

BEFORE THE FAIR WORK COMMISSION

AG2022/5615

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

Reply Statement of Justin Gusset

I, Justin Gusset, make the following statement which is based on my knowledge and belief, unless otherwise stated.

1. I have previously made a statement in these proceedings on 23 March 2023 (**First Statement**). I continue to rely on that statement, unless otherwise indicated.

Affidavit of Kyle Manis

2. I have read the affidavit of Kyle Manis made on 7 June 2023. Where I do not specifically comment on a matter in that statement, it does not mean that agree with it.
3. Regarding paragraph [15], I disagree with Mr Manis' explanation that a full time employee can select one day weekday that they are unavailable in WorkJam. I am not able to select any days that I am 'unavailable'. The most I can do is select 'Preferred Time Off', but this does not make me 'unavailable'. I annex as **RJG-1** a screenshot of my WorkJam application taken on 20 June 2023, which shows the options available to me when setting my availability. I also discuss my difficulties with this process in paragraphs [6] – [7] below.

Affidavit of Reshaad Bader

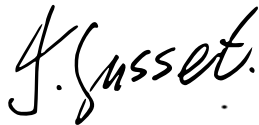
4. I have read the affidavit of Reshaad Bader. Where I do not specifically comment on a matter in that statement, it does not mean that agree with it.
5. Regarding paragraph [38], it is true that "implementing training" is not a formal aspect of the Genius role. However, when I say at [3] of my First Statement that I implement training, I mean that I, and other Geniuses, are asked by managers to mentor other workers and will often have them shadow our customer interactions so they can learn from us
6. Regarding paragraph [43], I disagree that I have not raised concerns with managers about Apple's scheduling practices. For example, on 23 May 2023 I applied to change my

preferred days off to Thursday and Fridays. However, I continue to be scheduled on those days. I annex as **RJG-2** a copy of my roster from 1 April to 14 July 2023, which shows from period on 17 June to 14 July 2023 I have been scheduled to work on Fridays.

7. On 4 June, I raised this with a Senior Leader named Rob, and he told me that I was being rostered on those days because those days are a 'preferred day off' and not a 'day off'. However, I do not have the option to set any day in WorkJam as a 'day off'. I refer to the annexure RJG-1 which shows the scheduling preference options available to me in WorkJam. The options are 'Preferred Available', 'Preferred Time Off, and 'Available'.
8. Regarding paragraph [45] - [47], it is not true that I rarely work weekends and that I have not worked weekends for some time. I refer to RJS-2 screenshots of my work schedule from 1 April to my most recently released roster of 7 July 2023, which shows that I was rostered and worked the following weekends (not including shifts I was rostered to work that I released to others):
 - a. 15 April
 - b. 22 April
 - c. 29 April
 - d. 7 May
 - e. 28 May
 - f. 4 June, and
 - g. 17 June 2023.
9. Regarding paragraphs [50]-[51], I would not approach Reshaad about scheduling issues, because he is the Store Leader and there are other managers who I can speak to. If I needed to change a schedule, I would approach Hendrik, who is a People Leader (a manager responsible for leave, scheduling and availability approvals).
10. I refer to paragraph [52]. I disagree that there is a rule that employees are not scheduled have at least 12 hours between their shifts. As recently as Friday 16 June 2023, I was rostered to work until 9.30pm, and following that I was rostered to start work at 8.30am the next day.
11. Regarding paragraph [63], I disagree that my scheduling has remained substantially Monday to Friday since June 2022, or that the basis for my assertions in paragraph [17] of my First Statement that I had been '*rostered too many days in a row*' is unclear. As I acknowledged at [11] of my First Statement, for the period between the end of September

2022 and the beginning of February 2023 I regularly began having weekends off, for reasons unknown to me. However, it is not the case that my schedule remains Monday to Friday. I refer to RJG-2, which shows that in the period between 1 April to 14 July 2023 there are only five instances where I was rostered (not including shifts I released to others) more than one consecutive day off in a row, on:

- a. 16 and 17 May (Sunday and Monday),
- b. 30 April and 1 May (Sunday and Monday),
- c. 13 and 14 May (Saturday and Sunday),
- d. 21 and 22 May (Sunday and Monday), and
- e. 10 and 11 June 2023 (Saturday and Sunday).

