

COMPENSATION HEARING UPDATE



Last week, the Federal Court held a hearing to help determine the compensation process for illegally sacked QAL and QGS workers.

A compensation case for this amount of people has never been heard before - this is by far **the largest case of illegal sackings in Australian history**.

To assist with this complex matter, the Federal Court will first determine compensation for three test cases - three individuals with differing circumstances - which have now been provided to the Federal Court. These test cases will then guide compensation amounts for all other workers.

WHAT HAPPENED AT THE HEARING?

Qantas is taking another low road to try to reduce the amount of compensation it must pay. The airline has tried to claim workers would have been outsourced in 2021, if outsourcing had not gone ahead in 2020, because of the ongoing effects of the pandemic.

Our expert legal team, who led us to victory in the Federal Court, Full Court of Appeal, and High Court, made it clear that this hypothetical argument should be rejected.

Remember, the Federal Court found Qantas outsourced workers during a **'vanishing window of opportunity'**. It is now in the hands of the court to determine appropriate compensation.



WHAT HAPPENS NOW?

- ▶ The TWU and Qantas will provide further written submissions to the Federal Court.
- ▶ The next court date for closing arguments has been set for 20 May.
- ▶ A compensation decision from the Federal Court will follow.
- ▶ A hearing to determine penalties on Qantas for breaching the Fair Work Act will take place after the compensation decision.

KEEP READING FOR FAQs ON THE CASE



1 When will we have a decision?

We don't yet have a date for a decision. The next court date will be 20 May, and a decision should follow soon after.

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. Compensation amounts can still be appealed by both parties.

4 How long will the process take?

After a compensation decision is made, we don't yet know how long it will take for all workers to receive compensation. 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 argue that you should be compensated for loss of superannuation, lost wages, and certain benefits.

7 Who is included in the court case?

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

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 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**.

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.