successful in being employed by a McDonald's restaurant, the answers to the standard questions are used by McDonalds and its franchisees to schedule employees to work (at least at the start of employment).
60. For applicants who become full-time or part-time employees, the hours of availability and preference remain as contained in the answers to the standard questions until a request is made by the employee to a manager to change the hours or the employee and the manager agree to a change in the hours.
61. For applicants who become a casual employee, the hours of availability and preference may be changed by the employee at any time.
62. In my experience, managers of stores roster full-time and part-time employees to work in accordance with hours of availability and preference as recorded in the answers to the standard questions.
63. In May 2015, the majority (852 of 943) of restaurants were using the myRestaurant System to generate employee schedules.



## ***Second Way***

64. After an applicant has become an employee, the hours of availability and preference to work may be changed on an ongoing basis or on a temporary basis. Different practices are followed depending upon whether the employee is a casual employee (on the one hand) or a full-time or part-time employee (on the other hand).
65. A casual employee may change his or her availability by following the process set by the restaurant. The process set by each restaurant may be slightly different but all involve an employee being able to record their change in availability which is communicated to the management of the restaurant. The process that the restaurant sets up to do this may be via email or to be recorded in a specific book in the restaurant. In my experience, if the casual employee contacts their manager, the manager will modify the availability of the employee in the myRestaurant System.
66. A full-time or part-time employee may change his or her availability on an ongoing basis by contacting their manager or on a temporary basis by following the process set by the restaurant. The process set by each restaurant may be slightly different but all involve an employee being able to record their change in availability which is communicated to the management of the restaurant. The process that the restaurant sets up to do this may be via email or to be recorded in a specific book in the restaurant. In my experience, if the full-time or part-time employee contacts their manager, the manager will modify the availability of the employee in the myRestaurant System.

## ***Reports from MyRestaurant System***

67. Another aspect of the myRestaurant System is the ability of McDonald's to interrogate the data recorded in the myRestaurant System to produce reports. One report that can be produced relates to employee preferences (or availabilities).
68. On 1 May 2015, I interrogated the data in the system to produce a report on the preferences of employees (the "**Preferences Report**"). Annexed and marked "**KTL-8**" is a true copy of the Preferences Report.
69. In my experience, managers of restaurants (operated directly and by franchisees) maintain accurate availabilities information in the myRestaurant System. Managers are required to keep the availabilities information accurate as the myRestaurant rostering system uses availabilities to create rosters. It is standard practice of managers to enter any changes to permanent or temporary availabilities in to the myRestaurant system prior to creating the weekly employee roster. This practice is also taught in the training conducted by McDonald's for managers responsible for scheduling.
70. The Preferences Report relates to 73,443 of employees at 852 restaurants.
71. The Preferences Report shows the nominated standard availabilities of employees by each hour of each day of the week.
72. This Preferences Report breaks employees down by age, for each year from 14 years of age to 20 years of age, and then groups employees who are 21 years of age and over together. The Preferences Report then further breaks employees down by their employment status - casual, part-time and full-time.



**Work preferences of 14 year old employees**

73. As at May 2015, the Preferences Report shows the following preferences to work by casual employees aged 14 years (being 949 employees) :

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	1%	7%
6am – 7am	1%	21%
7am – 8am	1%	38%
8am – 9am	1%	53%
9am – 10am	1%	63%
10am – 11am	1%	68%
11am – 12pm	1%	70%
12pm – 1pm	1%	72%
1pm – 2pm	1%	73%
2pm – 3pm	1%	74%
3pm – 4pm	3%	74%
4pm – 5pm	50%	75%
5pm – 6pm	72%	73%
6pm – 7pm	74%	69%
7pm – 8pm	72%	67%
8pm – 9pm	61%	58%
9pm – 10pm	37%	40%
10pm – 11pm	16%	21%

74. The “Weekday Availabilities” data in the second column of the above table has been calculated as follows:

- (a) For each hour of the day 5am to 11pm inclusive, adding together the percentage of 14 year old casual employees who were available for that hour on each of the days Monday to Friday (inclusive). The percentage is the proportion of employees of that age and status who have indicated that they are available to work during that time. This availability is taken from their standard availabilities that are entered in to the myRestaurant System. For example, as noted at paragraph 73 above, as at May 2015 there were 949 employees aged 14 who were casual employees and the number of those who indicated they were available during the hours of 7am and 8am on Monday was 10, which equated to a percentage of 1.05 per cent (that is, 10 divided by 949). The percentage was then obtained in the same manner for Tuesday, Wednesday, Thursday and Friday. The percentages for that hour for each weekday were then added together.
- (b) Dividing the result for each hour by five, to achieve an average percentage.



(c) The average percentage has then been rounded to the nearest whole number.

75. The "Weekend Availabilities" data in the third column of the above table has been calculated as follows:

(a) For each hour of the day 5am to 11pm inclusive, adding together the percentage of 14 year old casual employees who were available for that hour on Saturday and Sunday. The percentage is the proportion of employees of that age and status who have indicated that they are available to work during that time. This availability is taken from their standard availabilities that are entered in to the myRestaurant System. For example, as noted at paragraph 73 above, as at May 2015 there were 949 employees aged 14 who were casual employees and the number of those who indicated they were available during the hours of 7am and 8am on Saturday was 344, which equated to a percentage of 36.25 per cent (that is, 344 divided by 949). The percentage was then obtained in the same manner for Sunday. The percentages for that hour for each weekend day were then added together.

(b) Dividing the result for each hour, by two, to achieve an average percentage.

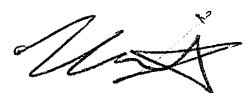
(c) The average percentage has then been rounded to the nearest whole number.

76. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 14 years during a weekday is 5.17 hours (see page Average Available Hours by Day of the Preferences Report).

77. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 14 years during a weekend is 11.50 hours (see page Average Available Hours by Day of the Preferences Report).

78. As at May 2015, the Preferences Report shows the following preferences to work by part time employees aged 14 years (being two employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	0%	0%
6am – 7am	0%	0%
7am – 8am	0%	0%
8am – 9am	0%	0%
9am – 10am	0%	50%
10am – 11am	0%	50%
11am – 12pm	0%	50%
12pm – 1pm	0%	50%



Hour of Work	Weekday Availabilities	Weekend Availabilities
1pm – 2pm	0%	50%
2pm – 3pm	0%	50%
3pm – 4pm	0%	75%
4pm – 5pm	20%	75%
5pm – 6pm	60%	75%
6pm – 7pm	60%	75%
7pm – 8pm	60%	75%
8pm – 9pm	60%	75%
9pm – 10pm	30%	75%
10pm – 11pm	10%	0%

79. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for part time employees aged 14 years old.
80. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 14 years during a weekday is 4.00 hours (see page Average Available Hours by Day of the Preferences Report).
81. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 14 years during a weekend is 11.50 hours (see page Average Available Hours by Day of the Preferences Report).
82. As at May 2015, the Preferences Report did not cover any full time 14 year old employees.

**Work preferences of 15 year old employees**

83. As at May 2015, the Preferences Report shows the following preferences to work by casual employees aged 15 years (being 9,277 employees) :

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	1%	6%
6am – 7am	1%	21%
7am – 8am	1%	40%
8am – 9am	1%	54%

Hour of Work	Weekday Availabilities	Weekend Availabilities
9am – 10am	1%	64%
10am – 11am	1%	69%
11am – 12pm	1%	72%
12pm – 1pm	1%	74%
1pm – 2pm	1%	74%
2pm – 3pm	2%	75%
3pm – 4pm	4%	76%
4pm – 5pm	48%	75%
5pm – 6pm	72%	74%
6pm – 7pm	74%	71%
7pm – 8pm	71%	68%
8pm – 9pm	62%	60%
9pm – 10pm	40%	43%
10pm – 11pm	17%	22%

84. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for casual employees aged 15 years old.
85. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 15 years during a weekday is 5.35 hours (see page Average Available Hours by Day of the Preferences Report).
86. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 15 years during a weekend is 11.86 hours (see page Average Available Hours by Day of the Preferences Report).
87. As at May 2015, the Preferences Report shows the following preferences to work by part time employees aged 15 years (being 154 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	2%	5%

Hour of Work	Weekday Availabilities	Weekend Availabilities
6am – 7am	2%	25%
7am – 8am	3%	46%
8am – 9am	3%	61%
9am – 10am	4%	69%
10am – 11am	4%	73%
11am – 12pm	4%	74%
12pm – 1pm	4%	75%
1pm – 2pm	4%	75%
2pm – 3pm	4%	77%
3pm – 4pm	6%	77%
4pm – 5pm	45%	79%
5pm – 6pm	75%	79%
6pm – 7pm	77%	78%
7pm – 8pm	77%	76%
8pm – 9pm	68%	67%
9pm – 10pm	50%	51%
10pm – 11pm	27%	33%

88. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for part time employees aged 15 years old.
89. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 15 years during a weekday is 5.96 hours (see page Average Available Hours by Day of the Preferences Report).
90. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 15 years during a weekend is 12.56 hours (see page Average Available Hours by Day of the Preferences Report).
91. As at May 2015, the Preferences Report did not cover any full time 15 year old employees.

**Work preferences of 16 year old employees**

92. As at May 2015, the Preferences Report shows the following preferences to work by casual employees aged 16 years (being 14,148 employees) :

<b>Hour of Work</b>	<b>Weekday Availabilities</b>	<b>Weekend Availabilities</b>
5am – 6am	1%	7%
6am – 7am	1%	21%
7am – 8am	2%	37%
8am – 9am	2%	51%
9am – 10am	2%	61%
10am – 11am	3%	66%
11am – 12pm	3%	70%
12pm – 1pm	3%	72%
1pm – 2pm	3%	73%
2pm – 3pm	3%	73%
3pm – 4pm	5%	73%
4pm – 5pm	45%	73%
5pm – 6pm	70%	72%
6pm – 7pm	72%	69%
7pm – 8pm	70%	67%
8pm – 9pm	64%	60%
9pm – 10pm	46%	47%
10pm – 11pm	22%	26%

93. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for casual employees aged 16 years old.

94. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 16 years during a weekday is 5.70 hours (see page Average Available Hours by Day of the Preferences Report).

95. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 16 years during a weekend is 12.23 hours (see page Average Available Hours by Day of the Preferences Report).
96. As at May 2015, the Preferences Report shows the following preferences to work by part time employees aged 16 years (being 697 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	2%	8%
6am – 7am	3%	23%
7am – 8am	4%	43%
8am – 9am	5%	58%
9am – 10am	5%	68%
10am – 11am	6%	72%
11am – 12pm	6%	74%
12pm – 1pm	6%	76%
1pm – 2pm	6%	77%
2pm – 3pm	6%	78%
3pm – 4pm	7%	77%
4pm – 5pm	49%	78%
5pm – 6pm	75%	77%
6pm – 7pm	77%	76%
7pm – 8pm	76%	74%
8pm – 9pm	72%	69%
9pm – 10pm	54%	54%
10pm – 11pm	25%	32%

97. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for part time employees aged 16 years old.

98. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 16 years during a weekday is 6.16 hours (see page Average Available Hours by Day of the Preferences Report).
99. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 16 years during a weekend is 12.82 hours (see page Average Available Hours by Day of the Preferences Report).
100. As at May 2015, the Preferences Report shows the following preferences to work by full time employees aged 16 years (being twelve employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	38%	25%
6am – 7am	55%	54%
7am – 8am	72%	71%
8am – 9am	82%	79%
9am – 10am	82%	79%
10am – 11am	82%	79%
11am – 12pm	82%	79%
12pm – 1pm	82%	79%
1pm – 2pm	82%	79%
2pm – 3pm	82%	79%
3pm – 4pm	83%	79%
4pm – 5pm	90%	79%
5pm – 6pm	92%	75%
6pm – 7pm	92%	79%
7pm – 8pm	92%	79%
8pm – 9pm	83%	71%
9pm – 10pm	65%	54%
10pm – 11pm	62%	54%




101. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for full time employees aged 16 years old.
102. As at May 2015, the Preferences Report shows that the average availability of a full time employee aged 16 years during a weekday is 15.83 hours (see page Average Available Hours by Day of the Preferences Report).
103. As at May 2015, the Preferences Report shows that the average availability of a full time employee aged 16 years during a weekend is 16.75 hours (see page Average Available Hours by Day of the Preferences Report).

***Work preferences of 17 year old employees***

104. As at May 2015, the Preferences Report shows the following preferences to work by casual employees aged 17 years (being 11,329 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	2%	10%
6am – 7am	4%	24%
7am – 8am	4%	37%
8am – 9am	5%	50%
9am – 10am	6%	58%
10am – 11am	6%	63%
11am – 12pm	6%	67%
12pm – 1pm	6%	69%
1pm – 2pm	6%	70%
2pm – 3pm	7%	70%
3pm – 4pm	9%	70%
4pm – 5pm	43%	69%
5pm – 6pm	66%	67%
6pm – 7pm	68%	65%
7pm – 8pm	66%	63%
8pm – 9pm	61%	58%
9pm – 10pm	47%	47%



Hour of Work	Weekday Availabilities	Weekend Availabilities
10pm – 11pm	24%	28%

105. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for casual employees aged 17 years old.
106. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 17 years during a weekday is 6.41 hours (see page Average Available Hours by Day of the Preferences Report).
107. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 17 years during a weekend is 12.57 hours (see page Average Available Hours by Day of the Preferences Report).
108. As at May 2015, the Preferences Report shows the following preferences to work by part time employees aged 17 years (being 1,049 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	5%	14%
6am – 7am	8%	30%
7am – 8am	10%	45%
8am – 9am	13%	58%
9am – 10am	13%	65%
10am – 11am	14%	68%
11am – 12pm	14%	72%
12pm – 1pm	14%	74%
1pm – 2pm	15%	75%
2pm – 3pm	16%	75%
3pm – 4pm	18%	74%
4pm – 5pm	50%	74%
5pm – 6pm	70%	72%
6pm – 7pm	71%	70%

Hour of Work	Weekday Availabilities	Weekend Availabilities
7pm – 8pm	70%	68%
8pm – 9pm	66%	64%
9pm – 10pm	56%	55%
10pm – 11pm	29%	34%

109. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for part time employees aged 17 years old.
110. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 17 years during a weekday is 7.69 hours (see page Average Available Hours by Day of the Preferences Report).
111. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 17 years during a weekend is 13.56 hours (see page Average Available Hours by Day of the Preferences Report).
112. As at May 2015, the Preferences Report shows the following preferences to work by full time employees aged 17 years (being fifty employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	40%	38%
6am – 7am	63%	58%
7am – 8am	72%	59%
8am – 9am	82%	66%
9am – 10am	84%	68%
10am – 11am	91%	70%
11am – 12pm	93%	72%
12pm – 1pm	93%	77%
1pm – 2pm	93%	77%
2pm – 3pm	92%	77%
3pm – 4pm	92%	77%

Hour of Work	Weekday Availabilities	Weekend Availabilities
4pm – 5pm	88%	74%
5pm – 6pm	81%	73%
6pm – 7pm	75%	72%
7pm – 8pm	73%	69%
8pm – 9pm	67%	64%
9pm – 10pm	64%	63%
10pm – 11pm	52%	53%

113. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for full time employees aged 17 years old.
114. As at May 2015, the Preferences Report shows that the average availability of a full time employee aged 17 years during a weekday is 16.03 hours (see page Average Available Hours by Day of the Preferences Report).
115. As at May 2015, the Preferences Report shows that the average availability of a full time employee aged 17 years during a weekend is 17.13 hours (see page Average Available Hours by Day of the Preferences Report).

**Work preferences of 18 year old employees**

116. As at May 2015, the Preferences Report shows the following preferences to work by casual employees aged 18 years (being 8,613 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	12%	18%
6am – 7am	17%	32%
7am – 8am	21%	42%
8am – 9am	25%	53%
9am – 10am	27%	60%
10am – 11am	28%	64%
11am – 12pm	29%	68%
12pm – 1pm	29%	69%

Hour of Work	Weekday Availabilities	Weekend Availabilities
1pm – 2pm	29%	70%
2pm – 3pm	30%	70%
3pm – 4pm	31%	69%
4pm – 5pm	49%	67%
5pm – 6pm	61%	65%
6pm – 7pm	62%	63%
7pm – 8pm	62%	61%
8pm – 9pm	58%	57%
9pm – 10pm	50%	50%
10pm – 11pm	33%	36%

117. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for casual employees aged 18 years old.
118. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 18 years during a weekday is 9.82 hours (see page Average Available Hours by Day of the Preferences Report).
119. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 18 years during a weekend is 13.74 hours (see page Average Available Hours by Day of the Preferences Report).
120. As at May 2015, the Preferences Report shows the following preferences to work by part time employees aged 18 years (being 1,468 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	19%	26%
6am – 7am	28%	39%
7am – 8am	35%	50%
8am – 9am	40%	60%
9am – 10am	42%	65%

Hour of Work	Weekday Availabilities	Weekend Availabilities
10am – 11am	43%	68%
11am – 12pm	43%	71%
12pm – 1pm	44%	73%
1pm – 2pm	44%	73%
2pm – 3pm	45%	73%
3pm – 4pm	46%	72%
4pm – 5pm	61%	69%
5pm – 6pm	68%	67%
6pm – 7pm	69%	65%
7pm – 8pm	67%	63%
8pm – 9pm	64%	58%
9pm – 10pm	56%	53%
10pm – 11pm	39%	40%

121. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for part time employees aged 18 years old.
122. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 18 years during a weekday is 11.53 hours (see page Average Available Hours by Day of the Preferences Report).
123. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 18 years during a weekend is 15.01 hours (see page Average Available Hours by Day of the Preferences Report).
124. As at May 2015, the Preferences Report shows the following preferences to work by full time employees aged 18 years (being 89 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	56%	48%
6am – 7am	71%	60%

Hour of Work	Weekday Availabilities	Weekend Availabilities
7am – 8am	84%	72%
8am – 9am	90%	78%
9am – 10am	91%	78%
10am – 11am	91%	79%
11am – 12pm	93%	81%
12pm – 1pm	94%	84%
1pm – 2pm	93%	83%
2pm – 3pm	92%	81%
3pm – 4pm	91%	81%
4pm – 5pm	89%	77%
5pm – 6pm	86%	74%
6pm – 7pm	83%	73%
7pm – 8pm	82%	72%
8pm – 9pm	77%	68%
9pm – 10pm	72%	67%
10pm – 11pm	60%	54%

125. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for full time employees aged 18 years old.
126. As at May 2015, the Preferences Report shows that the average availability of a full time employee aged 18 years during a weekday is 17.74 hours (see page Average Available Hours by Day of the Preferences Report).
127. As at May 2015, the Preferences Report shows that the average availability of a full time employee aged 18 years during a weekend is 18.19 hours (see page Average Available Hours by Day of the Preferences Report).

***Work preferences of 19 year old employees***

128. As at May 2015, the Preferences Report shows the following preferences to work by casual employees aged 19 years (being 5,823 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	24%	29%
6am – 7am	35%	42%
7am – 8am	42%	51%
8am – 9am	47%	58%
9am – 10am	50%	64%
10am – 11am	51%	67%
11am – 12pm	53%	69%
12pm – 1pm	53%	71%
1pm – 2pm	53%	71%
2pm – 3pm	53%	70%
3pm – 4pm	54%	70%
4pm – 5pm	56%	68%
5pm – 6pm	58%	65%
6pm – 7pm	59%	63%
7pm – 8pm	59%	62%
8pm – 9pm	57%	59%
9pm – 10pm	54%	56%
10pm – 11pm	44%	47%

129. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for casual employees aged 19 years old.
130. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 19 years during a weekday is 13.20 hours (see page Average Available Hours by Day of the Preferences Report).
131. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 19 years during a weekend is 15.40 hours (see page Average Available Hours by Day of the Preferences Report).

132. As at May 2015, the Preferences Report shows the following preferences to work by part time employees aged 19 years (being 1,683 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	32%	35%
6am – 7am	46%	48%
7am – 8am	54%	56%
8am – 9am	61%	65%
9am – 10am	64%	69%
10am – 11am	65%	71%
11am – 12pm	65%	72%
12pm – 1pm	65%	74%
1pm – 2pm	66%	73%
2pm – 3pm	66%	73%
3pm – 4pm	66%	72%
4pm – 5pm	65%	70%
5pm – 6pm	65%	67%
6pm – 7pm	65%	65%
7pm – 8pm	64%	63%
8pm – 9pm	62%	60%
9pm – 10pm	58%	57%
10pm – 11pm	48%	48%

133. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for part time employees aged 19 years old.

134. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 19 years during a weekday is 14.38 hours (see page Average Available Hours by Day of the Preferences Report).



135. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 19 years during a weekend is 16.03 hours (see page Average Available Hours by Day of the Preferences Report).

136. As at May 2015, the Preferences Report shows the following preferences to work by full time employees aged 19 years (being 89 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	57%	55%
6am – 7am	78%	74%
7am – 8am	83%	78%
8am – 9am	89%	81%
9am – 10am	90%	83%
10am – 11am	91%	83%
11am – 12pm	91%	84%
12pm – 1pm	91%	85%
1pm – 2pm	91%	85%
2pm – 3pm	91%	85%
3pm – 4pm	90%	85%
4pm – 5pm	89%	83%
5pm – 6pm	85%	80%
6pm – 7pm	84%	79%
7pm – 8pm	83%	78%
8pm – 9pm	81%	75%
9pm – 10pm	77%	73%
10pm – 11pm	63%	62%

137. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for full time employees aged 19 years old.

138. As at May 2015, the Preferences Report shows that the average availability of a full time employee aged 19 years during a weekday is 18.06 hours (see page Average Available Hours by Day of the Preferences Report).

139. As at May 2015, the Preferences Report shows that the average availability of a full time employee aged 19 years during a weekend is 19.01 hours (see page Average Available Hours by Day of the Preferences Report).