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

Justin Gusset
23 June 2023

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✕ **Submit availability** ✓

Starts week of Saturday, 15 July

Preference option Preferred Days Off

Rules 7/7 ^

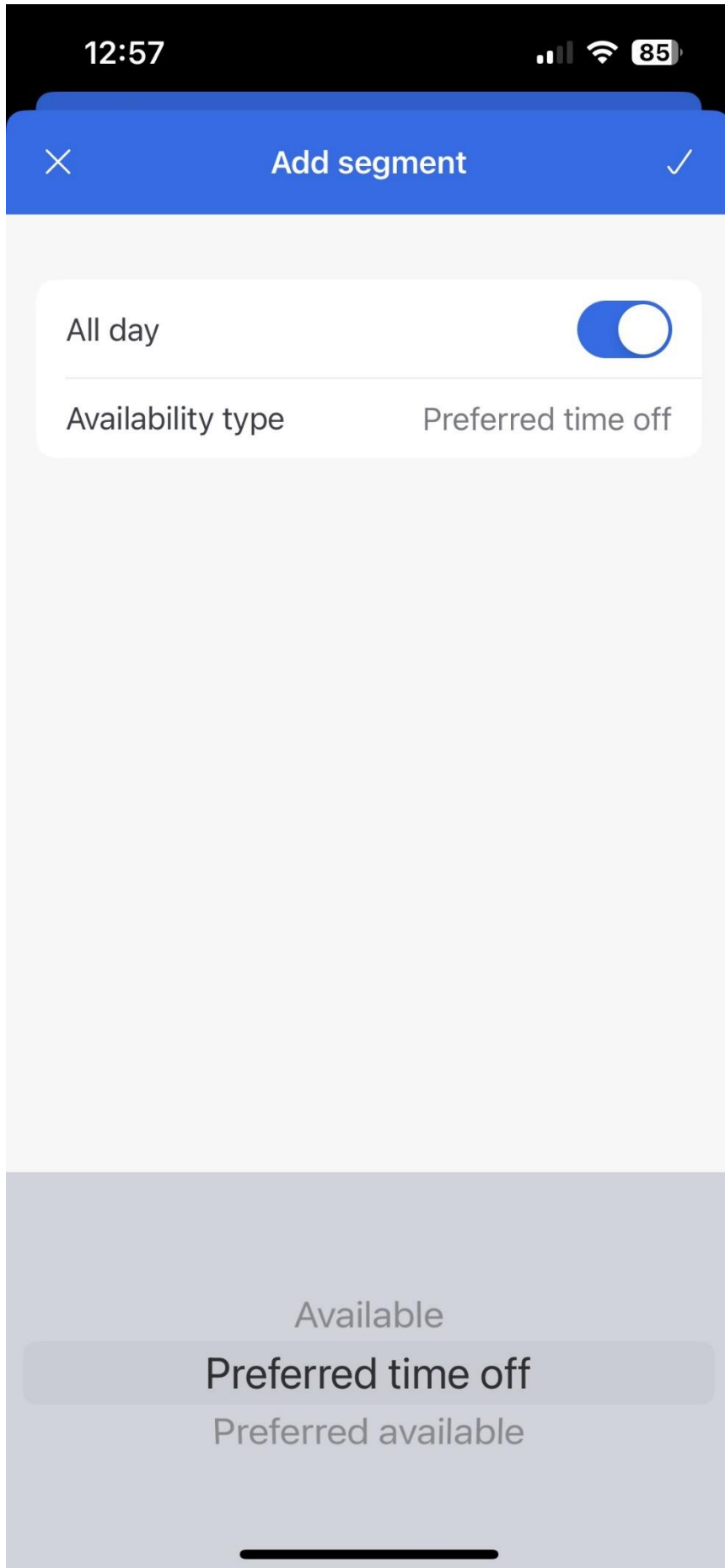
- ✓ If entered, Available hours must be combined with Preferred available hours on any of the following days: Saturday, Sunday.
- ✓ You aren't required to add availability hours to all days. For Preferred available, enter at least the following hours per week: 7 on Saturday, 7 on Sunday.
- ✓ For Preferred time off, enter no more than 2 days per week.
- ✓ Preferred available cannot be used on Monday, Tuesday, Wednesday, Thursday, Friday.
- ✓ Preferred time off cannot be used on Saturday, Sunday.
- ✓ Available cannot be combined with Preferred time off.
- ✓ Preferred time off cannot be combined with Available.

