

Flat Planet Webinar

WorkPlace Rights Beyond Borders

0:10

Today, we'll be we'll explore a landmark legal case with significant implications for international business and work with rights.

0:18

I'm pleased to introduce our speakers, Joanna Pascua and Alex Moriarty.

0:25

Alex Moriarty will be the first speaker.

0:26

He's a Principal of AXM Law, a distinguished legal expert with over 2 decades of experience in corporate and international international law.

0:35

Joanna will be our second speaker.

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She is the courageous individual at the heart of the case.

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We'll hear from Joanna and her story, her lawyer and the legalities around the case and what the implications are for Australian and Filipino workers, as well as the broader ethical considerations of international employment.

1:00

As mentioned, this webinar will be recorded and available for you upon request if you don't mind leaving all the questions to the end and we'll open the floor with Alex to answer those questions for you.

1:10

I'll now hand over to Alex Moriarty and he will begin his talk.

1:18

Thank you, Alex.

1:22

Morning everyone.

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Can you all see me OK?

1:26

Tom certainly can.

1:32

Thanks, Alex.

1:34

Oh, that's fantastic.

1:34

Thanks.

1:36

So Joanna's case is significant because it's the first time that an offshore worker who would be anecdotally, anecdotally considered part of the offshoring industry or offshore labour hire market or BPO or outsourcing markets.

2:00

It's the first time that such a contractor or employee, and for starters, I'll use those terms interchangeably, has brought an unfair dismissal claim in the Fair Work Commission.

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Those proceedings are still active.

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They're still subject to an appeal.

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However, what we're really here to talk about today is how Joanna's initiative in bringing her claim online via the Fair Work Commission in Australia and running her claim and proceedings online and via video and telephone conference from her home where she was working from home in Manila, has shone a light on these questions of international law.

2:47

And it's really the first time that's surprising.

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The law is as it is and arguably, she's just tested an area of law where if lawyers or if the outsourcing industry had thought about it, we might have arrived at the same conclusions.

3:04

But she is the one who served as the catalyst for drawing attention to this issue.

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This this question, interesting questions of the extent to which Australia's Fair Work Commission, Australia's Fair Work Act and Australia's labour laws, including minimum wages, might apply to

persons who are not Australian residents, who may never have been to Australia, who don't have a tax file number and who don't get paid superannuation.

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So the legal conclusions that I'll talk about today are, although still subject to an appeal in Joanna's particular case, the legal conclusions in my view are frankly settled.

3:49

The consequence of this case though is that we might see more offshore shore contractors and employees accessing their Fair Work entitlements via Australia where they've been working for Australian companies.

4:03

It's not the first case where offshore employees of Australian companies have brought Fair Work claims.

4:09

Of course, if you're working for, for example, an Argentinian subsidiary of BHP and you feel you're being unfairly dismissed, there have been cases where employees have had the nous to bring a Fair Work and unfair dismissal claim in Australia.

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But this is the first case that we're aware of where someone who is really a member of what we anecdotally called the outsourcing or offshore labour industry has done.

4:40

So this slide that you're looking at now, it is a useful summary of how one ought to think about contracting with offshore labour or outsourcing labour overseas if you're an Australian business.

4:56

It's written from the perspective of Australian employers and business owners.

5:02

So what hasn't changed?

5:05

Well, as you can see in the first tick there, genuine gig economy or freelance workers, they can still be paid as contractors.

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It's just as if you're contracting with a gig economy worker in Australia.

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The typical examples that come to mind to us these days, of course, workers who work for Uber, DoorDash, Uber Eats and so on.

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Attendees might be aware that some of those cases have been through the courts in Australia.

5:37

Why are they different at law?

5:39

Well, the High Court's been very clear about this in Australia and it doesn't really matter whether you're a gig economy, who's a gig economy worker or freelancer, who's working from overseas or who's working in Australia riding on a motor scooter for Uber Eats.

5:57

You are genuinely doing piece meal work.

6:00

You're genuinely a bit piece worker and you're just working.

6:04

When you choose to work for some extra income, you're not being regularly or systematically employed or working in another person's business.

6:14

So in those cases, and the big multinationals like Uber and so on have been given the all clear and it helps that their lawyers have drafted the contracts in question very clearly.

6:26

But it is clear that for that economy, workers are contractors, they're not employees.

6:33

The consequence of that of course, if they're not employees is they don't have rights under the Fair Work Act.

