
Congratulations again for your strong fight that has led us to a historical win against Qantas. The High Court unanimously agreed with the two previous Federal Court judgments that Qantas illegally outsourced you to stop you from exercising your rights as workers.

This is a major triumph that has beaten the odds against one of the toughest and most powerful companies in the country. After three years of turmoil, we are starting to achieve justice. We are stronger when we are together.

Many of you have questions about the case and what happens next, so we have endeavoured to answer some of those in the FAQ below.

Please bear in mind that at this early stage, we are unable to provide much clarification on details of compensation or next steps, but after Wednesday's case management hearing we will be able to provide more information.

1 What was the result of the case?

The High Court upheld the original verdict that Qantas' outsourcing was illegal.

This is the largest case of unlawful outsourcing by a company in this country's history, and is a huge victory considering the way our laws are stacked against 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?

This is the end of the road in terms of appeals for Qantas on the unlawfulness of the sackings. The case will now move back to the Federal Court for penalties and compensation.

4 How long will the process take?

The process to determine penalties and compensation for such a large group of workers will be complex, so we don't have an idea yet of how long it will take. However, if the matter is heard and determined by the Court, it may take some time and be subject to appeal.

CONTINUE READING

5 Who determines the court process?

Justice Lee, who made the initial Federal Court verdict, will determine the process.

6 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 is likely to take into account a number of different factors.

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

We will argue that you should be compensated for loss of superannuation and lost wages, as well as certain benefits.

8 Who is included in the court case?

Anyone from QAL or QGS who was made compulsorily redundant on 30 November 2020 and left their jobs between January and March 2021 is included in the case.

9 Are Jetstar workers included in the Federal Court case?

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.

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

Unfortunately anyone who took voluntary redundancy from Qantas is not included in the Federal Court case. We know how devastating this is when many workers felt like they had no choice but to accept the redundancy, but the jurisdiction is limited to **those who were made compulsorily redundant on 30 November 2020.**

11 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.

12 If I took a different role at Qantas before being made redundant am I part of the court case?

No, unfortunately only those who were made compulsorily redundant or didn't take another role at Qantas are part of the court case.

WHAT YOU CAN DO NOW

For both the ongoing case and the Closing the Loopholes bill that will prevent companies doing what Qantas did in the first place, we'll need workers to participate in media, lobbying, social media and other activities. **Let us know how you're willing to contribute.**

TWU Michael Kaine **P:** 02 8114 6500 **E:** twu@twu.com.au **W:** www.twu.com.au