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Employee Relations

ASSIGNMENT COVER PAGE

Assignment 1 - Case Study Analysis

Course ID	**BUSM4769 - Employee Relations**
Campus	**SGS Campus**
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Introduction

The paper examines the case study of Qantas and its JobKeeper dispute from the lens of Employee Relations. To provide background information, Qantas took part in the Australian government's JobKeeper pay subsidy program, which was launched in March 2020 to assist companies in keeping staff during the pandemic-induced economic slowdown and to lessen the financial burden (Elmas 2021). As part of the JobKeeper payment, the government pays a set sum of $1,500 to each qualifying employee every two weeks, which was paid to Qantas, who was then in charge of distributing it to the qualifying employees (Elmas 2021). Nevertheless, the matter transpired when Qantas attempted to incorporate the withheld penalty rates into the JobKeeper payment. To thoroughly understand this issue, examining the organizational and regulatory environment in which Qantas works is very necessary, which is the purpose of Section 1. Secondly, the latter part of the report explains the recommendations for workers in terms of mobilizing relevant parties (co-workers, unions, management, state, and even media) to resolve the issue.

Section 1: Development of the Issue, Organizational Context and Regulatory Context

Qantas's employment practices, including compensation and benefits, working conditions, and dispute resolution procedures, are regulated by an array of internal rules and procedures, including the Code of Conduct and Ethics (Qantas Group 2023), and its Business Practices, which state that the company is “committed to respecting all internationally recognized human rights, as well as complying with national and certain international laws” (Qantas Group 2024:3). These guidelines are intended to maintain adherence to pertinent legal requirements and regulations while also encouraging just and impartial treatment of staff members.

Qantas's personnel relations are shaped by many rules at the national level. Among them is the Fair Work Act 2009, which establishes minimum requirements for working conditions and offers a structure for collective bargaining and resolving conflicts (Pekarek et al. 2017). As a federal statute, it is the primary legislation that governs employment relationships and sets out the rights and obligations of employers and employees in Australia (Orifici and Allen 2022). During the COVID-19 pandemic, temporarily implanting JobKeeper provisions into the Fair Work Act granted specific employers enhanced adaptability in overseeing their work environments amidst the repercussions of the coronavirus pandemic (Fair Work Ombudsman 2021a).

On the other hand, awards are legally enforceable industrial instruments that specify the minimal terms and conditions of employment for certain industries or professions (Wallgren 2020). The Airline Operations - Ground Staff Award 2020 [MA000048] covers employees in the airline operations industry and establishes minimum wage rates and working conditions for aviation sector workers, including cabin crew, luggage handlers, and airport personnel (Fair Work Ombudsman 2023), and therefore will include Qantas.

Apart from these external laws, enterprise agreements, which may be used to replace or enhance the provisions of an award, are collective agreements made between a company and its workers or their representatives (Rudman and Ellem 2024). These contracts, which specify the terms and conditions of employment for the employees covered by them, are negotiated between the

business and the unions (Rudman and Ellem 2024). In Qantas' case, the enterprise agreements governing its employee relations include Australian Services Union (Qantas Airways Limited) Agreement 11 (AE422335) and Qantas Airways Limited (Technical Salaried Staff) Enterprise Agreement 11 (AE519356), among others (Fair Work Commission 2023).

Regarding the development of the issue, Qantas contended that the penalty rate payments ought to be deducted from the $1500 weekly JobKeeper minimum, therefore decreasing the necessary top-up from the firm (Hutchens 2021). The unions, however, contested this interpretation, claiming it was in odds with the goals and intentions of the JobKeeper law (Hutchens 2021). The unions filed a petition in federal court, claiming that Qantas was in violation of its enterprise agreements' obligations as well as JobKeeper regulations (Hutchens 2021).

