



1. The Flight Attendant's Association of Australia (FAAA) makes this submission regarding the President's Statement of April, 4 2024 '[Gender pay equity research – Stage 2 report published](#)' (*the President's Statement*). The President provided parties with an opportunity to comment on the Stage 2 Report.
2. The FAAA wrote to the Fair Work Commission ("the Commission") on 13 June 2023 (Attached) expressing our keen interest in assisting the Commission review the Aircraft Cabin Crew Award 2020 (the ACCA) in respect to establishing any evidence of systemic gender undervaluation. We maintain our interest and appreciate the opportunity to comment on the Stage 2 Report.
3. The ACCA is not one of the 12 Awards comprehensively reviewed in the Stage 2 report however the report exemplifies the exhaustive work required in tracking the history of setting minimum award rates. The award histories make a significant contribution in establishing agreed facts about the genesis of current award rates and classifications and provide a strong base from which to review whether gender-based undervaluation is embedded in the rates.
4. The task of developing a similar 'Stage 2 Report' for the ACCA is difficult for a small union such as the FAAA, it may also be argued to lack the essential ingredient of independence which the Commission provides. The *President's Statement* referenced the AWR Decision of 2022-23<sup>1</sup> when stating:

'any issues of unequal remuneration for work of equal or comparable value or gender undervaluation relating to modern award minimum wage rates could no longer be left to be dealt with on an application-by-application basis, but should now

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<sup>1</sup> Annual Wage Review 2022-2023 [2023] FWCFB 3500.



be dealt with in the annual wage review process or in other Commission-initiated proceedings between reviews<sup>2</sup>

5. It is clear the statement is not restricted to the 12 Awards reviewed in the Stage 2 Report and must apply to all the Commission's Awards to ensure they are free of systemic gender undervaluation. The FAAA requests that the Commission commence a process to review the ACCA for evidence of gender undervaluation.

#### **ACTU Submission**

6. The ACTU submits that the Commission commence a staged process in ensuring all Award wages are free of gender undervaluation, including in some Awards immediate and interim increases to provide staged relief while comprehensive reviews proceed to finality. The FAAA supports the ACTU's approach.
7. The FAAA submits there is a case for an immediate increase of 2% in the ACCA's minimum wages. This increase would ensure the rate for cabin crew, currently 98% of the C10 rate (\$995.00pw), moves to 100% with internal award relativities maintained. The increase would bring cabin crew in line with all awards of the Commission where classifications having a Certificate III qualification or equivalent skill level, receive the minimum trade rate.

#### **THE ACCA**

8. Cabin Crew have a history of occupational award coverage, are predominantly female and exhibit evidence of undervaluation indicia including:
  - no comprehensive work value considerations for many decades<sup>3</sup>

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<sup>2</sup> *President's Statement*, 4 April 2024, paragraph 2.

<sup>3</sup> The most recent work value review of cabin crew was limited to crew employed by QANTAS under an enterprise agreement. Refer Print Q8926 (1998) AIRC 1540; 24 November 1998; <https://classic.austlii.edu.au/au/cases/cth/AIRC/1998/1540.html>.



- a history of consent Awards<sup>4</sup> and enterprise arrangements
- award free arrangements
- occupational award gender segregation, for example award coverage was gender based<sup>5</sup>. Awards applying only to Qantas employees were first made in 1974. One award covered Flight Hostesses. The other covered Flight Stewards. The classification titles and award coverage were distinguishable by gender<sup>6</sup>
- low wages,<sup>7</sup> 41% earn \$999 or less per week, 64% earn \$1,249 or less per week
- no Award recognition or classification definitions reflecting the level of skill, training and responsibility mandated by the Civil Aviation Safety Authority (CASA)
- The ACCA's current classification structure is inadequate and undervalues the skill level of the occupation. The rate for a flight attendant is set at 98% of the trades level despite the qualification being an AQF III  
( <https://www.tafensw.edu.au/course-areas/aviation-and-aircraft-maintenance/courses/certificate-iii-in-aviation-cabin-crew--AVI30219-01>).
- an absence of allowances evident in male dominated aviation Awards for example first aid certificate holders, missed meal, late meal break, meals when away from home on duty

<sup>4</sup> See for example see the *Flight Attendants (Regional Airlines and Charter Operators) Award 1990* (F154, C No 1371 of 1986, Print J2622), Maher,C, Melbourne 21 July 1990.

<sup>5</sup> *Airline Hostesses Award 1966, Aircraft Flight Stewards Award 1951* (No 20 of 1951), *Airline Flight Stewards (QANTAS) Award 1974, Airline Flight Hostesses (QANTAS) Award 1974*.

<sup>6</sup> *Application by Flight Attendants' Association of Australia; Application by Qantas Airways Limited* [2014] FWCFB 4584,[5].

<sup>7</sup> ABS, 2021 Census-Employment, Income and Education, INCP Total personal Income (weekly) by 6-digit level OCCP Occupation Flight Attendant 451711, Data source: Census of Population and Housing, 2021, TableBuilder.