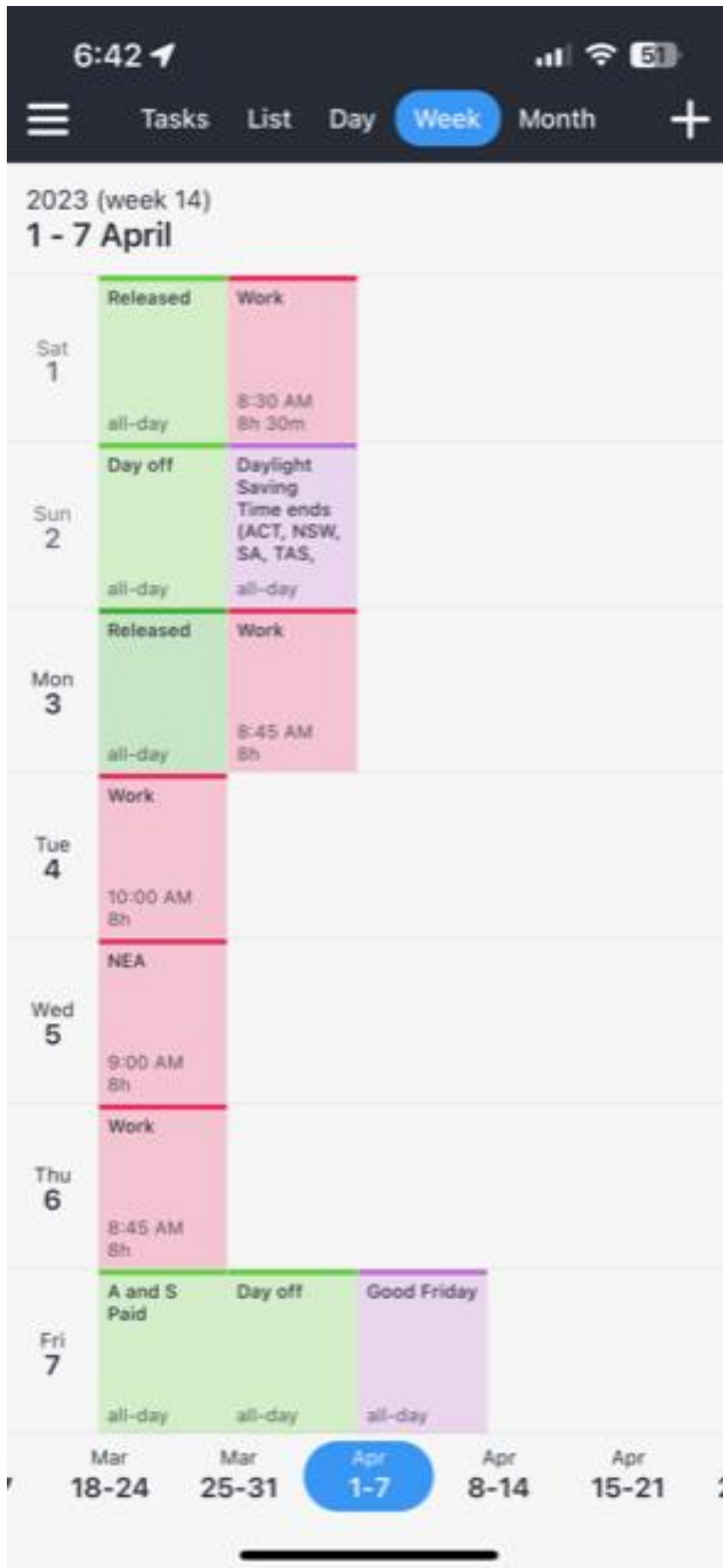
SET WEEKLY AVAILABILITY

Sa Su M Tu W Th F

Add segment >

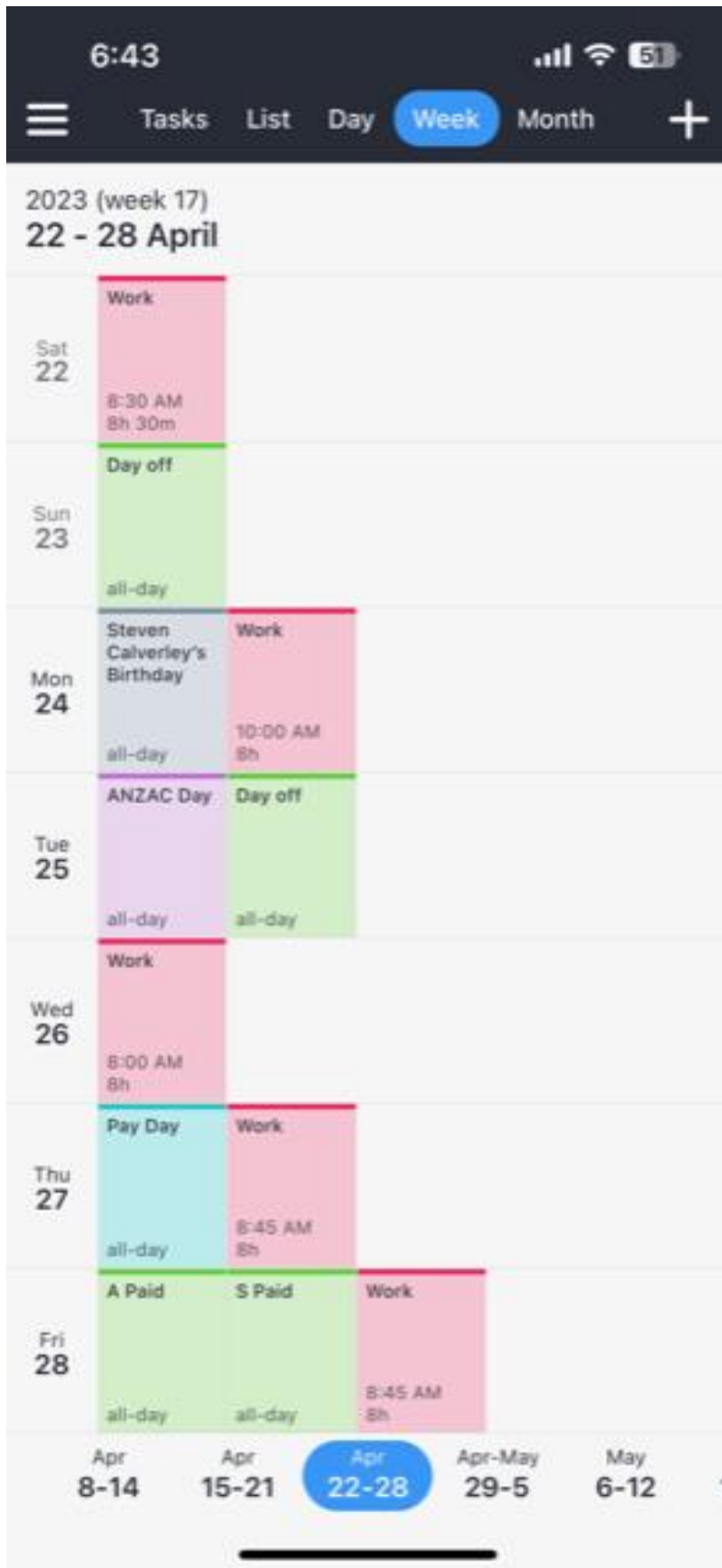
