



Qantas Update: ASU wins on payroll, standdowns! But still lots more to do & fix

ASU members are rightly outraged by Qantas' manipulation of the JobKeeper payment. They are using taxpayers' money to deny penalty rates to hardworking and loyal workers. **On your behalf, we wrote to Qantas last Sunday. On 23 April 2020 Qantas wrote to the ASU to confirm its position on payroll issues and stand downs.**

But they still haven't bothered to reply to us about your Easter penalty rates. We have also raised the need to increase the resources in Payroll to cope with all the issues we and other staff are facingresponse---SILENCE.

Here is a summary of where a number of issues are at currently:

Annual leave loading: Qantas will apply a 'year to date' averaging for shift penalties. This means an average of the penalties for the period 1 July 2019 to 31 March 2020, and does not include any period you have been stood down. If you were wrongly paid loading at 17.5% in the pay period ending 14 April, this will be corrected by a top-up payment in the 28 April pay run.

JobKeeper nomination forms: All employees have been sent an email which allows for electronic completion and submission of the JobKeeper Nomination Form. Employees need to complete the Nomination Form by 23 April to be eligible for the Advance Payments.

JobKeeper and underpayments: Qantas will not absorb corrections to payroll errors into JobKeeper payments. If this has happened to you, contact payroll to ensure that the issue is rectified. Make sure you correspond with payroll in writing – if you get nowhere please contact your local ASU organiser

Stand Down Work Rotation Periods: Qantas is willing to discuss one-month work periods during the stand down. More to come and we will make sure your ASU delegates are involved in discussions to ensure we get what suits you the best.

Can I opt out of working during the stand down: Qantas says there is no need for employees to opt out of work rotations during the stand down because of the JobKeeper payments. Employees who don't want to work can take annual leave or leave without pay, and still be eligible for the JobKeeper payment. Employees who are on leave without pay for less than one month will continue to accrue leave entitlements and will not be required to exhaust excessive leave or all forms of accrued leave prior to commencing LWOP. We will need to understand how this works in more detail in particular in dealing with a stand down work rotation period longer than 2 weeks as discussed above.

COVID Policy: Qantas has confirmed that employees self-isolating because of their potential exposure to COVID19 at Adelaide Airport will be paid the base rates and penalties for their projected rosters.

How low can Qantas go? Using JobKeeper payment to profit from the workforce

The Guardian [reported](#) on 22nd April 2020 on ASU members' concerns stating:

"Qantas believes that in a fortnight an employee did not work it can nevertheless use the \$1,500 fortnightly jobkeeper payment to pay for penalty rates from the preceding fortnight." [Read the full article.](#)

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Unfortunately, Qantas has not had time to respond to the issues we have raised but they have had time to respond to the media. We cannot stand for this lack of respect for loyal workers -- how hard is it to respond to our correspondence?

It's not a surprise though, remember how [hundreds of employees whose wages were stolen](#) read about it first in the media? The same way that [20,000 Qantas employees found out they were to be stood down without pay](#).

The ASU is preparing to take Qantas to the Fair Work Commission to expose their appalling behaviour. Read [our latest letter to Qantas](#).

Have you been impacted by Qantas' actions? **We need to hear from you urgently.**

[Complete this short survey](#) and all information will be treated confidentially.

Need more information?

For more information contact your local organisers:

Branch	Contact	Mobile
NSW US	Thomas Russell	0419 761 320
NSW/ACT Services	Amanda Perkins	(02) 9310 4000
VIC/TAS A&S	Aaron De La Torre	0427 813 821
VIC PS	Victor Jose	0425 753 756
VIC PS	Imogen Sturni	0433 339 656
QLD SNA	Glenn Desmond	0427 975 806
QLD Together	Billy Colless	0419 736 886
SA/NT	Lesley Till	0497 555 875
WA	Yvonne Klaa	0417 969 767