6:38

They can't bring an unfair dismissal claim, they can't bring a minimum wages claim, they can't claim they're an award employee.

6:46

Then the second category that is still OK, but has been that we will be looking at in a different light if you're a lawyer or a business owner employing offshore labour in Australia is if you choose, if you're an Australian company and if you would choose to have offshore employees.

7:05

It's perhaps Australian employers have until now really just turned a blind eye to this question.

7:12

It's common as we all know to have whole teams directly employed by Australian employers.

7:19

However, they might be working in Kuala Lumpur, Manila or offshore somewhere.

7:25

And I'm referring to the situation in this second category here, where those offshore employees are directly employed by an Australian company, an Australian resident taxpayer, not where a subsidiary has been set up in the offshore jurisdiction.

7:41

That's the 4th category that we'll look at below.

7:44

So in this situation where you're an Australian employer with offshore employees and you have an employment contract with them, what do we really need to be aware of now in light of Joanna's proceedings in the Fair Work Commission?

8:00

Well, those workers, even though they may be part of the Filipino economy, the Filipino labour market with its market wage rates, or Malaysia or whichever country it may be, they will be able to access Australian minimum wages and that could have a bit of a domino effect.

8:21

Think if they're very large teams that could open the door to class actions.

8:25

If those employees have historically been underpaid below the award, they'll have unfair dismissal and adverse action rights in the Fair Work Commission.

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They'll be able to make a complaint to the Fair Work Ombudsman that they haven't been paid the minimum wage.

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They'll be able to and ask the ombudsman to open up an investigation as to whether that might constitute a case of wage theft.

8:52

So really quite a significant risk now for businesses that choose to employ overseas employees directly.

9:05

It's, it's really, really a disincentive now.

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I would say again, the law hasn't changed as a result of this.

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It's just that people now as a result of this decision will be thinking about things differently and be more alive to the risks, especially once this decision gains more publicity and is promoted both in Australia and overseas.

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Now what's definitely out as a result of this decision, again, this distinction between an employee and a contractor at law is nothing new.

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It's worthwhile going back to this principles when I discuss this category.

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It's completely natural for a business owner for any contracting party to think that well, I've engaged, I've signed a contract with this putative contractor overseas.

10:02

We've said in the contract that that punitive contractor is not an employee since we both agreed it must be OK.

10:10

I mean that that's sort of like a common sense line of thinking.

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But the important message, of course, is that that's not what the law says.

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The legislation, politicians, the courts have intervened in this situation and it's an example of where the freedom of parties to contract, freedom of contractual relations has been very much overridden, thrown out the window you might say.

10:40

And where the law, in this case the Fair Work Commission will be the, the, the 1st effectively tribunal government decision maker to who, who will decide for you whether your contract with contractors is with employees or contractors.

11:01

And of course there are consequences that follow from the interpretation if they're an employee.

11:06

Well, you're going to be opened up to Fair Work Commission claims, unfair dismissal and adverse action.

11:13

You're going to be opened up to Fair Work Ombudsman investigations and wage theft claims and so on.

11:20

Now this applies in Australia, two of course most people are probably familiar that the cleaning industry where we've had these large roll ups of cleaning firms that have sought to employ cleaners as independent contractors, but in fact they've been found to be employees.

11:39

This is something that's not new to the courts or the Fair Work Commission, but in this offshore worker context it, it is new.

11:46

Now what's the difference?

11:48

Well, there are pages and pages of case law about the difference.

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At the end of the day, it can be as difficult as at the end of the day, it can be a question of deciding based on the contractual terms that you may have arrived at with your contractor.

12:10

That sounds as if I'm contradicting what I've said, but the contractual terms will not be looking at whether the contractor or an employee is named an employee or contractor.

12:25

That's completely irrelevant.

12:26

Rather, what the Fair Work Commission or the court will be looking at is whether that contract paints a picture of a regular and systematically employed person who is working within your business rather than running their own business, providing a service to you outside of your business.

12:46

So there are many in DISHA things like to find working hours working Monday to Friday.

12:52

It can be a casual worker, it can be a part time worker or a full time worker.

12:57

Things like supervising those employees, the extent to which they are rain makers for their own business or the extent to which they're genuinely working within your business, providing a service to your clients and customers.

13:10

Obviously in the, in the latter case, the Fair Work Commission or court will be more inclined to find that the person in question is an employee.

13:21

So really that the, the, the hazard there is that and the, the, the conflict of interest there for businesses is that many businesses, of course, what they really need to do in this situation is they need to think long and hard about what they actually want out of their employee or contractor.

