



TWU
Carrying Australia

QANTAS UPDATE

18 DECEMBER 2020

QANTAS: NOT THE SPIRIT OF AUSTRALIA

Qantas has made the most out of the COVID-19 pandemic. From playing down the virus at the start of the year, even standing down an HSR for raising legitimate safety concerns, to fighting legal battles to get out of paying workers their owed sick leave and earned entitlements. Now Qantas is ending the year with a disgraceful move to outsource 2,500 Qantas, QGS and Jetstar workers, using the pandemic as an excuse to replace loyal, well-trained workers with workers on inferior pay and conditions, such as at scandal-ridden Swissport.

Qantas has announced a forecasted return to profit next year, but refuses to stop attacking workers' rights along the way. We won't stand by and let this happen. Congratulations to all workers for a strong fight this year. We'll keep fighting side by side to hold Qantas and the Federal Government to account. See below for updates.

SICK LEAVE CASE

In a disappointing decision, the Full Court of the Federal Court in a 2-1 decision has denied the right of long-serving Qantas workers to take sick leave even to treat serious illnesses. In one of the worst examples of moral bankruptcy, a Qantas employee with over 20 years of service was denied long planned sick leave to undergo cancer treatment and forced to take redundancy in order to pay the bills. This is disgraceful. The TWU and other unions are considering our legal options including a likely High Court Challenge.

JOBKEEPER CASE

A recent Full Court of the Federal Court decision overturned an earlier judgment finding that Qantas had rorted JobKeeper. However, this decision was again 2-1 and indicates that the Court is split on the correct interpretation of the JobKeeper legislation. If Qantas succeeds in pocketing workers' entitlements, this proves that the Morrison Government has allowed companies to manipulate JobKeeper for their own advantage; if Qantas is wrong, they have rorted taxpayers. The TWU is considering its legal options in seeking justice for members.

THE CASE AGAINST OUTSOURCING

JobKeeper was intended to keep employees connected to their employer, but Qantas has gleefully accepted nearly \$1 billion in taxpayer money including JobKeeper payments, only to outsource its workforce in the middle of a pandemic. After forcing its workers to bid for their own jobs, we of course now know that Qantas were in discussions with outsourcing companies well before the bid process began and that the in-house bid process was a sham.

As a result, the TWU has lodged Federal Court action on behalf of all Qantas and QGS members.

WHAT IS THE FEDERAL COURT CASE ABOUT?

This case is about the real reason that Qantas chose to outsource the work. The TWU engaged Ernst & Young, a global consultancy firm, to prepare the in-house bid along with knowledgeable TWU delegates, and the bid ended up being cheaper than the market rate – not to mention the service, experience, expertise and safety record of employees. There is no good reason why the work was outsourced, and why Qantas made the decision so quickly after the bid was presented.

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We know that Qantas in recent years has taken steps to attack workers' rights – the creation of QGS to deliberately cut conditions instead of employing these workers on the same terms and conditions, the grounding of the airline in response to workers collectively standing up to the company and the deliberate anti-union behaviour throughout the last 15 years.

This is a company that made a conscious decision to target a unionised workforce, including the terms and conditions they had collectively fought for and achieved, and used Covid-19 as a cover to do it. Given the in-house bid would have delivered a significant cost saving and retained the skilled workforce, and that Qantas plans to return to profit in the near future, this court case will delve into the real reason for the outsourcing.

WHAT HAPPENS NEXT?

The court will hear the case in the first half of 2021 and make a decision shortly after.

WHAT HAPPENS IF WE WIN?

The TWU is seeking an order to reinstate those workers who want to remain employed by Qantas and seek compensation for all workers as a result of this decision.

WHAT DOES THIS MEAN FOR ME?

The TWU wrote to Qantas to postpone the outsourcing of any work until the court made a decision. Qantas refused this reasonable request and indicated that they will move ahead regardless. This means that the current redundancy process will continue.

SHOULD I APPLY FOR A JOB WITH A CONTRACTOR?

If you want to continue doing your current job you should. However, Qantas has so far refused to offer any assistance in obtaining new employment and it is unclear what terms and conditions you will be employed under. Make no mistake – as the head contractor Qantas has the ability to set the rates and conditions that its contractors must employ workers under as happens in much of the transport industry.

SHOULD I REMAIN A TWU MEMBER?

Yes. If you continue to work in the transport industry, it is more important than ever for us to stay strong together and stand up for workers' rights. Without our collective power, Qantas and other major players in the industry will have even more control and ability to attack pay and conditions. In the meantime, we will continue to fight the legal, public and political battle against Qantas.

Contact your TWU Official or Delegate if you have questions or concerns. Remember, we're stronger when we stand together and we'll continue the fight.

Help is available should you need it.

Reach out to your delegate or official, or for further help:

Lifeline 13 11 14 | Beyond Blue 1300 22 4636

**TOGETHER, WE ARE STRONGER.
JOIN NOW FOR A BETTER FUTURE.**

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TWU NSW Richard Olsen **P:** 1800 729 909 **E:** info@twunsw.org.au **W:** www.twunsw.org.au

Authorised by Michael Kaine, National Secretary, Transport Workers' Union. Level 2, 388–390 Sussex Street, Sydney 2000 p (02) 8114 6500 e twu@twu.com.au

