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❖ NOTICE ❖

TO: ALL MEMBERS

RE: UNFAIR DISMISSAL WIN

Last August an ALAEA Tech Salaried Staff member was sacked by Qantas. He was an instructor who taught flight crew courses including first aid. It was alleged that he looked at the chest of a female flight attendant for too long and made her feel uncomfortable. At the time he was teaching a class how to identify if someone is breathing properly. The Fair Work Commission found that he looked for one breath or around 3-5 seconds. As silly as this claim sounds, the airline terminated him anyway. The ALAEA proceeded to trial.

In ballpark terms, there are around 10,000 unfair dismissal applications lodged each year. Around 1000 of those require a trial or FWC intervention. Of 1000, only about 100 cases are won by dismissed employees. Of 100 winners, only about 10 are reinstated.

The dismissal of our member was deemed to be unfounded. Qantas were ordered to re-instate him with no loss of service continuity. They also must pay him all his lost wages since the time of dismissal. This was an empathic win in light of the army of solicitors and barristers Qantas engaged to protect what can only be described as a farcical HR decision.

The ALAEA fought this case using our in-house solicitor Sean Morgan, our law student and industrial officer Glynn Sowter, and the barrister for the two-day trial Lucy Saunders. Their efforts are appreciated by all. The ALAEA are currently managing around ten other unfair dismissal applications and processes across numerous companies. Members can read the full 47-page decision from the following link:

[Matthews, Daniel v Qantas Airways Limited - \[2022\] FWC 654](#)


Steve Purvinas
Federal Secretary