13:47

Many businesses have gone down this route of contracting with offshore employees and not treating them as employees because of course they can save money in doing so.

13:57

They don't have to comply with regulations, they don't have to pay a minimum wage and so on.

14:04

But by the same token, what they really want is not a piece meal or a gig or short term worker.

14:11

What they want is someone to be there and rock up everyday and help them with their business or a few days a week.

14:16

And what they want is to pay them a fixed salary and to know what that is in advance.

14:22

So even though the arrangements may purportedly be 1 of merely exchanging invoices rather than pay slips, the the law in that case is going to come in and say, well in actual fact you have an employee on your hands there and you need to comply with the Fair Work Act, the award regime in Australia and so on.

14:46

And again, just to emphasize, it doesn't matter the the employer contractor may have agreed hand on heart at the start of the relationship that they are happy to be a contractor and not an employee.

14:58

By the time the relationship sours or by the time they find out about what protections Australian law actually has in this situation for them, they can at the end of the relationship still go to the Fair Work Commission and still hold themselves out as an employee, notwithstanding the agreement that was made at the start of the relationship, which is what Joanna has indeed done, albeit still subject to an appeal.

15:28

Now the final category.

15:30

We have Australian businesses wanting to access offshore talent.

15:37

This is perhaps, in my view, where a business genuinely wants a regular and systematic employee offshore working within and for their business.

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This is now the least risky option.

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The least legally risky option probably has the most economic and commercial benefits as well.

15:59

What you can do, as I mentioned before, one option is to set up your own subsidiary offshore, incorporate a Filipino company and have that Filipino company employ your Filipino staff and that company will be invoicing, will be invoicing those staff's labour to your Australian business.

16:23

If you do it via a related entity.

16:25

You've also of course got to think of, you know, transfer pricing rules, you've got to think about whether it's a controlled foreign company where it's, it's tax and so on might in fact be reportable in Australia even though it's in a different tax jurisdiction.

16:42

So it can be quite complex from a tax and accounting perspective.

16:45

You have to set it up in a way in which it's genuinely length and get specialist tax advice on that.

16:52

Another way of going about it of course is to use a genuine third party and then you don't confront those questions of whether or not the offshore arrangements and structure that you've set up are genuinely arms length and whether you might be a taxable in Australia for all of those expenses.

17:07

So offshore and outsourced labour providers who are established in the country where employees reside.

17:19

So Flat Planet is an example of that.

17:22

The way that it's structured, it will then hire the staff and it will take care of all of the employee and employment risk, including of course complying with local employment laws.

17:34

And then that third party provider of labour services will simply issue invoices and they of course genuinely are a contract, they're a company.

17:43

There can be no question of that company of course in fact being and employee.

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Now it's worth mentioning also that that type of arrangement is supported because of our international law framework.

17:58

So many of you will be familiar with the United Nations Sustainable Development Goals.

18:05

SDG 8 is the Sustainable Development Goal that Australia is a signatory tool along with most other countries, all OECD countries, definitely to promote a fair, fair labour, fair working conditions and a fair workplace for international labour internationally.

18:27

Now that that international law objective is actually written into our Fair Work Act in Australia, that's something which you know Joanna has been able to rely on to say that, well, even though I'm not an Australian, it's recognised in Australia just as it is in the Philippines that the United Nations is promoting a minimum safety net for an employees.

18:53

And that is up to each signatory country, of course, to decide what that safety net looks like in the Philippines.

18:58

And perhaps Chris Moriarty who runs Flat Planet can talk about this after there's significant protections and rights and benefits, including healthcare system and so on for employees in the Philippines, just as there are significant employee rights, the minimum wage, fair dismissal rights and so on in Australia.

19:21

So if you can now move to my next slide, Tom.

19:27

So just to really this, this slide is to emphasise and the importance of setting one, setting up one's offshore labour arrangements correctly and in a way that's sensitive to the legal considerations that I've just described.

19:50

The Australian government has implemented new national wage theft civil penalties that are going to come into force from 1 January 2025.

20:01

So what we've seen in the last year.

20:03

State and federal crimes Acts being amended to roll out new wage theft crimes.

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That is of course a media darling in Australia and the media's really championed the wage theft topic and cause and brought it into public awareness.

20:25

But now there's going to be something less, less than a crime, although you can still go to prison.

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These are civil penalties that are similar to the civil penalty regime in the Corporations Act, which applied to errant directors of companies, insolvent trading and all those types of offences, of course.

