

BEFORE THE FAIR WORK COMMISSION

AG2022/5615

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

WITNESS STATEMENT OF DANI BARLEY

I, Dani Barley, make the following statement based on my knowledge and belief, unless otherwise stated.

1. I have been employed full time by Apple as a Specialist at the Broadway store since 1 August 2022.
2. I am also a member of the Retail and Fast Food Workers' Union's Committee of Management.
3. My duties primarily involve assisting customer to purchase Apple products to fit their needs, assisting customers to set up contracts with their service carrier, helping them arrange any financing they might need to complete the purchase, as well as basic trouble shooting, and pitching Apple services, such as our Business team for corporate customers.
4. Balancing work at Apple is difficult. I didn't realise when I was hired that would have no set days off and that I would be required to be available seven days week, with so many difficulties in getting time off.
5. I have a number of health issues, including chronic pain. I use crutches day to day, and a wheelchair while I am at work.
6. Because I do not have set hours days that I work, it can be really difficult schedule medical appointments.
7. When I have a specialist appointment booked in, it usually for a number of weeks or months ahead because they have such limited availability, so I need to make sure I schedule a rostered day off at least four weeks in advance because I do not know when I am going to be rostered.
8. I also cannot afford to just give a shift away if I am rostered that day. I can always try and swap a shift with a co-worker, but sometimes shift swaps are not approved until a day or two before the shift. If the shift weren't approved and I had to cancel within 48 hours of my shift, I would be required to pay the specialist a fee and reschedule again many weeks more ahead.

9. I am currently participating in a medical trial for the use ketamine to relieve pain, and I take it three times a day. As such, it can be hard to remember things and I need to be really organised to keep on top of my medical appointments so I don't forget to book a day off.
10. I find that I am more able to manage my pain, my health, and my appointments when I have a reliable routine and schedule. However, this is not always a given at Apple.
11. For example, I can be rostered any time between 8am and 9.30pm (not including extended trading hours during the Christmas period). Previously, I used to live in the Parramatta area, and instances where I was rostered to 9.30pm meant getting home at around 11pm or 11.30pm. Where I had a shift at 8am rostered the next day, I would need to wake up at 5am to take my ketamine dosage about an hour before I needed to leave for work at 6am because it makes me dizzy and nauseous which increases my fall risk. Consequently, I got very little sleep.
12. Since I moved to Marrickville in the middle of December 2022, those back to back shifts have been a lot easier to manage, and now I only have to leave an hour before I need to attend for work.
13. Nonetheless, irregular schedules make it quite difficult for me to plan when I am going to take medication. Because my medication needs to be taken an hour ahead of when I will need it, I need to be mindful of when I am going to be able to take it. When my roster changes and I am busy with work, I sometimes forget to take a dose at the right time and my pain increases significantly. I find I am much more able to take my medication and get enough sleep when my work is scheduled at similar times of the day.
14. I am often rostered to work without two consecutive days off in a row, which can be taxing on both my body and also my ability to see my family and do chores. I likely would be rostered this way nearly every week if I didn't make sure to request my rostered days off many months in advance and grouped together whenever possible.
15. My daughter, who is 15, lives in Point Piper. I send her my schedule every week so she knows when she can call or visit me, but she has just changed schools, and I sometimes I cannot see her for a number of weeks because of our clashing schedules. If I had more control over my roster, it would be much easier to see my daughter regularly because we would have more certainty about when we were both available.
16. Having two consecutive days off in a row would also make it much easier to run errands, such as doing the grocery shopping or go to the laundromat. I am fortunate that I work in a shopping centre, so doing grocery shopping is not too bad (unless I forget my cart, which can be difficult with my crutches). However, in order to do laundry I need to catch the bus

to the laundromat in Newtown, and this means being very organised with my medication so I am not in pain, and also that I don't forget the things I need to bring. Sometimes I need to go grocery shopping or to the laundromat very early in the morning or very late at night in order to fit it in before the next day of work.

17. Often though, I need to use my day off to rest my body, catch up on sleep, or attend medical appointments, so I can't fit grocery shopping or laundry in in a single day very easily.
18. I will sometimes make requests for specific shifts to have two days off in a row, or day shifts, for example, through Apple's rostering platform "Workjam". However, Apple's scheduler system, which I understand is located in Singapore, will not always give them to me.
19. Occasionally, even though I am a full time employee, the scheduler will not give me enough hours per week, and I will need to approach a manager directly to find a shift or shift extension to make up my hours, which will usually be wherever they can fit me in. This generally happens about once a month, usually when I've had to change my rostered day off requests due to a medical appointment. For example, in the scheduled week that has just posted, March 25-31, I had to pick up a shift on Sunday March 26th via Workjam because I was only scheduled for four days after I had to request March 27th and 31st off for medical appointments due to contracting COVID-19 for the second time.
20. Finding hours at the last minute because of an error can be disruptive to my plans outside of work, and it can also be a bit stressful because it adds further uncertainty to my schedule and leaves it up to me to action with my manager. As I have explained, I have trouble remembering things as it is due to my medication, so it's just another thing on my plate that I sometimes struggle to keep on top of.
21. I have discussed the foregoing concerns with my People manager, Emma Erickson, on a number of occasions since the beginning of January 2023. She suggested that I look into a "Flexible Work Arrangement" so I could possibly work four days a week. Emma told me that she can submit a 4-day week Flexible Work Arrangement on my behalf, but there is no guarantee it will be approved.
22. Emma explained to me that because the reason I would be seeking to limit my work to four days a week was because of health reasons, I would need a detailed letter from my GP and a specialist as supportive evidence, and that it would need to be re-upped every six months. My specialist appointments are between \$250 and \$500 per appointment. Those costs are prohibitively expensive to me to obtain every six months, where I could

be either using that time to receive medical treatment, or use the money on future appointments. For this reason, I have not applied for a Flexible Work Arrangement yet.

A handwritten signature in black ink that reads "D. Barley". The signature is written in a cursive, flowing style.

Dani Barley

23 March 2023