**Work preferences of 20 year old employees**

140. As at May 2015, the Preferences Report shows the following preferences to work by casual employees aged 20 years (being 3,483 employees) :

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	28%	34%
6am – 7am	40%	47%
7am – 8am	46%	54%
8am – 9am	51%	61%
9am – 10am	53%	65%
10am – 11am	55%	67%
11am – 12pm	55%	69%
12pm – 1pm	55%	70%
1pm – 2pm	56%	70%
2pm – 3pm	56%	69%
3pm – 4pm	56%	69%
4pm – 5pm	55%	66%
5pm – 6pm	55%	64%
6pm – 7pm	56%	62%
7pm – 8pm	56%	61%
8pm – 9pm	55%	59%
9pm – 10pm	53%	57%
10pm – 11pm	46%	50%

141. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for casual employees aged 20 years old.
142. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 20 years during a weekday is 13.83 hours (see page Average Available Hours by Day of the Preferences Report).
143. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 20 years during a weekend is 15.93 hours (see page Average Available Hours by Day of the Preferences Report).
144. As at May 2015, the Preferences Report shows the following preferences to work by part time employees aged 20 years (being 1,387 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	34%	36%
6am – 7am	52%	51%
7am – 8am	60%	58%
8am – 9am	65%	63%
9am – 10am	68%	66%
10am – 11am	68%	68%
11am – 12pm	68%	69%
12pm – 1pm	68%	70%
1pm – 2pm	68%	70%
2pm – 3pm	68%	69%
3pm – 4pm	68%	68%
4pm – 5pm	65%	67%
5pm – 6pm	63%	65%
6pm – 7pm	62%	63%
7pm – 8pm	62%	62%
8pm – 9pm	60%	60%
9pm – 10pm	58%	58%

Hour of Work	Weekday Availabilities	Weekend Availabilities
10pm – 11pm	51%	52%

145. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for part time employees aged 20 years old.
146. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 20 years during a weekday is 14.85 hours (see page Average Available Hours by Day of the Preferences Report).
147. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 20 years during a weekend is 16.58 hours (see page Average Available Hours by Day of the Preferences Report).
148. As at May 2015, the Preferences Report shows the following preferences to work by full time employees aged 20 years (being 95 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	51%	47%
6am – 7am	81%	63%
7am – 8am	84%	64%
8am – 9am	92%	67%
9am – 10am	92%	67%
10am – 11am	93%	68%
11am – 12pm	93%	68%
12pm – 1pm	93%	68%
1pm – 2pm	93%	68%
2pm – 3pm	92%	68%
3pm – 4pm	92%	66%
4pm – 5pm	82%	65%
5pm – 6pm	78%	62%
6pm – 7pm	74%	61%

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Hour of Work	Weekday Availabilities	Weekend Availabilities
7pm – 8pm	72%	60%
8pm – 9pm	69%	58%
9pm – 10pm	68%	57%
10pm – 11pm	63%	54%

149. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for full time employees aged 20 years old.
150. As at May 2015, the Preferences Report shows that the average availability of a full time employee aged 20 years during a weekday is 17.92 hours (see page Average Available Hours by Day of the Preferences Report).
151. As at May 2015, the Preferences Report shows that the average availability of a full time employee aged 20 years during a weekend is 19.74 hours (see page Average Available Hours by Day of the Preferences Report).

***Work preferences of employees who are 21 years old or more***

152. As at May 2015, the Preferences Report shows the following preferences to work by casual employees aged 21 years or more (being 7,618 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	33%	37%
6am – 7am	44%	47%
7am – 8am	48%	51%
8am – 9am	53%	54%
9am – 10am	56%	57%
10am – 11am	57%	59%
11am – 12pm	58%	59%
12pm – 1pm	57%	59%
1pm – 2pm	57%	59%
2pm – 3pm	56%	58%
3pm – 4pm	54%	57%

Hour of Work	Weekday Availabilities	Weekend Availabilities
4pm – 5pm	52%	55%
5pm – 6pm	51%	54%
6pm – 7pm	52%	54%
7pm – 8pm	52%	54%
8pm – 9pm	52%	53%
9pm – 10pm	51%	52%
10pm – 11pm	47%	48%

153. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for casual employees aged 21 years old or more.
154. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 21 years or more during a weekday is 13.85 hours (see page Average Available Hours by Day of the Preferences Report).
155. As at May 2015, the Preferences Report shows that the average availability of a casual employee aged 21 years or more during a weekend is 15.78 hours (see page Average Available Hours by Day of the Preferences Report).
156. As at May 2015, the Preferences Report shows the following preferences to work by part time employees aged 21 years or more (being 4,407 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	40%	36%
6am – 7am	54%	48%
7am – 8am	59%	52%
8am – 9am	64%	54%
9am – 10am	67%	56%
10am – 11am	69%	57%
11am – 12pm	69%	58%
12pm – 1pm	68%	58%

Hour of Work	Weekday Availabilities	Weekend Availabilities
1pm – 2pm	68%	57%
2pm – 3pm	65%	56%
3pm – 4pm	62%	55%
4pm – 5pm	57%	54%
5pm – 6pm	54%	53%
6pm – 7pm	53%	52%
7pm – 8pm	53%	51%
8pm – 9pm	52%	50%
9pm – 10pm	51%	49%
10pm – 11pm	47%	46%

157. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for part time employees aged 21 years old or more.
158. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 21 years or more during a weekday is 14.29 hours (see page Average Available Hours by Day of the Preferences Report).
159. As at May 2015, the Preferences Report shows that the average availability of a part time employee aged 21 years or more during a weekend is 16.26 hours (see page Average Available Hours by Day of the Preferences Report).
160. As at May 2015, the Preferences Report shows the following preferences to work by full time employees aged 21 years or more (being 1,021 employees):

Hour of Work	Weekday Availabilities	Weekend Availabilities
5am – 6am	64%	39%
6am – 7am	81%	46%
7am – 8am	86%	48%
8am – 9am	89%	48%
9am – 10am	90%	50%

Hour of Work	Weekday Availabilities	Weekend Availabilities
10am – 11am	90%	49%
11am – 12pm	88%	49%
12pm – 1pm	85%	48%
1pm – 2pm	83%	48%
2pm – 3pm	76%	46%
3pm – 4pm	70%	44%
4pm – 5pm	62%	43%
5pm – 6pm	56%	41%
6pm – 7pm	52%	40%
7pm – 8pm	52%	40%
8pm – 9pm	51%	39%
9pm – 10pm	50%	39%
10pm – 11pm	46%	38%

161. The Weekday Availabilities and Weekend Availabilities have been calculated in the same manner described at paragraphs 74 and 75 above, except that the percentages used are for full time employees aged 21 years old or more.
162. As at May 2015, the Preferences Report shows that the average availability of a full time employee aged 21 years or more during a weekday is 15.69 hours (see page Average Available Hours by Day of the Preferences Report).
163. As at May 2015, the Preferences Report shows that the average availability of a full time employee aged 21 years or more during a weekend is 18.18 hours (see page Average Available Hours by Day of the Preferences Report).
164. In summary, the information set out within paragraphs 76 to 163 regarding average hours of availability shows that the average availability by age and employment type (that is, full time, part time or casual) of employees engaged to work in McDonald’s restaurants (based on those employees and restaurants included in the Preferences Report) is:



Age	Casual Employees Average Availability (in hours)		Part Time Employees Average Availability (in hours)		Full Time Employees Average Availability (in hours)	
	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
14	5.17	11.50	4.00	11.50	-	-
15	5.35	11.86	5.96	12.56	-	-
16	5.70	12.23	6.16	12.82	15.83	16.75
17	6.41	12.57	7.69	13.56	16.03	17.13
18	9.82	13.74	11.53	15.01	17.74	18.19
19	13.20	15.40	14.38	16.03	18.06	19.01
20	13.83	15.93	14.85	16.58	17.92	19.74
21 years or more	13.85	15.78	14.29	16.26	15.69	18.18

165. From the Preferences Report, the following observations can be made about employees (employed directly and indirectly), their age, their employment status and the times that they have indicated they are available to work:

***Weekdays before 4pm***

- (a) On weekdays before 4pm, very few (around 1 to 2 percent) 14 and 15 year olds of any status are available to work.
- (b) On weekdays before 4pm, a slightly higher number (around 2 to 13 per cent) of 16 and 17 year old employees are available to work before 4pm, although most of those employees are full-time or part-time employees.
- (c) On weekdays before 4pm, a slightly higher number again (around 14 to 27 per cent) of part-time and casual 18 year old employees are available to work before 4pm.
- (d) On weekdays before 4pm, a significant number (between 49 to 65 per cent) of part-time and casual 19, 20 and 21 year old employees are available to work before 4pm.
- (e) On weekdays before 4pm, a large number (between 80 to 95 per cent) of full-time 18, 19, 20 and 21 year old employees are available to work before 4pm.

***Weekdays between 4pm and 8pm***

- (f) On weekdays between 4pm and 8pm, a very high proportion (between 60 per cent and 68 per cent) of 14 to 17 year olds (inclusive) of all statuses are available to work. In each age group, the proportion of part time employees available to work is slightly higher than the proportion of casual employees.
- (g) On weekdays between 4pm and 8pm, for the ages 18, 19 and 20 full time employees in each age bracket have the highest availability to work (between 76 per cent and

85 per cent), followed by part time employees (between 63 per cent to 66 per cent) and then casual employees (between 55 per cent to 58 per cent).

- (h) On weekdays between 4pm and 8pm, between 51 per cent to 55 per cent of employees aged 21 years and over are available to work and this remains relatively consistent amongst different employment status.

#### ***Weekdays after 8pm***

- (i) On weekdays after 8pm, across all ages and employment statuses the percentage of employees that have nominated that they are available to work slowly reduces for each later hour. This difference by hour is greatest for employees aged between 14 and 17 years old and is greatest for casual employees. The difference by hour reduces significantly for each age group 18 years and above and the difference for each hour is also lower for part-time and full-time employees than it is for casual employees.
- (j) On weekdays after 8pm, the availability of employees aged 14, 15, 16 and 17 years old ranges from 61 per cent to 71 per cent.
- (k) On weekdays after 8pm, the availability of part-time and full-time employees aged 14, 15, 16 and 17 years is slightly higher than the availability of casual employees.
- (l) On weekdays after 9pm, the availability of employees aged 14, 15, 16 and 17 years decreases (to between 37 per cent to 56 per cent).
- (m) On weekdays after 9pm, the availability of part-time and full-time employees aged 14, 15, 16 and 17 years is slightly higher than for casual employees in the same age bracket.
- (n) On weekdays after 10pm, the availability of employees aged ~~14~~, 15, 16 and 17 years further decreases (to between 16 per cent to 29 per cent).
- (o) On weekdays after 9pm, the availability of part-time and full-time employees aged ~~14~~, 15, 16 and 17 years is slightly higher than for casual employees in the same age bracket.
- (p) On weekdays after 8pm, the percentage of employees aged 18, 19 and 20 years old who are available ranges from 55 per cent to 80 per cent.
- (q) On weekdays after 8pm, the availability of part-time and full-time employees aged 18, 19 and 20 years is higher than for casual employees in the same age bracket.
- (r) On weekdays after 9pm, the availability of employees aged 18, 19 and 20 years drops slightly (to between 49 per cent to 77 per cent).
- (s) On weekdays after 9pm, the availability of part-time and full-time employees aged 18, 19 and 20 years is higher than for casual employees in the same age bracket.
- (t) On weekdays after 10pm, the availability of employees aged 18, 19 and 20 years drops again (to between 32 per cent to 62 per cent).
- (u) On weekdays after 10pm, the availability of part-time and full-time employees aged 18, 19 and 20 years is substantially higher than for casual employees in the same age bracket.
- (v) On weekdays after 8pm, the availability of employees aged 21 years old and over is relatively fixed across all hours and employment statuses with very little movement between hours and statuses.