+ Add availability



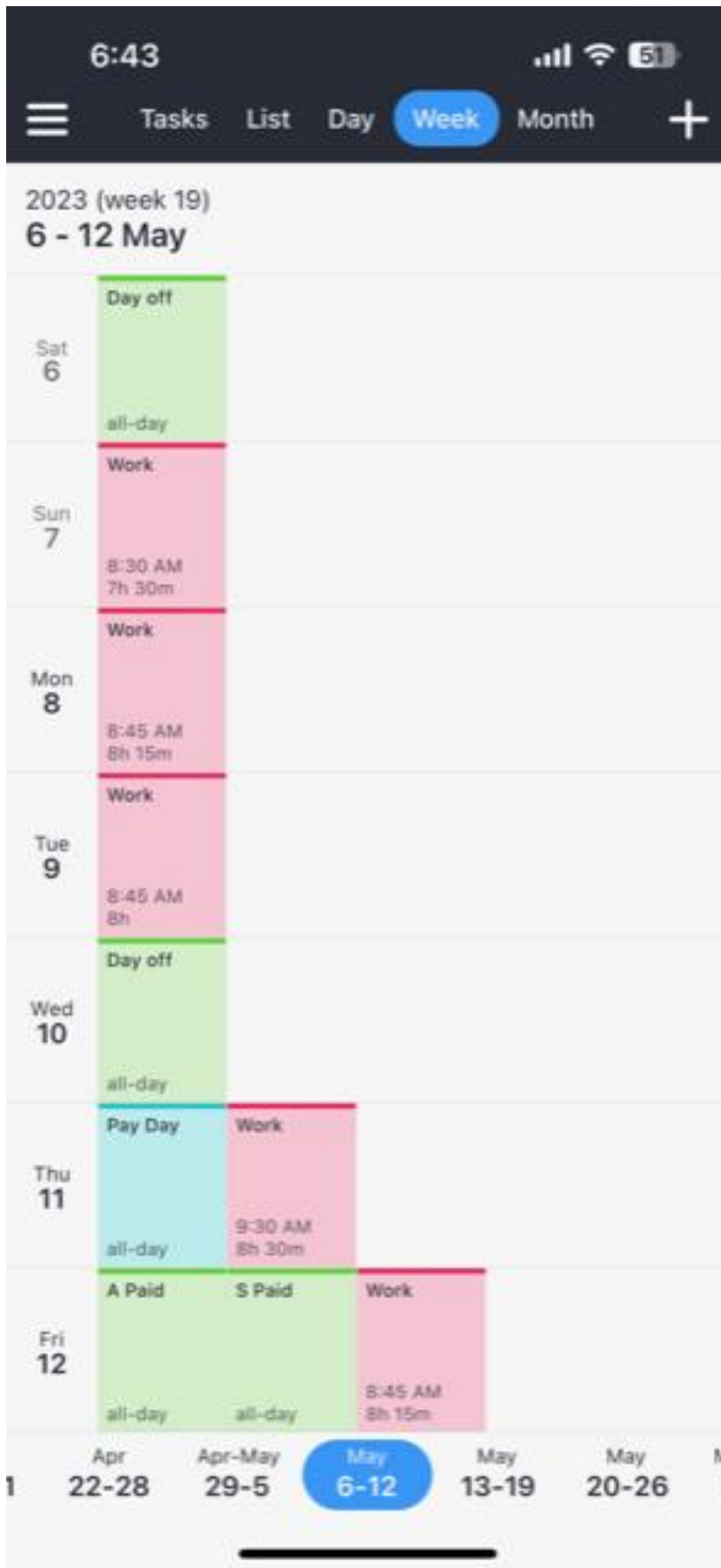








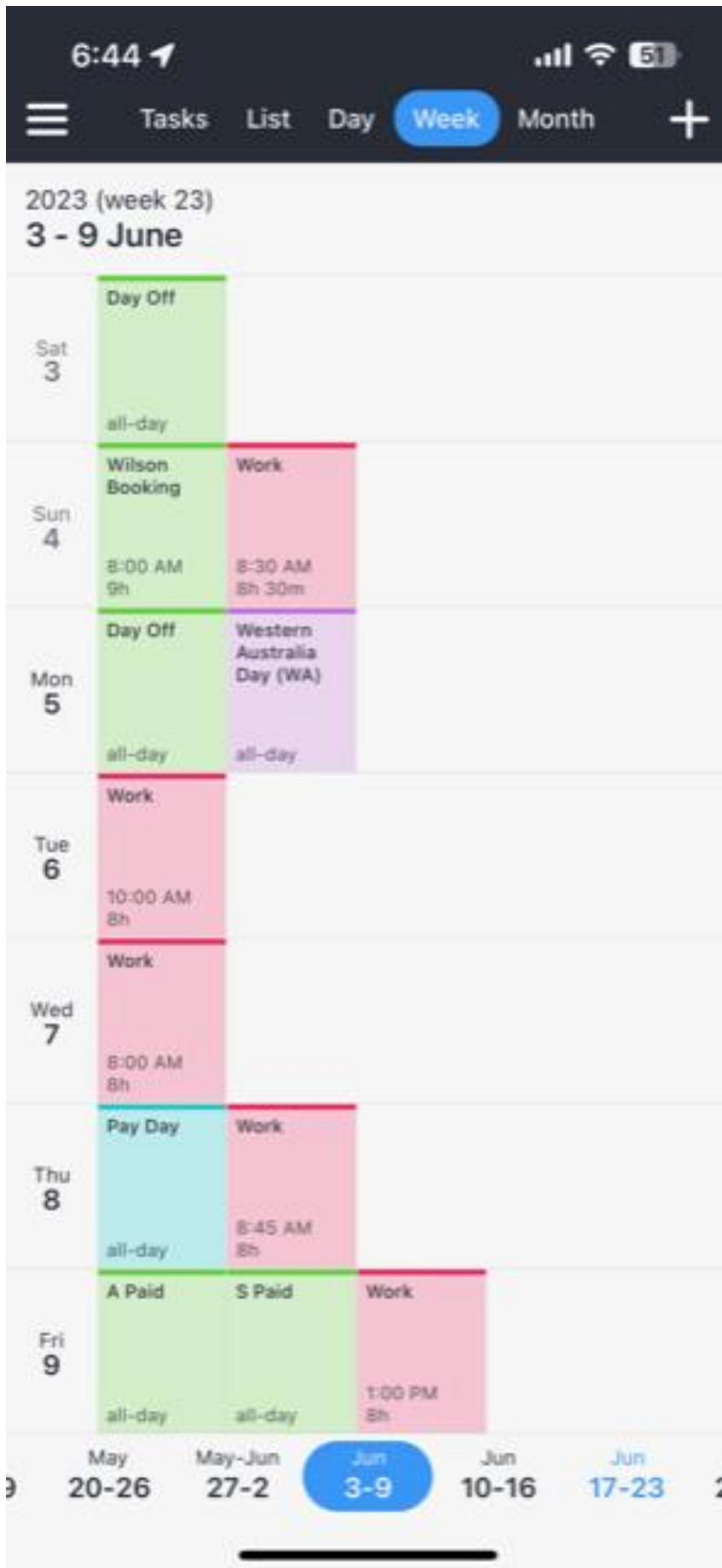