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And as you can see that the penalties that could be applied are significant measuring into over one and a half million dollars is the starting penalty for a director of a company that is liable for wage theft.

20:59

This will be within the jurisdiction of the Fair Work Ombudsman.

21:02

It already can impose significant penalties for underpayment or non payment of wages.

21:08

Consider also that there might be a class action risk in some cases where you've got very large outsource teams working overseas and there are exceptions to the strict penalty regime for small businesses.

21:23

There is some leniency.

21:25

A small business code covering this area of the law is actually still being drafted by the ombudsman and by the government.

21:31

So we expect to see that that small business code next year whereby a small businesses comply with this code take, they'll have to take, they'll have to be diligent and, and be careful to be, be careful of their own contractual arrangements and how so on.

21:49

But they won't necessarily immediately be liable in the same way as larger businesses.

21:56

Now, is this a, has there been a wage death case yet in respect to an offshore contractor in Joanna's situation?

22:06

No, there hasn't.

22:07

But it's now, it's, it's now fair game.

22:13

The Fair Work Commission member who wrote the decision at first instance in Joanna's case devoted 2 paragraphs of the judgement to examining how these were over to comments by over to that's a legal term, which I means it was just, it was just extraneous commentary by the Fair Work Commission member.

22:34

But he would he was not decisive in her case, but he was commenting on how she had not been paid at the award even though the award would apply given his finding that she was an employee.

22:46

So this is now a live issue, including for offshore employees that you could be subject to a wage theft style investigation.

22:56

Now the question will probably come up, what about tax file numbers?

23:01

What about superannuation and so on.

23:05

You know, do I have to pay offshore employees superannuation even though to pay someone's superannuation they have to have a tax file number?

23:12

You can't get a tax file number unless you're an Australian resident.

23:16

Ato is not going to start administering tax for foreign nationals and non Australian residents and non taxpayers.

23:23

So the answer to those questions is no.

23:26

Is that an incongruous outcome where as an offshore worker you might have the right to the minimum wage, overtime penalties and so on, but you don't have the right to superannuation and other benefits of Australian employees?

23:41

Yes, that's in Congress, but that is frankly something that as legal professionals, we're used to dealing with that sort of incongruence.

23:52

And it's something, of course, that will have to be looked at and addressed by policy makers and by Parliament to see how they're going to deal with that, if at all, in due course.

24:03

So that's all I had to say and I can see Joanna's here.

24:07

Thank you, Tom.

24:11

Hi.

24:11

Good morning, everyone.

24:12

Thank you, Thank you.

24:13

Sorry everyone, Joanna Pasu has arrived and Joanna over to you.

24:18

I'd like you to now start with your story.

24:26

Thanks Tom.

24:28

Sorry about the delay.

24:31

So I guess we're here to talk about how the large lodgement of the complaint came about.

24:44

There was obviously a, a fallout between myself and with my previous employer.

24:52

And so I felt that at the time when it happened, I just couldn't believe that it was actually coming to that.

25:00

And when it did, I spent the rest of the day just being numb and I didn't know what to think.

25:07

I couldn't, you know, I couldn't really tell for sure if that was the, that was the, the end of it.

25:15

And then over the days I have, I'll have been just, you know, sitting by myself and obviously looking for another job.

25:27

So there was this one time that I was just sitting at home.

25:30

I was feeling really bitter about what happened and I really felt that it was unfair.

25:39

So I, I tried to, I, I tried to see what I could do about it.

25:46

So I was in, in limbo.

25:48

I didn't know I, I was still having, you know, some emotions about it.

25:52

And I knew I needed to detach from any emotions in order for myself to think clearly on the, on the next step.

26:01

Do I just let it go or do I, you know, am I even gonna get heard by anyone?

26:09

So I started thinking about my family and my daughter comes to mind.

26:14

I have a daughter and two sons.

26:17

So my daughter, who's 26, she, she was just completing work towards being admitted to the bar here in the Philippines.

26:26

And the results actually come out on Friday.

26:29

This could be Friday.

26:31

So we're, we're so excited about it.

26:33

She's about to become an attorney herself.

26:36

And I'm very proud of her.

26:37

And I thought, you know, she, she's been watching me and I've been telling her stories, all of them.

26:42

I've been telling all of them stories about my work as a credit repair, you know, in, in the credit repair industry.

26:50

I would help Australian consumers with their defaults and all that black marks.