#### ***Weekends before 4pm***

- (w) On weekends before 4pm across all ages and employment statuses there are a high proportion of employees available to work, with most age groups and categories



sitting between 60 per cent to 80 per cent of employees available to work for each hour.

- (x) On weekends before 4pm across all ages, except 20 years old and 21 years old or more, the availability of part-time and full-time employees is slightly higher than casual employees in the same age bracket.

***Weekends between 4pm and 8pm***

- (y) On weekends between 4pm and 8pm, the availability of employees of all employment statuses aged 14 – 19 years is quite high (between 61 per cent and 83 per cent), with the availability of full-time and part-time employees being greater than that of casual employees in the same age group.
- (z) On weekends between 4pm and 8pm, employees aged 20 and 21 plus years more than half of the employees are available to work across all employment statuses with the exclusion of full-time employees in the 21 years old or more category.

***Weekends after 8pm***

- (aa) On weekends after 8pm across all ages and employment statuses the percentage of employees that have nominated that they are available to work slowly reduces for each later hour, however this reduction is smaller than it is for weekdays.
- (bb) On weekends after 8pm, the difference in availability by hour is greatest for employees aged between 14 and 17 years old and is greatest for casual employees.
- (cc) On weekends after 8pm, the difference in availability by hour reduces significantly for each age group 18 years and above.
- (dd) On weekends after 8pm, <sup>in most age groups</sup> the difference in availability for each hour is lower for part-time and full-time employees than it is for casual employees.

166. From the Preferences Report, and on average, employees of every age group are available for a greater number of hours on weekends when compared to weekdays:

Age	Weekday average hours of availability	Weekend average hours of availability
14	5.17	11.50
15	5.36	11.87
16	5.73	12.26
17	6.57	12.68
18	10.18	13.96
19	13.54	15.59
20	14.23	16.18
21+	14.18	16.08

**Saturday Operations**

167. A third aspect of the myRestaurant System is a computer portal that records the hours that employees work by recording each employee’s start, finish and break times. This is recorded by using the “Time Clock” in each restaurant, which employees ‘clock in’ when they begin

work or return from an unpaid break and 'clock out' when they finish work or begin an unpaid break. Each employee uses a unique identifier to clock in and out on the "Time Clock". The clock in and clock out details of each employee are communicated to the myRestaurant System. The myRestaurant System then communicates such records to the payroll system that restaurants use. For all company-owned restaurants this information is communicated to a central payroll system. For franchise-operated stores, they may use different payroll systems.

168. On 1 May 2015, I requested the McDonald's Payroll team to produce a report of hours worked by Level 2 employees on Saturdays and Sundays at company-owned restaurants from 5 April 2015 to 26 April 2015. The report that the Payroll team produced shows the actual times that each employee who worked at any company-owned restaurants on a weekend during this period was recorded as being at work and being paid. The report then shows the total minutes that each employee was recorded as being clocked on to work on each day (the "**Hours Worked Report**").
169. The Hours Worked Report relates to 11,971 employees at the 164 McOpCo restaurants. These employees were all Level 2 employees who worked on either Saturday or Sunday at McOpCo restaurants during this period.
170. The Hours Worked Report shows the hours worked by Level 2 employees on Saturdays and Sundays during this period. Using this data I separated all of the hours worked on Saturdays from the hours worked on Sundays during this period. I was then able to calculate the average hours worked by employees on each day at McOpCo restaurants during this period by adding all of the hours worked on each Saturday during this period and then dividing that by the total number of shifts worked on Saturdays during this period. I was then able to do the same for Sunday.

As a proportion of gross weekly sales, the amount of average gross sales on a Saturday represented approximately the percentage set out in **Confidential Exhibit KTL-3**. In my experience as a Restaurant Manager and in my roles with McDonald's, my experience was that due to the volume of customers served on Saturdays more employees were required to work on Saturdays than were required on week days in order to meet the customer demand.

171. From the Hours Worked Report, the average shift length that Level 2 employees were worked on Saturdays in McOpCo restaurants from 5 April 2015 to 26 April 2015 was 5.38 hours.

#### **Sunday Operations**

172. As a proportion of gross weekly sales, the amount of average gross sales on a Sunday represented approximately the percentage set out in **Confidential Exhibit KTL-3**.
173. From the Hours Worked Report, the average shift length that Level 2 employees were worked on Saturdays in McOpCo restaurants from 5 April 2015 to 26 April 2015 was 5.28 hours.

#### **Health Impact of Weekend Work**

174. McDonald's has a system for reporting and recording injuries and safety incidents relating to employees (employed both directly and indirectly).
175. Incident/Visit Report Form Instructions are printed in a document known as the Restaurant Essentials Workbook ("**REW**"). A copy of the Incident/Visit Report Form Instructions is

exhibited to this affidavit and marked "Confidential **Exhibit KTL-9**" A REW is a book that every McDonald's restaurant (both McOpCo and licensee) has that is used to record food safety information and safety incidents and hazards. An Incident Report Form is contained within the REW, and should be completed by a manager when an "incident" (as defined in the Incident/Visit Report Form Instructions) occurs. I am aware from my current position as HR Business Partner, my previous position with McDonald's as National Training and HR Designs Consultant, and attending management training courses myself, that instruction regarding completion of Incident Reports forms part of mandatory management training for McDonald's managers.

176. The manager or shift supervisor who completed the Incident/Visit Report Form should then send it to the McDonald's Customer Service team at the corporate office of McDonald's. Upon receiving these reports the Customer Service team inputs the data for each incident in to a computer system used to track incidents and actions called "CARE". The CARE system then automatically notifies the Workplace Safety team that an incident has occurred. The CARE system keeps a log of incidents and their details, as well as the actions which the restaurant or the Workplace Safety team have taken. Usually this information is used to track frequency of issues across McDonald's restaurants (both McOpCo and licensee restaurants), as well as to identify opportunities in its safety systems or training that may be required.
177. I requested the Workplace Safety team to prepare a report recording the frequency of incidents (reported to McDonald's Workplace Safety team) by day of the week in the period from 1 May 2014 to 17 May 2015. A true copy of the report is annexed and marked "KTL-10".
178. The report shows that in the period from 1 May 2014 to 17 May 2015 the days of the week on which incidents occurred, and their frequency, were:

Day	No. of Incidents	Percentage of incidents
Monday	366	11.75%
Tuesday	402	12.91%
Wednesday	429	13.77%
Thursday	433	13.90%
Friday	493	15.83%
Saturday	531	17.05%
Sunday	461	14.80%
<b>Total</b>	<b>3115</b>	<b>100.00%</b>

179. From the report, it can be observed that the number of incidents that are reported progressively increases from Monday through to Saturday and then declines slightly again on Sundays. This pattern of incidents reflects the sales patterns of restaurants set out in

**Confidential Exhibit KTL-3.** In my experience as a Restaurant Manager, on days of higher sales restaurants need to roster a higher number of employees to work a greater number of hours.

**Career vs. Non-career workers**

180. In my experience, McDonald's employees (employed both directly and indirectly) can be categorised as career employees or non-career employees. In my experience, career employees are employees who intend to be with McDonald's for a number of years. Non-career employees are employees who are not intending to stay with McDonald's for a significant period of time.

181. In my view, the following types of employees can be categorised as career employees:

- (a) Full-time Crew Members (Level 2 under the Agreement);
- (b) Shift Supervisors (Level 3 under the Agreement); and
- (c) Shift Managers, Trainee Managers and Managers (Level 4 under the Agreement).

As at May 2015, McDonald's employed directly and indirectly 3,239 Level 3 employees and 4,565 Level 4 employees. I repeat paragraph 25 of this affidavit.

182. In my experience, career employees are also likely to have completed some additional training through McDonald's. Since 1997, McDonald's has been a Registered Training Organisation (RTO) and facilitates some of its employees undertaking training and obtaining qualifications. Depending on their classification level, such qualifications may include:

- (a) Certificate II in Retail Services;
- (b) Certificate III in Retail Operations;
- (c) Certificate IV in Frontline Management;
- (d) Diploma of Management; and/or
- (e) Advanced Diploma of Management

183. In the capacity of an RTO McDonald's issued the following qualifications in 2013 and 2014:

QUALIFICATION	2013	2014	TOTALS
20207 Certificate II in Retail	1002	0	1002
20212 Certificate II in Retail Services	91	813	904
30207 Certificate III in Retail	3031	0	3031
30212 Certificate III in Retail Operations	190	1642	1832
40207 Certificate IV in Retail Management	153	0	153
40812 Certificate IV in Frontline Management	0	39	39
50107 Diploma of Retail Management	223	0	223
51107 Diploma of Management	141	20	161
60201 Advanced Diploma of Business Management	4	0	4

QUALIFICATION	2013	2014	TOTALS
60407 Advanced Diploma of Management	66	38	104
	<b>4901</b>	<b>2552</b>	<b>7453</b>

184. In my view, casual Crew Members and most part-time Crew Members can be classified as non-career employees.
185. In my experience, most casual and part-time Crew Members are at school or studying in some way. In my experience, most casual and part-time Crew Members are generally available to work evenings during the week and the days and evenings on weekends, as they balance work with study. Many of these Crew Members will be unavailable to work for a particular night of the week and/or parts of the weekend as they fit work around their sporting or other extra-curricula activities.
186. In my experience, most Crew Members tend to be younger than our career employees. As at 19 May 2015, 57,641 of the 91,107 Level 2 employees (representing 63 per cent of all employees) were aged between 14 and 18 years. I repeat paragraphs 25, 33 and 35 of this affidavit.
187. Whilst many of McDonalds' employees stay past the age of 18, especially employees enrolled at and studying at university, many over this age are moving into management positions or full-time roles. By way of explanation, McDonald's does not permit an employee to be rostered as a shift manager by themselves (that is, without supervision by another manager) until they are 18 years of age. As a result, all Level 4 employees employed by McDonald's (and most Level 3 employees) are over 18 years of age. Paragraphs 33 and 35 (above) also demonstrate that the proportion of part-time and full-time employees rises for employees aged over 18 years. For example, as at 19 May 2015 13.25 per cent of McOpCo employees aged 17 years old were either part-time or full time (calculated as 380 part time employees plus 16 full time employees, divided by 2989 being the total number of 17 year old McOpCo employees), compared to 76.45 per cent of employees in the 25 years plus age group who were either part-time or full-time (calculated as 512 part time employees plus 598 full time employees, divided by 1452 being the total number of McOpCo employees 25 years or older). For employees of McDonald's franchisees, 13.92 per cent of employees aged 17 years old were either part-time or full time (calculated as 1,444 part time employees plus 86 full time employees, divided by 10,995 being the total number of 17 year old employees employed by franchisees), compared to 58.74 per cent of employees in the 25 years plus age who were either part-time or full – time (calculated as 2,205 part time employees plus 2,682 full time employees, divided by 8,320 being the total number of employees in the 25 years plus age group).
188. A majority of non-career employees are Level 2 employees. However we do have several categories of career employees who fall within the classification of Level 2 Crew, primarily maintenance employees, along with working mothers who have returned to the workforce. As noted above, these employees tend to be permanent employees (full-time or part-time) and tend to be engaged to work at times where we are unable to engage our student employees, during the day or on the overnight shift during the week.

