

COMPENSATION HEARINGS CONCLUDE



Following last year's historic High Court win, the Federal Court has now heard arguments from the TWU and Qantas as to how compensation for affected workers should be determined. The compensation matter involved a week-long hearing in March, followed by another two days over the last week for closing arguments.

TWU POSITION

- The highest possible amount of compensation should be provided to workers.
- Workers should be compensated for both loss of earnings and non-economic loss - to compensate for the pain and suffering Qantas caused to illegally outsourced workers.

QANTAS POSITION

- No compensation for loss of earnings should be paid.
- Workers would have been outsourced for legal reasons even if the illegal reason had not existed.

The TWU has clearly stated that Qantas' argument should not be accepted, following three unanimous verdicts that Qantas broke the law. To ask that the illegal conduct simply be forgotten is disgraceful, disrespectful and shows that Qantas has not changed.

The decision is now in the hands of the court. Based on an assessment of three test cases presented to the court, the Judge will now determine a process for compensation to be assessed and paid on a case-by-case basis. This process will be set out in his decision.

WHAT HAPPENS NOW?

- ▶ The hearings have now concluded and the decision is in the hands of the Federal Court.
- ▶ We don't yet know when a decision will be handed down, but we will let you know as soon as we receive a date.
- ▶ Each party will have 30 days from the date of the decision to appeal. We will assess the decision on its legal merit, and so will Qantas.
- ▶ If no appeal is submitted, we will provide guidance on the process to apply for compensation on an individual basis as set out in the Federal Court judgment.

KEEP READING FOR FAQs ON THE CASE



1 When will we have a decision?

It is now in the hands of the Federal Court. As soon as we receive a date for a decision, we will advise affected workers.

2 Why didn't the High Court order reinstatement? Is there any chance I can still get my old job back?

Unfortunately, despite the High Court upholding that Qantas' conduct was unlawful, the Federal Court concluded that it is not possible for the steps taken by Qantas to be reversed and for workers to be reinstated.

This means that the available remedy is now penalties against Qantas for their conduct and compensation for impacted workers.

3 Can Qantas appeal again?

After the High Court verdict, Qantas can make no further appeal on the unlawfulness of the sackings. However, compensation amounts can still be appealed by both parties.

4 How long will the process take?

The compensation decision should outline a process for workers to apply for compensation on a case-by-case basis. We don't yet know how long this will take. A compensation case of this size is unprecedented in Australia.

5 How much money will I get?

Any compensation payout will be determined by the Court process. The exact method for calculating your compensation has not yet been determined, and is likely to take into account a number of different factors. Any compensation received will be paid by Qantas to affected workers.

6 Will I be compensated for loss of superannuation, lost wages or other benefits?

We have argued that you should be compensated for loss of superannuation, wages, and certain benefits.

7 Who is entitled to compensation?

Only workers involved in the case are eligible for compensation. This includes workers from QAL or QGS who remained in their job until outsourced on 30 November 2020, and given a final date of employment by Qantas, in most cases between January and March 2021.

8 Are Jetstar workers included?

Unfortunately Jetstar workers are not included in the case. Justice Lee found that QAL and QGS workers were outsourced due to their potential to bargain and take protected industrial action in 2021. As the Jetstar EA was set to expire in 2023, this reasoning does not apply to that workforce, so in spite of how unfair and immoral the decision was, there is no legal recourse.

9 I took voluntary redundancy from Qantas. Will I get compensation?

Unfortunately workers who took voluntary redundancy from Qantas are not eligible for compensation. We know this is disappointing for workers who felt redundancy was their best or only option at the time, but the jurisdiction is limited to those who were part of the Federal Court case - **meaning those who were made compulsorily redundant on 30 November 2020.**

10 Is QGS a part of the court case?

Yes, both QAL and QGS workers are part of the court case. It should be remembered that the fact that both workforces were due to collectively bargain at the same time was crucial to the finding that the outsourcing was illegal.