26:57

And I was thinking, you know, if I, and it's, that has been my life for the last five years.

27:06

And I was thinking to myself, you know, I have been serving the Australian consumers.

27:14

And in fact, I, I think it's embedded because I've, I've, I tried to teach my, children and I tried to raise them in the spirit of service as well, because there's no point in life if you're just going to live it for yourself alone.

27:30

And I thought it was meaningless that way.

27:31

And this, you know, the, the act of service is just really fulfilling.

27:35

ANYWAYS, I'm going off and tangent.

27:38

So I, I, I have been telling her stories about the whole matter and I didn't want to see her see me not be able to defend myself for a change.

27:53

I mean, I've been defending the cases against, you know, creditors for Australian consumers.

27:59

And now I, I need, I need the help for myself and I need to find it somewhere.

28:07

So I knew a bit about Australian law because of the type of work that I did this past 3-5 years.

28:14

And so some processes in the back of my, my years of work as a credit repair, you know, work in the credit repair industry, I set myself the task.

28:29

I knew about the Fair Work Commission.

28:32

And so I researched the whole claim process.

28:37

It was a big, you know, long and I had to, to make sure that I was eligible to start with.

28:46

So I sat down and I worked through the list of eligibility criteria and I was surprised to see that I was sticking them off 1 by 1.

28:59

And I knew that I had because you have to go to the website and just, you know, see how they work, how you know, how they process things.

29:08

And so I knew I had a 20 day time frame.

29:11

I was let go end of March and I spent a week, maybe you know, trying to get everything sorted out, prepared for my submission.

29:29

So I did finally and then on around the 5th, I think April, first second week of April, I received an acknowledgement e-mail from the Fairworks office and I was so excited about it.

29:50

I said, OK, almost there.

29:52

I mean, it's just an acknowledgement e-mail.

29:54

You know, it's auto generated.

29:57

I still need to hear.

29:58

And then emails came after that saying that there will be a conciliatory call with myself and the total group.

30:09

And then so we were putting that there were rooms and I even took my daughter with me to the to the conciliatory call just so she would see how it worked in Australia because I was so proud of how efficient everything was.

30:27

But I, I needed to make sure because I had to consider the I had two things of primary importance, right?

30:35

That I had a contract and that my employer was a national assistance employee employer and that would internally define myself as being a national assistance employee.

30:48

And then later on I received an e-mail that it was that it was assigned to, I think I might have I an office already within the fair works.

31:07

And it was the let me get the, the name, but it was within the the office of the Fair Work where I was told that I could not.

31:27

So I had OK.

31:29

So it says that if I believe that I was employed by, you know, the docile group, I had to provide the legal name because I think I might have made a slight error in that.

31:43

I always regarded them as my CRA lawyers and introduced myself as being their paralegal.

31:50

And so when this e-mail came on the 22nd of May, it says here that either way, Miss Pasqua, if you were an employee of the respondent rather than an independent contractor, then you may not be a national system employee because you did not ever work in Australia.

32:16

So I said, I don't know that I really saw that that as being, you know, in the, in the definition of I just had to be a national systems employee.

32:34

And so I had to look up the meaning of a national systems employer because I couldn't find any.

32:40

The, the only reference that it had was the only definition that was stated in the legislation of being a national systems employee was that you were employed by a national systems employer.

32:55

And so it didn't say that you had to ever be, you know, a resident of Australia.

33:01

So I said, you know, it's a long shot, but I was willing to be, I needed to be heard.

33:08

I, I knew that, you know, this was something that I was doing the right thing.

33:14

And in any case, I would respect it if it was a decision before that time.

33:25

Anything else can be, you know, submitted and, you know, suggested.

33:30

And I would, you know, it's not yet final.

33:33

So I asked to, to, for them to, to consider, to reconsider.

33:37

And then I put, you know, the, everything that I needed to put in being a national systems employee on that e-mail reply to the office.

33:49

And that's when.

33:52

So then we had the conciliatory call and then it was reassigned.

33:59

The case was reassigned.

34:01

I received an e-mail that it was being reassigned to Deputy President Slevin's office, but we needed to submit, you know, things.

34:13

So there were things that they wanted to, to see and if we had any documents that we thought would might help our claim.

34:25

So obviously when we, because we have gotten that far, the conciliatory, the, the conciliation process wasn't successful.

34:36

So I can't really speculate why.

34:39

I mean, you know, I, I was open to anything.

34:41

I was, I didn't have an agenda.

