

Statement

No. AG2022/5615

Fair Work Commission

Justin Gusset

Applicant

Apple Pty Limited

Employer

Statement of: Paul Larsen

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

Occupation: Store Leader

Date: 8 June 2023

I, Paul Larsen, say:

1. I am employed by Apple Pty Ltd (**Apple**) in the position of Store Leader. I have worked from Apple's Charlestown store for over 8 years, commencing in my position in May 2015.
2. As the Store Leader, I:
 - (a) am responsible for communicating and partnering with senior management and retail leaders to establish strategic plans and objectives;
 - (b) have overall responsibility for managing budgets and meeting financial goals.
 - (c) build a talent pipeline through recruiting, hiring and developing top talent for Apple;
 - (d) recommend and implement changes to business practices and processes;
 - (e) directly manage Apple employees and Apple Charlestown's management team across all aspects of performance;
 - (f) develop talent in multiple levels of leadership through leading, teaching, and training; and
 - (g) maintain in-depth knowledge of functional areas, business strategies, and corporate goals.
3. I directly supervise two Managers, Kane Pyper and Chris Brown.

Filed on behalf of Apple Pty Limited

Prepared by Kerry O'Brien

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4. Before I worked at Apple, I worked as a regional manager in other large retailers in New South Wales and Victoria. My experience in management in retail settings extends over 20 years.
5. I have been provided with the statement of Liska Fell dated 22 March 2023 (**Fell Statement**). I have read and reviewed it.
6. Where I do not respond to aspects of the Fell Statement, I am not agreeing or accepting what is said.

Apple Charlestown

7. Apple's Charlestown store is located in Charlestown Square in the Charlestown, near Newcastle, in New South Wales.
8. The Charlestown store opening hours are from:
 - (a) 9 am until 5:30 pm Monday, Tuesday, Wednesday and Friday;
 - (b) 9 am until 9 pm Thursday;
 - (c) 9 am until 5 pm Saturday; and
 - (d) 10 am until 5 pm Sunday.
9. Employees may be scheduled 2 hours before opening time, from 7 am each day, to undertake repairs, counts and visual preparation before trade. Employees may also be scheduled 30 minutes after store closing time to perform end of day visuals.
10. Around 90 employees work at Apple Charlestown. 55% of those employees are employed on a full-time basis, with the balance being employed on a part-time basis.
11. We have almost 20% of employees who work pursuant to a flexible working arrangement (with 17 employees currently doing so).
12. In the period July 2022 to the beginning of May 2023, our part-time team members worked an average of 23 hours per week.

Response to Fell Statement

13. Liska is employed as a Specialist. Her rate of pay is \$28.58 per hour.

Consecutive days off

14. Apple employees are able to enter unavailable days into Apple's scheduling system to ensure consistent days off work. When a roster is set, employees are not rostered to work on the days they have marked as 'unavailable'.
15. Part-time employees including Liska will often have two or more days off in each week, as Apple's scheduling system permits part-time employees to enter fixed unavailable days and additional preferred unavailability over particular days or hours on the remaining days. Apple attempts to accommodate those preferences where possible.

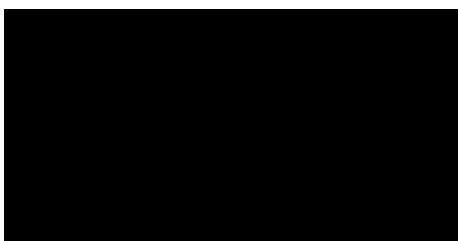
16. Employees are trained in Apple's scheduling system as they commence to ensure that all employees are aware of the system's rules. I am not aware of any employee at Charlestown having particular difficulty with this system.
17. I am sorry to read that Liska has been unwell and has felt that her hours of work have contributed to this.
18. I can see from Apple's employee records that between June to December 2022, Liska has taken 37 days of sick leave. I was not aware that there was any connection between Liska's hours of work and this leave.
19. This leave includes special sick leave. This form of leave is specific to Apple. Apple requires employees with COVID-19, or suspected of being ill with COVID-19, to not attend work and will instead pay special leave to employees. In 2022, this additional entitlement was available to all employees and was unlimited. From January 2023, this leave is now capped at 38 hours and available until the end of July or August 2023.
20. In response to paragraph 4 of the Fell Statement, for June to October 2022, Liska worked one week where she did not have two consecutive days off, where she worked 6 days before there was a day off. From my review of her hours of work on Apple's employee records systems in that period, there were 14 occasions between June 2022 and Christmas that year where Liska had at least 2 consecutive days off. These dates were: 30 and 31 July, 12, 13 and 14 August, 28 and 29 August, 9 and 10 September, 25, 26 and 27 September, 11 and 12 October, 15 and 16 October, 1 and 2 November, 8 and 9 November, 13 and 14 November, 22 and 23 November, 2 and 3 December, 9 and 10 December and 16 and 17 of December.
21. I can also see that since January 2023, Liska has taken a further 18 days of sick leave. This also includes special sick leave.
22. In addition to these confirmed sick leave days, I note that Liska has failed to report to work on two occasions. These may be connected to her being unwell.

Taking time off

23. At Apple, employees can seek to release their shifts and not work them and this change can be accommodated at store level with approval from a manager. This happens after the schedule is published. Part-time employees can also pick up available shifts.
24. Generally, Liska does not pick up additional shifts. She did, however, from time to time, release shifts which had been allocated to her on the roster.
25. I consider Apple's Charlestown store to be a very flexible place to work for employees. Once a schedule has been published, and an employee wants to release a shift, employees will speak with their colleagues to see if there can be a swap between them, or if the colleague could pick up the shift. If this informal process has not worked to ensure the shift is covered, a manager can become involved and more often than not (from experience, I would estimate 9 times out of 10), the manager will approve the

release of the shift. This works well at Charlestown because employees are supportive of one another and are a good team, which is why I say it is a very flexible place to work. I have worked in retail for about 35 years and I have never worked at a company that is as reasonable and accommodating for its employees' hours of work, their wellbeing and creating a sense of teamwork.

- 26. I do not know much about Liska's grandfather's condition, and do not recall if this has ever formed part of a request for Liska to release a shift, but I am aware from discussions with my managers that they have had discussions with Liska about this. This is the type of scenario where employees would readily have shifts released to ensure they are supported to see their family. I contrast this to an employee who requests the day before a shift to take time off to go camping with their friends without a colleague being able to pick up their shift; that may not be approved if the store cannot accommodate it operationally. Based on my observations and experience, a request to release a shift to support and visit unwell family members would be accommodated, regardless of the circumstances, even if the request is made on very short notice.
- 27. The benefit of working at Apple Charlestown is that it's a large team, with over 100 employees. This provides a good number of team members to pick up a shift urgently if it required by a colleague.
- 28. In response to paragraph 19 of the Fell Statement, I understand from speaking with Chris Brown that he had a conversation with Liska at the end of March. I am aware that, following that conversation, Kane has approved an updated availability for Liska and that Monday, Tuesday and Thursday night are unavailable. This means Liska will not be scheduled to work on those days but, if Liska elects to work at these times, she can elect to do so.



Signature of witness