189. McDonald's is primarily a casualised workforce despite recent efforts to increase the level of part-time employment. Casual employees are generally non career employees, with career employees being full-time employees. As discussed above, part-time employees can fall into either category.
190. The majority of our non career employees would have on average between 0 and 5 years in the business. Our average new hire is 14 to 15 years old and generally those employees who are not intending on pursuing a career with McDonald's would be looking to move on at around age 19 or 20 or when they conclude any study that they are doing to move in to full-time work in their area of study.

#### **Complaints about weekend and evening work**

191. There are a number of ways that restaurant employees can make complaints. These include, raising concerns with the management team at the restaurant or Licensee, or via contacting the Human Resources Department or by raising concerns via the PAL (Personal Action Letter) program available to all employees on metime (the **PAL System**). The PAL System is a way for employees to contact the Human Resources Team directly without the employee's manager or anyone else knowing, regarding concerns that they have. These methods are communicated to employees as part of their orientation when they begin employment with McDonald's.
192. The PAL System has been electronic and available to employees online via metime since August 2014. This allows McDonald's to better maintain records of PAL's received. Since the PAL System has been online I am not aware of complaints about weekend or evening work being made as employees are able to set their own availabilities when they apply to work at McDonald's and to make adjustments to these availabilities once employed. Through the online PAL System I am aware of complaints being made regarding employees being rostered against their availabilities. As part of the Human Resources Department I work through these complaints with the employee and restaurants involved to resolve them. I repeat paragraphs 56, 58, 64, 65 and 66 of this affidavit.

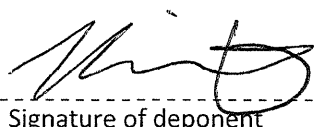
#### **Rosters**

193. Rosters for Level 2 employees are completed on a weekly basis from Monday to Sunday. The frequency of the rostering is automatically set up in the restaurant rostering system and cannot be altered. One week of employee rosters will be prepared at a time and must be communicated to employees at least five days in advance of the first day of that roster. I note that there may be special circumstances which require a restaurant to complete more than one week of rosters at a time, for example over a particular holiday period. Completing rosters one week at a time allows employees to regularly enter temporary changes to their availability. Rosters for Level 3 and 4 employees may be completed on a monthly or 6 weekly basis. This is because these employees are in a supervisory or managerial position in the restaurant so rosters need to be well planned out.
194. Employee shifts are varied throughout the day depending on operational requirements and the expected sales during each period. Employees are likely to work a shift that covers at least one of our peak periods, with peak periods being breakfast, lunch and dinner. Employees may work a shift that covers more than one of these peak periods if it is within their availabilities.

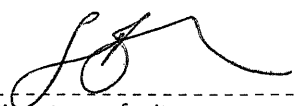




~~Sworn~~ / Affirmed by the deponent )  
at Thornleigh )  
in New South Wales )  
on 10 August 2015 )  
Before me: )



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Signature of deponent



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Signature of witness

SIMONE BLACKADDER, LAWYER

Name and qualification of witness:



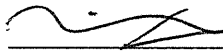
**IN THE FAIR WORK COMMISSION**

**Matter No.:** AM2014/305

**Re Application by:** The Australian Industry Group

This is the annexure marked "KTL-4" produced and shown to **Krista Terese Limbrey** at the time of affirming her affidavit on 10 August 2015.

Before me:



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Signature of Krista Terese Limbrey



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Signature of Witness

Details Requests Activity Capabilities Loyalty SOCs

Change Domain Reset Password Change Passv



Add Images  
ID:  
Created:  
Last Updated

Personal Details

First Name  
Last Name  
Middle Name  
metime ID  
Date of birth  
Gender  
Ethnicity  
Grade ID

Employment

SSN Number  
Continuous Service Calculated From Date  
Length Of Credited Service  
Student Type  
Restaurant Orientation Date  
Rehire Eligibility  
Termination Date  
Tax Code (NZ only)  
Rating Code (NZ only)

Right to Work

Right to Work Evidence Type  
Birth Certificate Number  
Passport Number  
Passport Expiry Date  
Citizenship Number  
Parent who is a citizen  
Parents Document Number  
Visa Document Number  
Visa Expiry Date  
Right to Work Last Updated  
Parent Born In Australia

Bridging/Interim Visa Status

Last Status Confirmed Date  
Last Change Confirmation  
Next Reminder Send Date  
Last Reminder Send Date

**Position**

Position Type  
Employment Type  
Standard Hours  
Multi Location  
Locations  
Pay Rate Adjustment

**Management Training**

Cosch

**Contact Details**

**Address**

Address line 1  
Suburb  
State  
Postcode  
Country  
Mobile Number  
Home Phone Number  
Contact Email Address  
Work Email Address  
Emergency Contact #1 Name  
Emergency Contact #1 Relationship  
Emergency Contact #1 Mobile  
Emergency Contact #1 Home Phone  
Emergency Contact #1 Work Phone  
Emergency Contact #1 Address  
Emergency Contact #1 City/State  
Emergency Contact #2 Name  
Emergency Contact #2 Relationship  
Emergency Contact #2 Address  
Emergency Contact #2 City/State  
Emergency Contact #2 Mobile  
Emergency Contact #2 Home Phone  
Emergency Contact #2 Work Phone

**Role**


**IN THE FAIR WORK COMMISSION**

**Matter No.:** AM2014/305

**Re Application by:** The Australian Industry Group

This is the annexure marked **KTL-5** produced and shown to **Krista Terese Limbrey** at the time of affirming her affidavit on 10 August 2015.

Before me:

A handwritten signature in black ink, appearing to be 'KTL', written above a horizontal line.

Signature of Krista Terese Limbrey

A handwritten signature in black ink, appearing to be 'SKL', written above a horizontal line.

Signature of Witness

## Annexure KTL-5: Responsible Student Policy

Title:	Responsible Student Policy
Application:	McDonald's System
Author:	P. Willcockson
Dept:	People Resources
Effective Date:	1 Jan 2011
Authorised By:	J. Taylor
Revision Date:	1 Jan 2012
No of Pages:	2
File Location:	\\ausyfs001d\root\Dept\mp\ral2\POLICIES & PROCEDURES\1. POLICIES, MCSOURCE, CORPORATE\Word Versions

# RESPONSIBLE STUDENT POLICY

## Policy Statement

McDonald's is a major employer of young people. Many of our employees gain their first job experience in our restaurants at the same time as undertaking full-time studies.

Our **Responsible Student Policy**, as amended from time to time, aims at ensuring McDonald's maintains its position as a leading employer and provides a work environment that supports the academic commitments of young people.

While McDonald's work experience can be a valuable way to commence pursuit of career opportunities, McDonald's also recognises that that the number one priority for young people is completing their school education. This policy is designed to achieve good balance between study and employment.

## Purpose

The purpose of this policy is to clearly outline the way in which our employees, who are still at school and 17 years of age and under, work for McDonald's in a mutually beneficial way.

## Application

This policy applies:

- to employees who are full-time secondary students who are 17 years of age or under;
- during school weeks. In non-school weeks employees may be rostered at other times to suit restaurant operational requirements and employee availability; and
- only to secondary students. Those studying at a tertiary level are excluded from the requirements of this policy (e.g. where a student is lawfully not required to attend secondary schooling and has pursued alternative tertiary studies).

To the extent of any inconsistency, legislation regulating youth employment shall prevail over this Responsible Student Policy.

## Scheduling

McDonald's strongly advocates that restaurants schedule relevant employees so that they will not be required to work:

- **Beyond 12:00am on Sunday to Thursday nights; and**
- **Before 5.00am on Monday to Friday.**

It is also recommended that during school terms, relevant employees should not work any

Employer of Opportunity



Title:	Responsible Student Policy
Application:	McDonald's System
Author:	P. Willcockson
Dept:	People Resources
Effective Date:	1 Jan 2011
Authorised By:	J. Taylor
Revision Date:	1 Jan 2012
No of Pages:	2
File Location:	\\Ausydfs0011d\root\Dept\temp\ref2\POLICIES & PROCEDURES\1. POLICIES, MCSOURCE, CORPORATE\Word Versions

## RESPONSIBLE STUDENT POLICY

more than three (3) shifts per week. These requirements are subject to relevant youth employment legislation, which takes precedence.

### Availability

Additionally, employee availabilities should be taken into account when preparing rosters.

- Part-time employees may update their availabilities by agreement with their management team;
- Casual employees should provide updated availabilities to their management team from time to time, following consultation with their parent/guardian and in line with their restaurant's established non-availability system. This also provides an appropriate mechanism for Crew to request more or less shifts depending upon their unique needs.

For all students our flexible rostering system accommodates examination periods and other important school and extracurricular activities.

*Employer of Opportunity*




**IN THE FAIR WORK COMMISSION**

**Matter No.:** AM2014/305

**Re Application by:** The Australian Industry Group

This is the annexure marked “**KTL-6**” produced and shown to **Krista Terese Limbrey** at the time of affirming her affidavit on 10 August 2015.

