



TWU
Carrying Australia

**QANTAS
UPDATE**

CURRENT TWU LEGAL ACTIONS AGAINST QANTAS

The TWU has been pursuing a number of legal actions against Qantas following its morally bankrupt behaviour towards its workforce throughout the covid-19 pandemic. Not only has it accepted \$1 billion of taxpayer money to keep workers' jobs only to outsource all ground handling anyway, it is also denying sick leave to workers with long-term illnesses.

Here are the current actions:

FEDERAL COURT CASE DISPUTING OUTSOURCING

After Qantas forced workers to bid for their own jobs then rejected that bid anyway, the TWU has lodged an application to the Federal Court seeking to overturn Qantas' decision. Given that the bid was cheaper than the market rate and involved maintaining the experienced, loyal workforce, we are arguing that the decision was made for a number of illegal reasons, in particular the fact that this workforce has always stood together in union with one powerful collective voice. The case is likely to be heard in April with a decision due by May. If the case is successful we are seeking to have the court overturn the decision and reinstate all current employees who want to continue working for Qantas, as well as payment of compensation.

HIGH COURT ACTION – SICK LEAVE CASE

We updated you recently on the disappointing decision of the Full Court of the Federal Court to deny the rights of long-serving Qantas workers to use their sick leave even for serious illnesses. This decision, however, was 2-1, with one of the judges supporting the union position. As a result, the TWU and other unions have sought leave to appeal to the High Court to overturn this decision. If successful, sick leave payments will need to be back-paid to relevant workers throughout the stand down period.

HIGH COURT ACTION – JOBKEEPER CASE

In another 2-1 decision, the Full Court of the Federal Court overturned the earlier judgement finding that Qantas had rorted JobKeeper. Again based on the split decision and a powerful dissenting judgement, the TWU and other unions are appealing this decision to the High Court. If successful Qantas will have to backpay JobKeeper in accordance with the union position.

We will keep everyone updated as to the progress of these cases. If you have any concerns or questions, get in touch with your delegate, official or local branch.

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