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MONDELĒZ INTERNATIONAL SEEKS LEAVE TO APPEAL

MELBOURNE, AU – Monday September 16 - Mondelēz International is today announcing its intention to lodge an application in the High Court seeking special leave to appeal the Federal Court ruling in *Mondelez v AMWU [2019] FCAFC 138*.

The Federal Court decision has changed the long-term understanding and practice of calculating certain leave entitlements for non-standard shift workers. In doing so, Mondelēz International considers the decision:

- creates inequality between employees in the same workplace who complete the same work, however on different rosters;
- changes the understanding of pro-rata entitlements for part-time employees' personal/carer's leave;
- changes industry practice of calculating personal leave entitlements for full-time and part-time employees (on a pro-rata basis); and
- Significantly departs from the Parliament's legislative intent as set out in the Fair Work Act's Explanatory Memorandum.

The decision affects not only Mondelēz International but all Australian employers with non-standard shift arrangements, including those in industries such as nursing, mining, building and construction, aged care, special events and transport and distribution.

Given the far-reaching implications of the ruling on industry, Mondelēz International believes it is incumbent upon it to seek leave to appeal the matter in the High Court.

Mondelēz International is one of the nation's largest food manufacturers. It employs over 2,000 Australian workers across five manufacturing plants and its head office to produce and deliver to market iconic brands including Cadbury, The Natural Confectionery Co., Pascall, and Philadelphia.

The company's President for Australia, New Zealand and Japan, Amanda Banfield, said that Mondelēz International is deeply committed to the sustainability of manufacturing in Australia.

"We have a long and proud heritage in Australia, and in particular at our Cadbury factory in Claremont, Tasmania, where we are looking forward to marking 100 years of manufacturing in 2022," Mrs Banfield said.

"We work closely with Australian suppliers and we are proud of the generous terms and conditions, training and benefits we offer our people."

"This ruling creates inequality and uncertainty for businesses and workers and potentially impacts the competitiveness of local manufacturing. The cost of implementing the decision across industry would also be significant. We feel we have little choice but to appeal in order to clarify this matter," Mrs Banfield added.

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