Before me:



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Signature of Krista Terese Limbrey



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Signature of Witness



Annexure KTL-6: Payroll report showing hours worked by employees employed at McDonald's operated restaurants for the period 4 May 2015 to 31 May 2015, by employment status

Count of Epn. Number	Column Labels				Percentages				
Row Labels	Casual	Part-time	Full-time	Grand Total		Casual	Part-Time	Full-Time	Grand Total
<b>19</b>	<b>9895</b>	<b>2635</b>	<b>325</b>	<b>12855</b>	<b>Week 19</b>				
<10	5623	284	6	5913	<10 Hours Per Week	56.83%	10.78%	1.85%	46.00%
10-20	3034	1060	12	4106	Between 10-20	30.66%	40.23%	3.69%	31.94%
20+	1238	1291	307	2836	20+ Hours	12.51%	48.99%	94.46%	22.06%
<b>20</b>	<b>10417</b>	<b>2721</b>	<b>332</b>	<b>13470</b>	<b>Week 20</b>				
<10	5948	283	6	6237	<10 Hours Per Week	57.10%	10.40%	1.81%	46.30%
10-20	3235	1083	12	4330	Between 10-20	31.06%	39.80%	3.61%	32.15%
20+	1234	1355	314	2903	20+ Hours	11.85%	49.80%	94.58%	21.55%
<b>21</b>	<b>10439</b>	<b>2739</b>	<b>346</b>	<b>13524</b>	<b>Week 21</b>				
<10	5907	308	5	6220	<10 Hours Per Week	56.59%	11.24%	1.45%	45.99%
10-20	3236	1048	14	4298	Between 10-20	31.00%	38.26%	4.05%	31.78%
20+	1296	1383	327	3006	20+ Hours	12.41%	50.49%	94.51%	22.23%
<b>22</b>	<b>10544</b>	<b>2804</b>	<b>351</b>	<b>13699</b>	<b>Week 22</b>				
<10	5784	309	5	6098	<10 Hours Per Week	54.86%	11.02%	1.42%	44.51%
10-20	3340	1083	15	4438	Between 10-20	31.68%	38.62%	4.27%	32.40%
20+	1420	1412	331	3163	20+ Hours	13.47%	50.36%	94.30%	23.09%
<b>Grand Total</b>	<b>41295</b>	<b>10899</b>	<b>1354</b>	<b>53548</b>					

Count of Epn. Number	Column Labels				Total over past 4 weeks				
Row Labels	Casual	Full-time	Part-time	Grand Total		Casual	Part-Time	Full-Time	Grand Total
<10	23262	22	1184	24468	<10 Hours Per Week	56.33%	10.86%	1.62%	45.69%
10-20	12845	53	4274	17172	Between 10-20	31.11%	39.21%	3.91%	32.07%
20+	5188	1279	5441	11908	20+ Hours	12.56%	49.92%	94.46%	22.24%
<b>Grand Total</b>	<b>41295</b>	<b>1354</b>	<b>10899</b>	<b>53548</b>	<b>Totals</b>	<b>77.12%</b>	<b>20.35%</b>	<b>2.53%</b>	<b>100.00%</b>

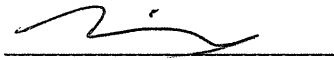
**IN THE FAIR WORK COMMISSION**

**Matter No.:** AM2014/305

**Re Application by:** The Australian Industry Group

This is the annexure marked "**KTL-7**" produced and shown to **Krista Terese Limbrey** at the time of affirming her affidavit on 10 August 2015.

Before me:

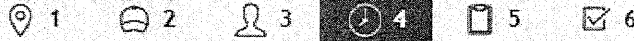
A handwritten signature in black ink, appearing to be 'KTL', written above a horizontal line.

Signature of Krista Terese Limbrey

A handwritten signature in black ink, appearing to be 'JSL', written above a horizontal line.

Signature of Witness

# Annexure KTL - 7: Standard questions currently asked of McDonald's on-line job applicants



## When can you work?

### Availability Schedule

In this step, you can let us know when you would like to work. Please indicate all the days and times that it is possible for you to work. We won't be asking you to work for all the days and times you specify. However, the more days and times you can give us, the easier it will be to give you a suitable shift.

If you are a student that is 17 or younger, then please read our [Responsible Student Policy](#) before completing this step.

Click the "+ add" link next to the day you would like to work and then select the times from the pop up window. The minimum time period that can be selected is 3 hours.

If you wish, you can add a second availability time for the same day (for example after school or college). To do this, click the "+ add" link in the right column and then select the times you can work. Don't worry, you won't be asked to work more than one shift per day! However, it will help us find a shift that meets your requirements at your chosen restaurants.

If you make a mistake, click the edit link to change your availability times.

#### Monday

	+ add
--	-------

#### Tuesday

	+ add
--	-------

#### Wednesday

	+ add
--	-------

#### Thursday

	+ add
--	-------

#### Friday

	+ add
--	-------

#### Saturday

	+ add
--	-------

#### Sunday

	+ add
--	-------

Total weekly availability: 0hrs

Total days available: 0days

## Availability Questions

\*What is the maximum number of shifts you would like to work Monday to Friday?



\*What is the maximum number of shifts you would like to work in a weekend?



\*What is the maximum number of hours you would like to work per week?



\*Are you available to work public holidays?

Yes  No

\*Are you available to work overnight shifts?

Yes  No

\*Are you available to work weekends?

Yes  No

\*Are you available to work school holidays?

Yes  No

**IN THE FAIR WORK COMMISSION**

**Matter No.:** AM2014/305

**Re Application by:** The Australian Industry Group

This is the annexure marked “**KTL-8**” produced and shown to **Krista Terese Limbrey** at the time of affirming her affidavit on 10 August 2015.

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Signature of Krista Terese Limbrey



\_\_\_\_\_  
Signature of Witness





18	Swedish	8.01%	8.01%	8.10%	8.39%	13.63%	29.65%	45.09%	57.20%	65.01%	68.33%	72.26%	74.64%	75.60%	76.36%	75.60%	74.83%	72.74%	70.73%	67.49%	63.49%	51.14%	26.41%	10.49%
	Monday	11.85%	11.93%	12.06%	12.61%	12.81%	19.28%	28.34%	35.15%	39.58%	43.64%	43.85%	43.05%	43.45%	44.55%	45.05%	45.40%	45.83%	46.24%	46.63%	47.00%	47.36%	47.71%	48.06%
	Tuesday	11.44%	11.51%	11.51%	12.33%	12.33%	18.86%	27.93%	34.20%	38.83%	41.10%	42.30%	42.71%	42.85%	44.31%	45.05%	45.29%	45.53%	45.77%	46.00%	46.23%	46.46%	46.69%	46.92%
	Wednesday	11.31%	11.38%	11.44%	12.33%	12.33%	18.46%	27.72%	34.40%	38.56%	41.06%	41.83%	42.28%	42.26%	43.68%	44.55%	44.79%	45.03%	45.27%	45.50%	45.73%	45.96%	46.19%	46.42%
	Thursday	11.99%	12.06%	12.13%	13.08%	13.08%	18.87%	28.00%	34.40%	39.31%	41.08%	42.30%	42.92%	42.78%	43.87%	44.55%	44.79%	45.03%	45.27%	45.50%	45.73%	45.96%	46.19%	46.42%
	Friday	13.28%	13.42%	13.42%	14.37%	14.37%	19.56%	29.56%	36.93%	42.44%	44.75%	46.32%	46.87%	47.21%	47.68%	48.47%	49.15%	49.49%	49.83%	50.17%	50.51%	50.85%	51.19%	51.53%
	Saturday	18.46%	18.66%	18.73%	19.96%	18.73%	19.96%	20.33%	22.74%	27.64%	27.64%	27.64%	27.64%	27.64%	27.64%	27.64%	27.64%	27.64%	27.64%	27.64%	27.64%	27.64%	27.64%	27.64%
	Sunday	17.98%	18.12%	18.12%	19.07%	18.12%	19.07%	24.73%	37.06%	48.37%	62.87%	69.55%	72.21%	72.21%	72.21%	72.21%	72.21%	72.21%	72.21%	72.21%	72.21%	72.21%	72.21%	72.21%
19	Monday	20.92%	21.03%	21.03%	23.11%	23.11%	31.49%	45.22%	53.83%	60.37%	63.10%	64.53%	65.24%	65.24%	66.61%	67.33%	67.33%	67.33%	67.33%	67.33%	67.33%	67.33%	67.33%	67.33%
	Tuesday	20.26%	20.65%	20.32%	22.34%	22.34%	29.95%	44.21%	52.23%	58.82%	61.62%	62.69%	62.69%	62.69%	63.76%	64.48%	64.48%	64.48%	64.48%	64.48%	64.48%	64.48%	64.48%	64.48%
	Wednesday	20.38%	20.38%	20.44%	22.64%	22.64%	30.90%	44.92%	52.94%	59.66%	62.03%	62.86%	62.86%	62.86%	63.10%	63.10%	63.10%	63.10%	63.10%	63.10%	63.10%	63.10%	63.10%	63.10%
	Thursday	20.86%	20.92%	20.92%	22.88%	22.88%	30.72%	44.92%	53.18%	59.66%	62.39%	63.40%	63.40%	63.40%	64.65%	65.27%	65.27%	65.27%	65.27%	65.27%	65.27%	65.27%	65.27%	65.27%
	Friday	24.30%	24.36%	24.36%	24.42%	24.42%	24.88%	24.88%	24.88%	24.88%	24.88%	24.88%	24.88%	24.88%	24.88%	24.88%	24.88%	24.88%	24.88%	24.88%	24.88%	24.88%	24.88%	24.88%
	Saturday	27.75%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%	27.81%
	Sunday	25.49%	25.43%	25.43%	26.80%	26.80%	32.74%	45.10%	53.12%	60.55%	65.12%	65.68%	68.92%	70.77%	70.77%	70.77%	70.77%	70.77%	70.77%	70.77%	70.77%	70.77%	70.77%	70.77%
20	Monday	23.29%	23.43%	23.50%	25.52%	25.52%	35.04%	52.34%	59.91%	65.25%	68.06%	68.78%	68.85%	69.07%	69.71%	70.55%	70.47%	70.92%	71.79%	72.96%	74.39%	75.99%	77.49%	78.96%
	Tuesday	23.49%	23.56%	23.56%	24.80%	24.80%	33.85%	50.32%	57.89%	63.37%	66.19%	66.98%	66.19%	66.19%	67.33%	68.06%	68.06%	68.06%	68.06%	68.06%	68.06%	68.06%	68.06%	68.06%
	Wednesday	23.69%	23.76%	23.76%	24.80%	24.80%	33.85%	50.32%	57.89%	63.37%	66.19%	66.98%	66.19%	66.19%	67.33%	68.06%	68.06%	68.06%	68.06%	68.06%	68.06%	68.06%	68.06%	68.06%
	Thursday	23.07%	23.14%	23.14%	24.80%	24.80%	33.85%	50.32%	57.89%	63.37%	66.19%	66.98%	66.19%	66.19%	67.33%	68.06%	68.06%	68.06%	68.06%	68.06%	68.06%	68.06%	68.06%	68.06%
	Friday	24.51%	24.47%	24.47%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%	24.80%
	Saturday	28.19%	28.41%	28.48%	28.62%	28.62%	29.99%	37.35%	53.21%	60.85%	67.41%	69.98%	71.09%	71.09%	71.60%	72.03%	72.03%	72.03%	72.03%	72.03%	72.03%	72.03%	72.03%	72.03%
	Sunday	27.18%	27.33%	27.40%	28.84%	28.84%	34.82%	48.59%	54.36%	58.90%	62.49%	63.95%	66.11%	68.13%	68.13%	68.13%	68.13%	68.13%	68.13%	68.13%	68.13%	68.13%	68.13%	68.13%
21	Monday	25.35%	25.37%	25.57%	28.82%	28.82%	38.97%	53.37%	58.59%	62.85%	66.55%	67.57%	67.39%	66.83%	66.05%	63.60%	60.97%	63.82%	72.85%	82.85%	92.85%	102.85%	112.85%	122.85%
	Tuesday	25.21%	25.33%	25.39%	28.55%	28.55%	38.98%	53.10%	58.20%	62.72%	65.94%	66.98%	66.71%	66.24%	65.60%	63.22%	60.70%	63.54%	81.94%	91.94%	101.94%	111.94%	121.94%	
	Wednesday	25.50%	25.50%	25.62%	28.66%	28.66%	39.01%	53.48%	58.32%	62.60%	66.44%	67.85%	67.98%	67.55%	66.83%	64.60%	61.90%	65.61%	84.00%	93.35%	102.70%	112.05%	121.40%	
	Thursday	26.32%	26.37%	26.53%	26.78%	26.78%	29.50%	40.00%	54.71%	60.00%	64.44%	68.48%	69.50%	69.37%	68.71%	65.90%	63.22%	58.27%	55.07%	54.35%	54.37%	54.39%	54.41%	54.43%
	Friday	27.18%	27.27%	27.37%	27.73%	27.73%	30.72%	41.23%	56.17%	61.36%	65.46%	69.60%	70.71%	70.96%	70.32%	67.62%	65.12%	59.95%	56.36%	54.98%	54.87%	54.89%	54.91%	54.93%
	Saturday	28.50%	28.59%	28.68%	28.89%	28.89%	30.75%	37.92%	50.60%	54.44%	57.75%	60.68%	60.79%	60.11%	57.17%	54.61%	56.11%	55.34%	53.69%	52.60%	52.48%	52.40%	52.32%	52.24%
	Sunday	26.78%	26.82%	26.89%	27.07%	27.07%	28.68%	34.40%	48.67%	51.01%	53.07%	54.07%	54.80%	55.03%	54.94%	54.05%	53.42%	52.55%	51.51%	50.48%	49.08%	48.63%	48.18%	47.73%
	Grand Total																							



