



## ASU WIN! FEDERAL SIDES WITH UNIONS IN QANTAS JOBKEEPER CASE

**On 24 September 2020, the Federal Court ruled that Qantas misinterpreted S 789GDA of the Fair Work Act when calculating JobKeeper payments. This is a landmark win for ASU members at Qantas.**

The ASU, along with the FAAA and TWU, brought the case after Qantas short-changed employees over penalty rates earned on the Easter Long Weekend. Qantas minimised the amounts paid to employees by counting penalties paid on a later payday towards the \$1500 JobKeeper payment for that later fortnight.

Justice Flick's ruling is that only moneys that are both earned for work in a particular JobKeeper fortnight and paid in that same fortnight can be counted towards the minimum payment guarantee. This is in many ways a better outcome than we thought possible. It means that if you are not paid for the work you perform in one JobKeeper fortnight in the same fortnight, then that money cannot be counted towards JobKeeper for any fortnight.

This table prepared by Justice Flick illustrates how the Court says that JobKeeper works:

<i>JobKeeper</i> fortnight	Amount earned during fortnight	Amount payable in fortnight by Qantas for work performed (irrespective of <i>JobKeeper</i> )	Amount earned in the fortnight and payable in the fortnight	Total amount payable to employee for fortnight
3	\$2,500 (payable next fortnight)	Nil (wages paid in second fortnight)	Nil	\$1,500 ( <i>JobKeeper</i> payment)
4	Nil – no work performed in this fortnight	\$2,500 (for wages earned in previous fortnight)	Nil	\$1,500 ( <i>JobKeeper</i> payment) \$2,500 (amount payable for fortnight 3)
<b>Total</b>	<b>\$2,500</b>	<b>\$2,500</b>	<b>Nil</b>	<b>\$5,500</b>

Qantas has 28 days to appeal this decision. We'll fight this all the way if we need to.

**The ASU is calling on Qantas to accept the Federal Court's Decision, and not appeal. This is money stood down Qantas workers desperately need. Qantas should**

### Stay informed

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**do the right thing by its workers and promise to pay you what you are owed as soon as possible. This is money that Qantas workers will spend in their local businesses, helping our economy to bounce back as soon as possible.**

We'll be reaching out to Qantas to discuss our next steps. More information to come

## Got a question?

Speak to your organiser for more information:

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