

Canon forced leave arrangements in Melbourne because of Covid-19 pandemic restrictions

Introduction

On the 12 August, Michael Rizzo from the ASU National Office in Melbourne, received a call from management informing him that because of the Covid-19 Stage 4 restrictions in Melbourne technicians had less work to do and Canon wanted to move to a partial stand down from the 17 August.

The Melbourne work group would be divided into Team A and B and each team would work one week on and one week off for the Stage 4 restriction. When not working technicians could choose to access annual leave, long service leave or unpaid leave.

Canon also called an urgent meeting of the National Consultative Committee for 13 August so to establish a similar national framework if work were to lessen in other States. This meeting was held with the ASU and delegates present and the company agreed to a union request for employees to be able to take annual leave at half pay if they chose to do so. The ASU also asked Canon that members who elect to take half pay should still accrue leave at normal levels. Canon is considering this and a decision is imminent

How do Stand Downs work?

Under the Fair Work Act 2009 a company can stand down employees if a situation is beyond its control. A classic example is a critical piece of machinery breaks down in a factory and it is going to take 2 weeks for the spare part to come from Japan and to fix the machine. The company can stand down its employees on unpaid leave, but it can come to an arrangement for employees to access paid leave instead.

With the advent of the pandemic over the past few months there have been many stand downs in many industries, particularly in the airline industry, where a combination of paid and unpaid leave has taken place. Canon argues that the pandemic and Government restrictions on borders, travel, shutting down parts of the economy etc. is beyond its control and it's impacting their business, particularly at the moment in Victoria.

Canon in Victoria has thus moved to a partial shutdown (one week off, one week on) and allowed employees to take a combination of leave when not working.

Frequently Asked Questions

Can Canon access JobKeeper?

Canon informs us that as a multi-billion dollar business its income needs to have reduced by 50% to qualify for JobKeeper. It says it does not qualify at this time.

Can I access JobSeeker (unemployment benefits) if this continues for too long?

This is a complicated question as the Centrelink eligibility test also includes your partner's income. Therefore it depends on your individual circumstances, thus you need to get your own advice. But in general terms, if you worked one week on and one week off, you would probably not qualify, but if you were to be stood down completely you may then qualify, but the income test also includes your partner's income and that may disqualify you.

How long can Canon stand me down for?

This is also a complex question and it depends on the pandemic circumstances at the time. But the bottom line is that if government restrictions are in place and/or economic circumstances are beyond the reasonable control and impact detrimentally on Canon's business, you could be stood down or partially stood down for a significant period of time. The airlines, hospitality, tourism industries are cases in point.

Nevertheless, be assured that the ASU is monitoring the situation and talking to Canon as things develop and we will keep you informed of major developments.

If you have any questions, please contact your relevant ASU official below.

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