- enterprise bargaining agreements containing rates at or close to the ACCA rate

9. By way of example, as of 1 August 2023, Qantas Domestic Pty Limited, which supplies labour to Qantas Airways Limited, pays a weekly salary to its cabin crew of \$1,024.92<sup>8</sup>, \$49 per week above the ACCA and does not provide for annual increments, while the Qantas Airways Limited Short Haul<sup>9</sup> rates of pay for new entrants to third-year Cabin Crew of \$950.28, is below the ACCA minimum weekly wage of \$975.60 per week. The recently made Team Jetstar agreement<sup>10</sup> pays cabin crew a base rate of \$1,004.72 per week or \$29.00 per week more than the ACCA. The 750 (approx.) casual Cabin Crew supplied through 2 labour hire agencies to the QANTAS and JETSTAR groups are paid the ACCA weekly rate of \$975.60.

10. Despite EBA arrangements the ACCA has a significant role to play in setting safe and secure conditions for cabin crew. The FAAA understand that the following passenger aircraft operators employ Cabin Crew who have their minimum terms and conditions directly set by the ACCA 2020:

- a. Airnorth
- b. Bonza
- c. Link Airways
- d. Nexus Airlines
- e. Skippers Aviation
- f. Sky Trans
- g. Skytraders
- h. Altara Resources CZ Pty Ltd
- i. Marooomba Airlines

<sup>8</sup> Based on an annual salary of \$53,296.01 per annum in clause 21.1 of the *Qantas Domestic Pty Limited Cabin Crew Workplace Agreement 2023* [2023] FWCA 1375.

<sup>9</sup> *Flight Attendants' Association of Australia – Short haul Division (Qantas Airways Limited ) Enterprise Agreement 10* [2023] FWCFA 1360.

<sup>10</sup> *Team Jetstar Cabin Crew Agreement 2023* [2023] FWCA 208.



11. This significant gender dominated (77% female) occupation has fallen prey to gender devaluation and has continued to fall through the award modernisation gaps in a male dominated transport industry. The FAAA's member and EBA research identifies 10,429 flight attendants at December 2023. Significantly more than the snapshot taken in the aviation shutdown period of the 2021 census identified in the Stage 1 Report.<sup>11</sup> The 77% estimate is higher than the 76.1% identified in the Stage 1 report and relies on additional and more recent data than the 2021 census material on which the Stage 1 Report is based. While this percentage does not meet the requirement set by the Annual Wage Review Expert Panel to be considered explicitly as part of its gender equality review of minimum wages, it establishes gender segregation as an occupational characteristic.

#### **AWARD MODERNISATION**

12. Pre modernisation, industrial awards covering cabin crew were predominantly employer-based enterprise arrangements.<sup>12</sup> New industry entrants such as Jetstar were award free with some covered by enterprise agreements. Due to company failures and amalgamations, the primary domestic short haul occupational award, *The Flight Attendants (Domestic Airlines) Award 1999*<sup>13</sup> (the 'Domestic Award') had only one named remaining respondent, QANTAS, at the time of modernisation, the other respondent, ANSETT, having gone into receivership.

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<sup>11</sup> Refer Stage 1 Report, table A.4 of the SPRC Gender-based Occupational Segregation: A National Data Profile report.

<sup>12</sup> Refer to [2009] AIRCFB 100, Attachment B to the Full Bench Statement of 30 January 2009

<sup>13</sup> AP781128 - *Flight Attendants (Domestic Airlines) Award 1999*.

13. Prior to award modernisation, there was no occupational award covering international flying.

The Flight Attendants (Ansett International) Award 2000<sup>14</sup> had no work to do following the company's demise. Qantas had a series of enterprise awards. When making the ACCA the Commission stated that in general it did not have regard to the contents of enterprise awards<sup>15</sup>. The Commission eschewed conditions in the Domestic Award as being 'enterprise'.<sup>16</sup>

14. Decades of negotiated and arbitral conditions were lost. The building of the ACCA for short and long-haul cabin crew virtually commenced from a table rasa. The ACCA, Schedule B applying to cabin crew flying for regional operations, did maintain some conditions based on the premodern *Flight Attendants (Regional Award and Charter Operators) Award*<sup>17</sup>.

15. Following the amendment to the Minister's Modern Award request<sup>18</sup> specifically requiring the Commission to take into account the working arrangements of cabin crew, the Commission reviewed the ACCA finding<sup>19</sup>:

'The existing instruments are of marginal relevance to this exercise. Qantas cabin crew are covered by a workplace agreement and the Airline Operations – Flight Attendants Long Haul – Qantas Airways Limited – Award 2000. Because that award is an enterprise award the modern award will not apply to Qantas. Other operators are not covered by any existing award. Hence the modern award was developed for current award free operations which have deliberately been set up on a basis other

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<sup>14</sup> AP781203.

<sup>15</sup> [2009] AIRCFB 826, [12].

<sup>16</sup> Ibid.

<sup>17</sup> AP781148.

<sup>18</sup> Minister's Modern Award Request, 9 November, 2009.