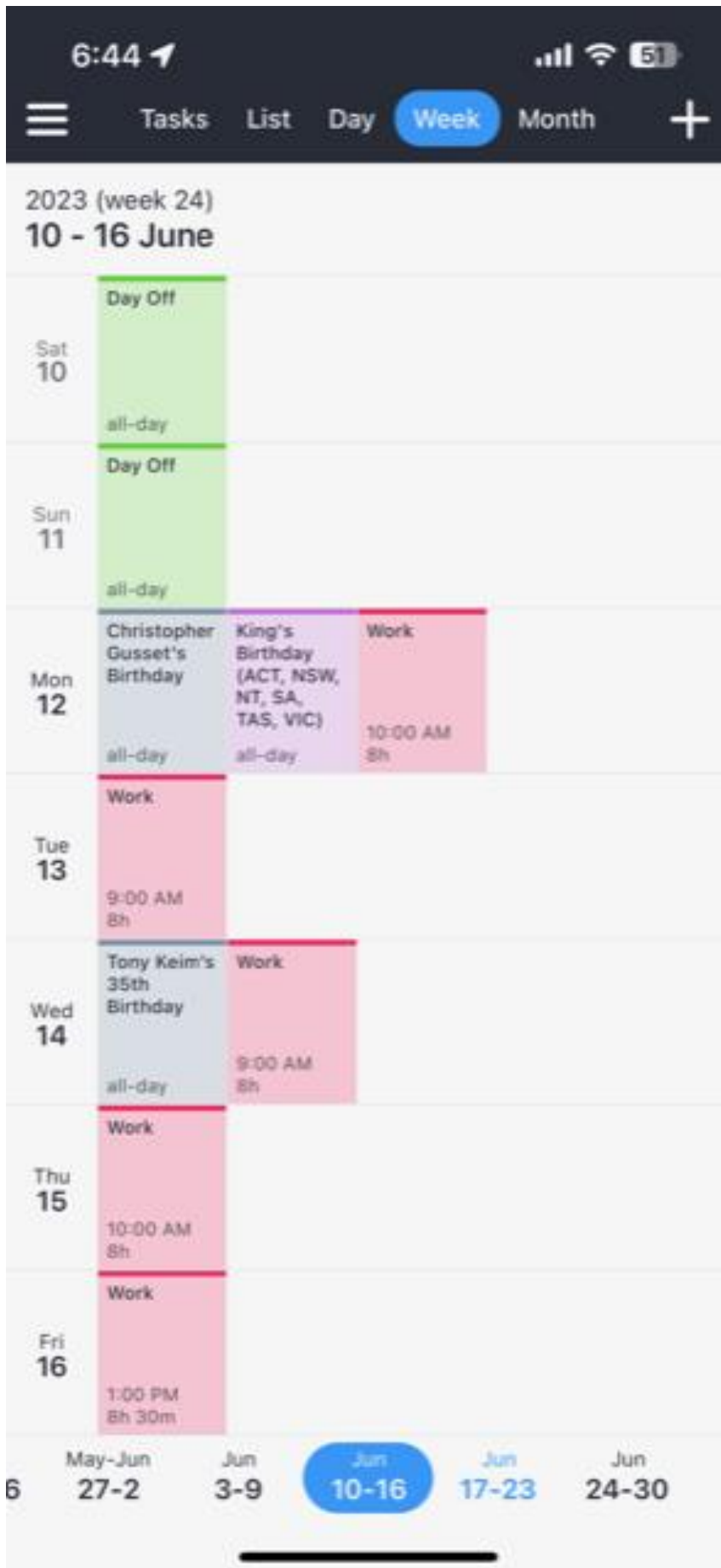


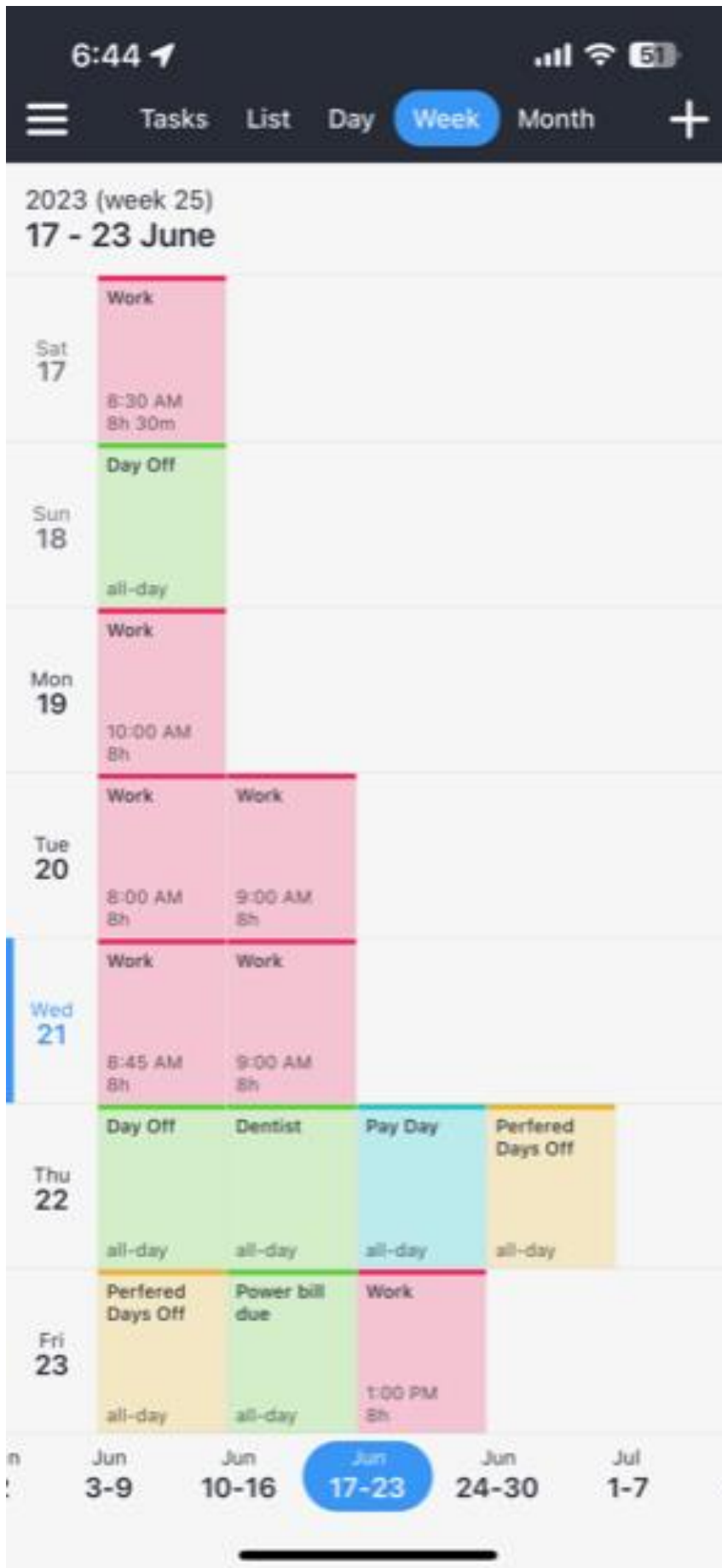






















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 Tasks List Day **Week** Month 

2023 (week 28)
8 - 14 July

Sat 8	Work 8:30 AM 8h 15m	
Sun 9	Day Off all-day	
Mon 10	Work 8:45 AM 8h 15m	
Tue 11	Work 9:00 AM 8h	
Wed 12	Work 9:00 AM 8h	
Thu 13	Day Off all-day	Perfered Days Off all-day
Fri 14	Perfered Days Off all-day	Work 1:00 PM 8h

3 Jun 24-30 Jul 1-7 **Jul 8-14** Jul 15-21 Jul 22-28 Jul 29-31