If you are not a member of the ASU now is the time to join --- <https://www.asu.asn.au/asujoin>

File/Our Ref: 76.2725 LW:fa
Your Ref:
Please quote in reply



By your side

Friday 24 April, 2020

Sonia Millen
Executive manager, Industrial Relations
Qantas Airways Limited
QCA3, 10 Bourke Road
Email: sonia.millen@qantas.com.au

Dear Sonia

Re: Dispute under s 789GV

We write to notify a dispute pursuant to s 789GV of the Fair Work Act 2009 (Cth) ('the Act') on behalf of our members covered by the Australian Services Union (Qantas Airways Ltd) Enterprise Agreement 11.

Part 6-4C of the Act deals with the coronavirus economic response. Section 789GDA of the Act provides for a 'minimum payment guarantee'. Subsection 78GDA(2) defines the minimum payment guarantee. It provides:

If a jobkeeper payment is payable to an employer for an employee of the employer for a fortnight, the employer must ensure that the total amount payable to the employee in respect of the fortnight is not less than the greater of the following:

- a) the amount of jobkeeper payment payable to the employer for the employee for the fortnight;
- b) the amounts payable to the employee in relation to the performance of work during the fortnight.

Note 2 to section 789GDA relevant provides that the minimum payment guarantee includes the following amounts if they become payable in respect of the fortnight

Amounts referred to in this subsection (other than paragraph (a)) include the following, if they become payable in respect of the fortnight:

- a) incentive-based payments and bonuses;
- b) loadings;
- c) monetary allowances;
- d) overtime or penalty rates;
- e) leave payments.

A fortnight is defined by section 789C for the purposes of Part 6-4C of the Act as 'a 14 day period beginning on a Monday'.

Qantas, as an employer receiving JobKeeper payments, is obliged to comply with the minimum payment guarantee.

Qantas has contravened Section 789GDA in relation to employees who worked between the Friday, 10 April and Monday, 13 April 2020 ('the Easter Long Weekend'). Employees who worked on those days were entitled to be paid at the appropriate public holiday and weekend penalty rates for those shifts. Many employees worked a sufficient number of hours to earn more than \$1500 in that fortnight.

Employees who worked between 10 April and 13 April were paid for their ordinary hours on 9 April 2020. Employees who are entitled to be paid shift penalties for the Easter Long Weekend are to be paid on 28 April. It appears that the Qantas Group is using this artefact of its payroll system to treat the shift penalties for payable for work between 10 April and 13 April as being payable at a later date.

Consequently, Qantas has not satisfied the minimum payment guarantee in respect of those employees.

We ask that Qantas take the following actions:

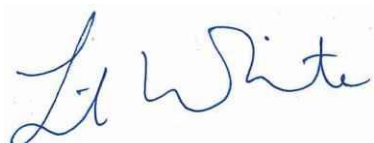
- First, Qantas must review all payments made to employees who worked between Friday, 10 April 2020 and Monday, 13 April for the pay periods ending 14 April 2020 and 28 April 2020.
- Second, where Qantas identifies that an employee has been paid less than the amounts payable to the employee in relation to the performance of work in a fortnight, they will make good that payment.
- Thirdly, Qantas must confirm that where an employee is paid for shift penalties and overtime at a later date than they are paid their base pay and allowance, those shift penalties and allowances will be treated as being paid in the same fortnight as the base rate of pay when calculating the JobKeeper Payment.

We ask that you write to us soon as possible, but not later than the midday, Tuesday, 27 April 2020, confirming that Qantas agrees to the above.

Finally, we reserve our rights to initiate proceedings if the matter is not resolve in an appropriate manner.

If you have any questions, please contact either Linda White, Assistant National Secretary, on 0419 507 809, or Michael Robson, National Industrial Officer, on 0428 447 114.

Yours sincerely



Linda White
Assistant National Secretary

c.c. ASU Airlines Branches
Simon Brown - simonbrown@qantas.com.au