<sup>19</sup> (2010) FWAFB 629, [6].

than that required by the awards and agreements applying to Qantas. (emphasis added)

#### **AWARD MODERNISATION – ENTERPRISE AWARDS**

16. The protection garnered by the QANTAS Enterprise awards was short lived with the Commission subsequently refusing to make a modern domestic or long-haul enterprise award for QANTAS<sup>20</sup>. In determining not to modernise the *Airline Operations Flight Attendants Long Haul QANTAS Airways Limited Award 2000* the Commission raised a query regarding whether rates in the ACCA and/or the Long-Haul Award had been properly fixed.

‘The content of the modern award is different from the provisions of the Qantas Long Haul Award. The wage rates are higher in the modern award at the classification levels at or below Level 2 Year 1 and lower for classifications above that level. As some classifications in the different instruments appear to involve the same skill and responsibilities but have different wage rates, a question arises as to whether the rates in one or the other award contain properly fixed minimum rates.’<sup>21</sup>

17. Regarding the domestic short haul award, now considered as an enterprise award despite its long history as an industry Award, the Commission stated<sup>22</sup>

‘The terms of the EBA are well in excess of those in the Domestic Flight Attendants Award. Under the provisions of the Fair Work Act 2009 the enterprise agreement continues until terminated or replaced’

18. The existence of an enterprise agreement is no guarantee that premodern or existing conditions will continue. During the immediate post covid period of January 2022 QANTAS made an application to terminate the then current long-haul agreement and return cabin

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<sup>20</sup> [2014] FWCFB 4587.

<sup>21</sup> [2014] FWCFB 4584.

<sup>22</sup> Ibid [13].



crew to the wages and conditions of the ACCA. The termination application was eventually withdrawn by QANTAS.

## **CONCLUSION**

19. The Stage 1 report assisted the Commission establish a priority list of Awards to be reviewed by applying the 80% female, 10,000 minimum employees in female dominated industries criteria. The report also stated that *'While this enabled a focus on priority occupations, this is not to imply that segregation is not problematic below the 80% threshold, in smaller occupations, or in occupations located in male-dominated industries'*<sup>23</sup>
  
20. The FAAA submits that segregation is a 'problem' and that the ACCA's rates do reflect systemic gender undervaluation of a most egregious scale. Additionally, as referred above, the Commission, has raised questions regarding the fixing of the ACCA's rates and those questions remain outstanding. The FAAA requests that a review of the ACCA's minimum rates commence as soon as possible.

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<sup>23</sup> Stage 1 Report, [3.2.1].





# FLIGHT ATTENDANTS' ASSOCIATION OF AUSTRALIA

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June 13, 2023

Justice Adam Hatcher

President FWC



Dear Judge,

**RE:** Award Review gender pay and gender undervaluation of work and qualifications

I write regarding the above and the research being undertaken by the Commission. I understand Stage One of the review will identify highly gender segregated occupations and industries. The FAAA respectfully offers any assistance we can in contributing to the research.

Whilst a comparatively numerically small occupation, approximately 6,600<sup>1</sup>, the cabin crew/flight attendant occupation<sup>2</sup> is female dominated (74%). This is 26 percentage points above all jobs average of 48%. The occupation is slightly younger (median age 38) than all industries average (median age 40)<sup>3</sup>

Increasingly the occupation is engaged by companies applying the *Aircraft Cabin Crew Award 2020* (the Award) only or by companies covered by enterprise bargaining agreement paying the Award rate.

The FAAA was in the initial stages of reviewing a work value case for the occupation. From information currently available we consider the appropriate path may be to wait for the Commission to advise parties regarding the review/s pursuant to s.134 and/or s284 regarding issues of unequal remuneration and/or systemic gender undervaluation of minimum award rates.

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<sup>1</sup> 2021 Census - employment, income and education

1-digit level INDP Industry of Employment by 6-digit level OCCP Occupation

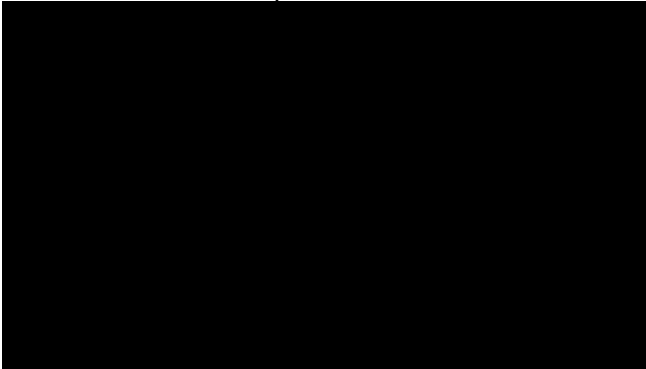
<sup>2</sup> ANZCO Code 451711

<sup>3</sup> <https://labourmarketinsights.gov.au/occupation-profile/flight-attendants?occupationCode=451711#outlook>



Whilst flight attendants have overcome many gender related issues (for example, having to retire at age 35, or when gaining weight, being labelled 'old boilers' and 'glorified waitresses' by their employer<sup>4</sup>) the FAAA considers the issue of gender-based undervaluation remains outstanding.

Yours sincerely



**Flight Attendant's Association of Australia**

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<sup>4</sup> <http://www.theage.com.au/articles/2004/06/26/1088145020233.html>