Annexure KTL-8 (Continued): Preferences Report - Average Available Hours by Day

Row Labels	Average of Hours Available
<b>Monday</b>	<b>9.34</b>
<b>14</b>	<b>5.08</b>
CASUAL	5.08
PART TIME	5.00
<b>15</b>	<b>5.28</b>
CASUAL	5.27
PART TIME	5.87
<b>16</b>	<b>5.63</b>
CASUAL	5.60
FULL TIME	15.73
PART TIME	6.04
<b>17</b>	<b>6.42</b>
CASUAL	6.26
FULL TIME	16.15
PART TIME	7.58
<b>18</b>	<b>10.03</b>
CASUAL	9.67
FULL TIME	17.72
PART TIME	11.38
<b>19</b>	<b>13.51</b>
CASUAL	13.17
FULL TIME	18.19
PART TIME	14.28
<b>20</b>	<b>14.22</b>
CASUAL	13.80
FULL TIME	17.96
PART TIME	14.90
<b>21</b>	<b>14.28</b>
CASUAL	14.02
FULL TIME	15.69
PART TIME	14.34
<b>Tuesday</b>	<b>9.38</b>
<b>14</b>	<b>5.00</b>
CASUAL	5.00
PART TIME	4.00
<b>15</b>	<b>5.25</b>
CASUAL	5.24
PART TIME	5.77
<b>16</b>	<b>5.61</b>
CASUAL	5.57
FULL TIME	15.92
PART TIME	6.03
<b>17</b>	<b>6.46</b>
CASUAL	6.30
FULL TIME	16.17
PART TIME	7.50
<b>18</b>	<b>10.07</b>

CASUAL	9.70
FULL TIME	17.45
PART TIME	11.43
<b>19</b>	<b>13.32</b>
CASUAL	12.97
FULL TIME	18.14
PART TIME	14.15
<b>20</b>	<b>14.17</b>
CASUAL	13.78
FULL TIME	18.17
PART TIME	14.72
<b>21</b>	<b>14.10</b>
CASUAL	13.78
FULL TIME	15.65
PART TIME	14.18
<b>Wednesday</b>	<b>9.40</b>
<hr/>	
<b>14</b>	<b>5.02</b>
CASUAL	5.02
PART TIME	5.00
<b>15</b>	<b>5.27</b>
CASUAL	5.26
PART TIME	5.89
<b>16</b>	<b>5.65</b>
CASUAL	5.62
FULL TIME	16.25
PART TIME	6.01
<b>17</b>	<b>6.56</b>
CASUAL	6.39
FULL TIME	16.14
PART TIME	7.65
<b>18</b>	<b>10.10</b>
CASUAL	9.73
FULL TIME	17.99
PART TIME	11.52
<b>19</b>	<b>13.42</b>
CASUAL	13.09
FULL TIME	17.98
PART TIME	14.16
<b>20</b>	<b>14.09</b>
CASUAL	13.65
FULL TIME	17.78
PART TIME	14.78
<b>21</b>	<b>14.09</b>
CASUAL	13.75
FULL TIME	15.70
PART TIME	14.18
<b>Thursday</b>	<b>9.46</b>
<hr/>	
<b>14</b>	<b>5.18</b>
CASUAL	5.18
<b>15</b>	<b>5.32</b>

	CASUAL	5.31
	PART TIME	5.77
<b>16</b>		<b>5.67</b>
	CASUAL	5.64
	FULL TIME	16.00
	PART TIME	6.06
<b>17</b>		<b>6.52</b>
	CASUAL	6.36
	FULL TIME	15.65
	PART TIME	7.58
<b>18</b>		<b>10.20</b>
	CASUAL	9.84
	FULL TIME	17.66
	PART TIME	11.54
<b>19</b>		<b>13.52</b>
	CASUAL	13.19
	FULL TIME	17.85
	PART TIME	14.29
<b>20</b>		<b>14.24</b>
	CASUAL	13.82
	FULL TIME	18.02
	PART TIME	14.88
<b>21</b>		<b>14.13</b>
	CASUAL	13.75
	FULL TIME	15.68
	PART TIME	14.30
<b>Friday</b>		<b>9.74</b>
<b>14</b>		<b>5.55</b>
	CASUAL	5.55
	PART TIME	6.00
<b>15</b>		<b>5.70</b>
	CASUAL	5.69
	PART TIME	6.50
<b>16</b>		<b>6.10</b>
	CASUAL	6.06
	FULL TIME	15.25
	PART TIME	6.68
<b>17</b>		<b>6.91</b>
	CASUAL	6.73
	FULL TIME	16.06
	PART TIME	8.14
<b>18</b>		<b>10.52</b>
	CASUAL	10.17
	FULL TIME	17.90
	PART TIME	11.85
<b>19</b>		<b>13.95</b>
	CASUAL	13.56
	FULL TIME	18.13
	PART TIME	15.02
<b>20</b>		<b>14.44</b>

CASUAL	14.11
FULL TIME	17.69
PART TIME	14.96
<b>21</b>	<b>14.28</b>
CASUAL	13.96
FULL TIME	15.74
PART TIME	14.43
<b>Saturday</b>	<b>13.74</b>
<hr/>	
<b>14</b>	<b>11.41</b>
CASUAL	11.41
PART TIME	13.00
<b>15</b>	<b>11.86</b>
CASUAL	11.84
PART TIME	12.75
<b>16</b>	<b>12.32</b>
CASUAL	12.28
FULL TIME	17.30
PART TIME	13.10
<b>17</b>	<b>12.79</b>
CASUAL	12.69
FULL TIME	17.36
PART TIME	13.61
<b>18</b>	<b>14.06</b>
CASUAL	13.84
FULL TIME	18.28
PART TIME	15.09
<b>19</b>	<b>15.62</b>
CASUAL	15.42
FULL TIME	18.88
PART TIME	16.10
<b>20</b>	<b>16.19</b>
CASUAL	15.94
FULL TIME	19.77
PART TIME	16.60
<b>21</b>	<b>16.03</b>
CASUAL	15.75
FULL TIME	18.12
PART TIME	16.18
<b>Sunday</b>	<b>13.62</b>
<hr/>	
<b>14</b>	<b>11.59</b>
CASUAL	11.59
PART TIME	10.00
<b>15</b>	<b>11.88</b>
CASUAL	11.87
PART TIME	12.36
<b>16</b>	<b>12.19</b>
CASUAL	12.17
FULL TIME	16.20
PART TIME	12.53
<b>17</b>	<b>12.56</b>

CASUAL	12.45
FULL TIME	16.90
PART TIME	13.50
<b>18</b>	<b>13.86</b>
CASUAL	13.63
FULL TIME	18.09
PART TIME	14.92
<b>19</b>	<b>15.56</b>
CASUAL	15.38
FULL TIME	19.14
PART TIME	15.95
<b>20</b>	<b>16.16</b>
CASUAL	15.92
FULL TIME	19.71
PART TIME	16.56
<b>21</b>	<b>16.12</b>
CASUAL	15.80
FULL TIME	18.24
PART TIME	16.33
<b>Grand Total</b>	<b>10.72</b>

**IN THE FAIR WORK COMMISSION**

**Matter No.:** AM2014/305

**Re Application by:** The Australian Industry Group

This is the annexure marked "**KTL-10**" produced and shown to **Krista Terese Limbrey** at the time of affirming her affidavit on 10 August 2015.

Before me:



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Signature of Krista Terese Limbrey



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Signature of Witness

Annexure KTL-10: Incident data by weekday for period 1 May 2014 to 17 May 2015

For Incidents, Event Date From: Thursday, 01 May 2014 To: Sunday, 17 May 2015

<u>Event Date</u>	<u>Day</u>	<u>No. Of Incidents on Date</u>	<u>Day</u>	<u>No. Incidents</u>	<u>% of incidents</u>
5/12/2014	Fri	15	Mon	366	11.75%
1/05/2015	Fri	14	Tue	402	12.91%
2/05/2014	Fri	13	Wed	429	13.77%
18/07/2014	Fri	13	Thu	433	13.90%
17/10/2014	Fri	13	Fri	493	15.83%
21/11/2014	Fri	13	Sat	531	17.05%
8/08/2014	Fri	13	Sun	461	14.80%
20/02/2015	Fri	12	<b>Total</b>	<b>3115</b>	<b>100.00%</b>
27/02/2015	Fri	12			
6/02/2015	Fri	11			
1/08/2014	Fri	11			
17/04/2015	Fri	11			
28/11/2014	Fri	11			
9/01/2015	Fri	11			
10/10/2014	Fri	10			
2/01/2015	Fri	10			
31/10/2014	Fri	10			
14/11/2014	Fri	10			
27/06/2014	Fri	10			
6/06/2014	Fri	10			
25/07/2014	Fri	10			
8/05/2015	Fri	10			
13/02/2015	Fri	10			
23/05/2014	Fri	9			
24/10/2014	Fri	9			
22/08/2014	Fri	9			
4/07/2014	Fri	9			
5/09/2014	Fri	9			
7/11/2014	Fri	9			
20/06/2014	Fri	9			
20/03/2015	Fri	9			
6/03/2015	Fri	9			
23/01/2015	Fri	9			
13/03/2015	Fri	9			
27/03/2015	Fri	9			
10/04/2015	Fri	9			
3/10/2014	Fri	8			
19/12/2014	Fri	8			
12/12/2014	Fri	8			
26/12/2014	Fri	8			
11/07/2014	Fri	7			
30/01/2015	Fri	7			
19/09/2014	Fri	7			
24/04/2015	Fri	7			
13/06/2014	Fri	7			
3/04/2015	Fri	6			
12/09/2014	Fri	6			
26/09/2014	Fri	6			
29/08/2014	Fri	6			
30/05/2014	Fri	5			
9/05/2014	Fri	4			
16/05/2014	Fri	4			
15/08/2014	Fri	4			
16/01/2015	Fri	3			
15/05/2015	Fri	2			
18/08/2014	Mon	15			
10/11/2014	Mon	15			
4/08/2014	Mon	13			
9/03/2015	Mon	12			
8/12/2014	Mon	11			
15/12/2014	Mon	10			
3/11/2014	Mon	10			
5/01/2015	Mon	10			
23/03/2015	Mon	10			
27/04/2015	Mon	10			
25/08/2014	Mon	10			
16/06/2014	Mon	9			

