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TO: QANTAS AND JETSTAR LAMES

RE: COURT ACTIVITY UPDATE

This notice is issued as a court activity update on cases involving both Jetstar and Qantas members.

COVID-19 STAND DOWN CASE

Members will recall that shortly after the first Jetstar and Qantas COVID stand downs, the ALAEA disputed the decision to send LAMEs home without pay. This resulted in the ALAEA filing separate dispute applications in the Fair Work Commission. The applications were then effectively rolled into one case. The basis of the claim is that airlines could only stand employees down if there was no work to perform. For 18 months it has shifted between the Fair Work Commission and the Federal Court arguing jurisdictional matters. Two weeks ago, appeals by the ALAEA and airlines were both dismissed leaving us a decision. We could go to the High Court or proceed to trial in the FWC. We have opted for the latter.

A date will be set for later this year to present our substantive evidence and arguments. We say that on the first day of stand down, Qantas job cards showed approximately 96,000 hours of work to be done. Jetstar job cards also showed a high level of required work. On that basis, neither airline was permitted to invoke the stand down provisions because there was plenty of work to do. If successful in this case, our claims ask for the return of all leave expended unnecessarily, and the payment of wages for the periods of stand down. We would consider settling this matter for a wider package that included Jetstar and Qantas enterprise agreement outcomes.

VACCINE MANDATE DISMISSALS

We are representing six members dismissed for failing to meet Qantas' Group vaccine deadline. This issue has been divisive with strong views each way. It has placed us in a difficult position. In short, we agree that unvaccinated people should not work around others when a legal mandate is in force. Nevertheless, we also say it is too harsh to dismiss long term employees who have struggled with the

mandate concept. There are alternatives to dismissal and our six members should be entitled to explore them.

Two cases have been through unsuccessful FWC conciliation and move to trial dates from May onwards. The other four await conciliation. Our argument in brief is this - the CEO announced on television that all employees must be vaccinated by 15 November 2021. Then they started to consult. Workplace health and safety legislation requires that consultation occur prior to any decision. The late consultation could never have changed the CEO decision. It was not consultation at all, it was a box ticking exercise. Therefore, the policy used to sack the workers was not legal thus making the dismissals unfair.

OTHER UNFAIR DISMISSALS

Some weeks ago, the ALAEA won an unfair dismissal case for a Tech Training Instructor. Qantas has appealed that decision. Another case concerns a Jetstar Senior LAME. His trial is scheduled for 17 and 18 May 2022.

QANTAS PAY ERRORS

After three years, settlement has been finalised for the first 20 underpaid Qantas LAMEs. This case was just the tip of the iceberg and in total more than \$2 million has been repaid to approximately 400 LAMEs. There are still dozens of individual disputes remaining, and our legal team is making the necessary preparations to take these matters to court. Qantas simply refuses to accede to any of the outstanding claims. They include:

- Not paying LAMEs for company trained licences in the opposite trade stream
- Wrongly demoting LAMEs by withdrawing previously confirmed licence upgrades
- Ignoring pre 2012 licence progression in their calculations

Each of these cases takes extraordinary effort to move to the courts. Qantas know this and outright reject any claims hoping we are too undermanned to prepare court applications. We cannot get to them all at once, but we will get to them within their statutory time limits.


Steve Purvinas
Federal Secretary