In the end, *Qantas Airways Limited v Flight Attendants' Association of Australia* (2020) FCAFC 22 held in favor of the unions, concluding that Qantas had violated the scheme's terms and misunderstood the JobKeeper Act. In this case, the judge held that the company was "pursuing some ulterior objective of seeking to maximise the amount of the JobKeeper payments, and seeking to retain those payments for their own benefit" (Marin-Guzman 2020:1). The court ruled that Qantas owed its employees thousands of dollars in back pay because the penalty rate payments received in fortnights when employees did not work should not be deducted from the JobKeeper minimum (Marin-Guzman 2020). Therefore, this case emphasizes how crucial it is to interpret and apply these many agreements and standards in a clear and consistent manner in order to guarantee that workers are treated fairly and equally. However, in December 2020, this ruling was overturned, and the Federal Court concluded that Qantas no longer owed its employees back pay, saying that if the initial ruling were to stand, the company would have suffered from "significant administrative burden" (Australian Payroll Association 2020:1), highlighting the complexity and uncertainty that can arise in legal disputes surrounding employment practices and interpretations of legislation.

Section 2: Solutions and Critical Discussion

First, if I had been an employee, I would have spoken to my coworkers about the problem and shared information about our rights and responsibilities under the enterprise agreements and the JobKeeper program, which would have contributed to the development of a feeling of unity and mutual understanding among the workers. In addition, I would have urged my coworkers to sign up for and take part in the appropriate union, such the Australian Services Union (ASU) or the Transport Workers' Union (TWU). To represent employees' interests and exert pressure on the employer to abide by the law, Knoke (2019) states that collective action via the union is crucial.

To find a solution to the conflict, the unions could then start collective bargaining with Qantas management and upper management. The pluralistic perspective on employment relations, which acknowledges the rightful place of unions in advocating for workers' interests and the need for a balance of power between employers and employees, places a strong emphasis on the necessity of a third party to resolve disputes (Ackers 2014).

Employees have the ability to employ protected industrial action, which may include work stoppages or limitations on overtime, in order to compel businesses to comply with their legal

obligations in the event that collective bargaining is unable to resolve the problem (Laing 2018). Employees may, subject to certain procedural restrictions, use protected industrial action under the Fair Work Act of 2009 to bolster claims made during enterprise negotiation (Creighton and McCrystal 2017). It should be noted that, however, to commence legally protected industrial action, a negotiator representing an employee who will be subject to an enterprise agreement must submit an application to the Commission for a ballot order to conduct a protected action vote (Fair Work Ombudsman 2021b).

As a last step, the Fair Work Ombudsman should be engaged in the situation if none of the aforementioned alternatives are successful in resolving the problem. This is because the Fair Work Ombudsman is authorized to manage differences that arise under enterprise agreements and to issue orders that are legally binding in order to settle these conflicts (Howe et al. 2014). The pluralistic view of employee relations also originates in political theory, which characterizes how governments and states must mediate between an exceedingly diverse array of contending interest groups in the process of policy formulation (Mzangwa 2015).

In addition, I would have actively participated in union-led actions throughout the dispute, such as meetings, demonstrations, or media campaigns, in order to disseminate information about the issue and maintain pressure on the management of Qantas to find a solution that is fair. With “the capacity to reconfigure dramatically the way in which employees express voice within and through trade unions” (Barnes et al. 2019:91), social media usage in industrial actions has the potential to influence the company's decisions and galvanize public support (Panagiotopoulos 2021).

Conclusion

In conclusion, in order to resolve the problem of JobKeeper payment at Qantas, it would have been necessary to use a mix of collective action, negotiation, and the possibility of intervention from government organizations. It would have been possible for workers to fight for their rights and seek an equitable settlement if they had established a feeling of unity and understanding among themselves, participated in collective bargaining via unions, and, if necessary, used protected industrial action. In situations when attempts to resolve conflicts inside the organization have been unsuccessful, obtaining intervention from the Fair Work Ombudsman may offer a method to settle disagreements and guarantee compliance with legal requirements. While the federal court ended up overruling the initial decision, it would have been possible for workers and their unions at Qantas to strive towards fair treatment and adherence to legal norms if they had used these techniques and taken into consideration relevant theories of employment relations, and this instance continues to be an interesting and insightful case study for employment relations students and practitioners.

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