22/09/2014	Mon	9
20/10/2014	Mon	9
11/08/2014	Mon	8
21/07/2014	Mon	8
1/12/2014	Mon	8
27/10/2014	Mon	8
12/01/2015	Mon	8
30/03/2015	Mon	7
24/11/2014	Mon	7
29/12/2014	Mon	7
6/04/2015	Mon	7
20/04/2015	Mon	7
7/07/2014	Mon	7
17/11/2014	Mon	7
13/10/2014	Mon	7
2/02/2015	Mon	7
13/04/2015	Mon	6
28/07/2014	Mon	6
9/06/2014	Mon	6
1/09/2014	Mon	6
9/02/2015	Mon	6
23/02/2015	Mon	5
8/09/2014	Mon	5
14/07/2014	Mon	5
22/12/2014	Mon	5
2/03/2015	Mon	5
19/01/2015	Mon	5
6/10/2014	Mon	4
11/05/2015	Mon	4
30/06/2014	Mon	4
23/06/2014	Mon	4
16/02/2015	Mon	4
15/09/2014	Mon	4
12/05/2014	Mon	3
5/05/2014	Mon	3
26/01/2015	Mon	3
26/05/2014	Mon	3
2/06/2014	Mon	3
16/03/2015	Mon	3
29/09/2014	Mon	3
4/05/2015	Mon	3
19/05/2014	Mon	2
14/06/2014	Sat	17
28/06/2014	Sat	17
6/12/2014	Sat	17
11/04/2015	Sat	17
21/03/2015	Sat	16
9/05/2015	Sat	16
31/05/2014	Sat	15
21/02/2015	Sat	15
8/11/2014	Sat	14
18/10/2014	Sat	14
10/05/2014	Sat	14
19/07/2014	Sat	13
21/06/2014	Sat	13
6/09/2014	Sat	12
29/11/2014	Sat	12
5/07/2014	Sat	12
14/02/2015	Sat	11
3/05/2014	Sat	11
11/10/2014	Sat	10
26/07/2014	Sat	10
4/04/2015	Sat	10
12/07/2014	Sat	10
13/09/2014	Sat	10
27/09/2014	Sat	10
23/08/2014	Sat	10
30/08/2014	Sat	10
22/11/2014	Sat	9
17/05/2014	Sat	9



24/05/2014	Sat	9
18/04/2015	Sat	9
25/04/2015	Sat	9
7/03/2015	Sat	8
4/10/2014	Sat	8
9/08/2014	Sat	8
7/06/2014	Sat	8
13/12/2014	Sat	8
10/01/2015	Sat	8
15/11/2014	Sat	8
3/01/2015	Sat	8
14/03/2015	Sat	7
20/12/2014	Sat	7
1/11/2014	Sat	7
31/01/2015	Sat	7
20/09/2014	Sat	7
2/05/2015	Sat	6
28/02/2015	Sat	6
25/10/2014	Sat	6
16/08/2014	Sat	6
2/08/2014	Sat	5
7/02/2015	Sat	5
28/03/2015	Sat	5
24/01/2015	Sat	4
17/01/2015	Sat	4
27/12/2014	Sat	4
9/11/2014	Sun	15
28/09/2014	Sun	13
12/04/2015	Sun	13
27/07/2014	Sun	13
8/02/2015	Sun	13
22/02/2015	Sun	13
3/05/2015	Sun	12
10/05/2015	Sun	12
1/02/2015	Sun	12
26/10/2014	Sun	11
28/12/2014	Sun	11
22/06/2014	Sun	11
29/06/2014	Sun	11
30/11/2014	Sun	11
15/03/2015	Sun	11
26/04/2015	Sun	11
23/11/2014	Sun	10
19/10/2014	Sun	10
2/11/2014	Sun	10
11/01/2015	Sun	10
5/04/2015	Sun	10
8/06/2014	Sun	9
18/05/2014	Sun	9
21/09/2014	Sun	9
17/08/2014	Sun	9
7/12/2014	Sun	9
8/03/2015	Sun	9
22/03/2015	Sun	9
24/08/2014	Sun	8
7/09/2014	Sun	8
10/08/2014	Sun	8
15/06/2014	Sun	8
29/03/2015	Sun	8
21/12/2014	Sun	7
20/07/2014	Sun	7
11/05/2014	Sun	7
1/06/2014	Sun	7
15/02/2015	Sun	7
3/08/2014	Sun	6
14/12/2014	Sun	6
6/07/2014	Sun	6
25/05/2014	Sun	6
14/09/2014	Sun	6
31/08/2014	Sun	6

5/10/2014	Sun	5
4/05/2014	Sun	5
13/07/2014	Sun	5
18/01/2015	Sun	5
16/11/2014	Sun	5
25/01/2015	Sun	4
19/04/2015	Sun	4
1/03/2015	Sun	4
4/01/2015	Sun	4
12/10/2014	Sun	3
19/02/2015	Thu	17
25/09/2014	Thu	16
15/01/2015	Thu	13
5/02/2015	Thu	11
6/11/2014	Thu	11
18/12/2014	Thu	11
8/01/2015	Thu	11
9/10/2014	Thu	10
25/12/2014	Thu	10
10/07/2014	Thu	10
16/04/2015	Thu	10
2/04/2015	Thu	10
30/04/2015	Thu	10
26/02/2015	Thu	10
27/11/2014	Thu	9
5/06/2014	Thu	9
17/07/2014	Thu	9
1/05/2014	Thu	9
19/06/2014	Thu	9
1/01/2015	Thu	9
12/03/2015	Thu	9
9/04/2015	Thu	9
22/05/2014	Thu	8
28/08/2014	Thu	8
14/08/2014	Thu	8
8/05/2014	Thu	8
7/08/2014	Thu	8
12/06/2014	Thu	8
26/03/2015	Thu	8
26/06/2014	Thu	8
30/10/2014	Thu	8
11/12/2014	Thu	8
3/07/2014	Thu	7
4/09/2014	Thu	7
22/01/2015	Thu	7
23/10/2014	Thu	7
16/10/2014	Thu	7
4/12/2014	Thu	7
15/05/2014	Thu	7
24/07/2014	Thu	6
23/04/2015	Thu	6
7/05/2015	Thu	6
29/01/2015	Thu	6
20/11/2014	Thu	5
13/11/2014	Thu	5
18/09/2014	Thu	5
12/02/2015	Thu	5
14/05/2015	Thu	5
19/03/2015	Thu	5
5/03/2015	Thu	5
31/07/2014	Thu	4
11/09/2014	Thu	3
21/08/2014	Thu	2
29/05/2014	Thu	2
2/10/2014	Thu	2
8/07/2014	Tue	14
23/09/2014	Tue	13
6/01/2015	Tue	12
11/11/2014	Tue	12
28/10/2014	Tue	11

17/02/2015	Tue	11
7/10/2014	Tue	11
16/12/2014	Tue	11
25/11/2014	Tue	11
15/07/2014	Tue	11
7/04/2015	Tue	11
9/12/2014	Tue	11
27/01/2015	Tue	10
18/11/2014	Tue	10
13/01/2015	Tue	10
2/09/2014	Tue	10
3/03/2015	Tue	10
17/06/2014	Tue	9
13/05/2014	Tue	9
3/06/2014	Tue	9
1/07/2014	Tue	9
3/02/2015	Tue	9
14/04/2015	Tue	9
20/05/2014	Tue	8
10/06/2014	Tue	8
16/09/2014	Tue	7
14/10/2014	Tue	7
12/05/2015	Tue	6
21/04/2015	Tue	6
23/12/2014	Tue	6
28/04/2015	Tue	6
31/03/2015	Tue	6
24/03/2015	Tue	6
24/02/2015	Tue	6
4/11/2014	Tue	6
26/08/2014	Tue	6
10/02/2015	Tue	6
9/09/2014	Tue	5
20/01/2015	Tue	5
12/08/2014	Tue	5
10/03/2015	Tue	5
22/07/2014	Tue	5
5/05/2015	Tue	5
29/07/2014	Tue	5
2/12/2014	Tue	4
6/05/2014	Tue	4
30/09/2014	Tue	4
21/10/2014	Tue	4
30/12/2014	Tue	4
5/08/2014	Tue	3
17/03/2015	Tue	3
24/06/2014	Tue	3
27/05/2014	Tue	3
19/08/2014	Tue	2
17/12/2014	Wed	16
18/06/2014	Wed	14
6/05/2015	Wed	14
8/10/2014	Wed	12
29/10/2014	Wed	12
6/08/2014	Wed	11
4/03/2015	Wed	11
21/01/2015	Wed	11
7/01/2015	Wed	11
11/02/2015	Wed	11
11/06/2014	Wed	11
2/07/2014	Wed	11
22/10/2014	Wed	10
25/02/2015	Wed	10
15/04/2015	Wed	10
18/03/2015	Wed	10
4/06/2014	Wed	9
24/09/2014	Wed	9
15/10/2014	Wed	9
12/11/2014	Wed	9
1/10/2014	Wed	9

20/08/2014	Wed	9
28/01/2015	Wed	9
14/01/2015	Wed	9
4/02/2015	Wed	8
14/05/2014	Wed	8
13/08/2014	Wed	8
16/07/2014	Wed	8
9/07/2014	Wed	8
19/11/2014	Wed	8
10/12/2014	Wed	8
31/12/2014	Wed	8
1/04/2015	Wed	7
3/09/2014	Wed	7
26/11/2014	Wed	7
3/12/2014	Wed	7
7/05/2014	Wed	6
30/07/2014	Wed	6
25/03/2015	Wed	6
25/06/2014	Wed	6
27/08/2014	Wed	6
18/02/2015	Wed	6
17/09/2014	Wed	6
29/04/2015	Wed	5
22/04/2015	Wed	5
28/05/2014	Wed	5
5/11/2014	Wed	5
8/04/2015	Wed	4
10/09/2014	Wed	4
13/05/2015	Wed	3
11/03/2015	Wed	2
23/07/2014	Wed	2
24/12/2014	Wed	2
21/05/2014	Wed	1

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