34:44

I just, you know, put it out there that this happened.

34:48

I, I had no idea what was going to, what to expect even.

34:53

And when that didn't work out.

34:55

So I was open to anything and everything.

34:58

But, you know, that was fair and that felt right and that made sense.

35:03

But unfortunately, it didn't come to that during the conciliation process.

35:09

And so the matter had to progress and it had to be heard, I guess, by the deputy president Slevin.

35:21

And so I just basically stood my ground respectfully and just waited for things to unfold.

35:31

I was waiting for them to give me instructions and I would respond, you know, appropriately.

35:39

And then over the next few weeks, various emails arrived asking for statements and anything that we can submit.

35:51

So I just kept my eye out on for those and made sure that I responded to, you know, to everything in the most accurate way that I can choose full way that I that I can.

36:06

I and I, I really tried my best SO1 morning on September, it was the 26th and I was having, you know, morning coffee and just thinking about life.

36:24

I was looking over for, you know, over online platforms for, for jobs.

36:33

And then the, you know, the message popped up.

36:38

You know, I, I had to check my e-mail.

36:41

I wasn't really expect.

36:43

I did have it in the back of my mind.

36:45

I knew it was going to come anyways, but I didn't expect it at that moment.

36:47

So it still came as a bit of a surprise.

36:51

I opened the e-mail because it was, you know, and it was from the Fair Work Commission.

37:01

And then in big bog letters it said at the top, it's a decision.

37:06

And so my, my, my heart was racing and I was just, I didn't know if I was ready to read it.

37:13

I didn't, I didn't know what to expect.

37:16

I did my all.

37:17

I was confident.

37:19

I was fair about it.

37:22

I was, you know, I didn't know how to feel at the time.

37:29

And then, you know, I tried to read every word.

37:34

It was about maybe 2-3 pages long.

37:37

I'm not so sure.

37:38

I almost stopped myself from, you know, from zooming in to the bottom just to see how it, what the decision was.

37:49

So I kind of, I still went through the whole thing, but not really like just skimmed through it.

37:55

And then at the bottom it was there.

37:59

It said that I, won the claim.

38:05

I was so excited.

38:07

I ran to my son's room.

38:09

And then I, you know, I just without knocking, I mean, I knocked, but you know, I still opened the door anyways without waiting for him to answer.

38:16

And he was working.

38:18

And I said, Simon, you won't believe this.

38:19

He's my youngest.

38:21

And I said, Simon, you won't believe what happened.

38:23

I had the decision.

38:24

He said, yes, mom, mom, mom.

38:25

So he was just, you know, he was working and I couldn't.

38:28

So he closed the door on me and then I went back to my computer.

38:32

And then my other son who was in the kitchen, he was preparing something for himself.

38:36

And then he said, well, mom, what's going on?

38:38

And I said I won.

38:40

I won, you know, I, you know, I won the fair works.

38:44

And he they already knew about it.

38:47

So I didn't have to explain.

38:49

I just had to tell them that I won.

38:50

And then I called my daughter.

38:52

She was at work as well.

38:54

And then so I was just so happy.

38:57

I mean, we could have hugged, but you know, we were not together.

39:00

So and then my son who was downstairs, he had his girlfriend was downstairs as well.

39:10

And she called me and she said congratulations, Tita.

39:14

Tita is like a Filipino word for aunt.

39:17

So congratulations Tita.

39:19

I heard about it and Hunter said the other son, Hunter said to get ready.

39:24

He knew I was craving for burritos.

39:27

So he said he was going to, you know, buy you burritos.

39:30

Let's go out.

39:32

And so it was just a nice feeling and I I knew it.

39:38

I mean, I didn't ever doubt that that it was if it was just putting a, it was just putting a stamp on, on the fact that, you know, I had to hear it from someone else from, from authority that I was, I was right.

40:00

And now I can continue on with the unfair dismissal.

40:05

It felt right.

40:06

It made a lot of sense.

40:09

I, I did everything that I was, I was asked to do on the instructions.

40:15

I knew I was.

40:17

I was.

40:19

Being attended to by the proper authorities, the proper office, it was a Fair Work Commission anyways.

40:28

So I guess I said, you know, thank.

40:33

Thank you so much, Joanna.

40:34

OK, yeah, thank you.

40:36

That's a wonderful story.

40:39

And we appreciate you firstly for sharing that with you, with us, because I know it wasn't easy and there's a lot what's been considered and I know there's a lot ongoing.

40:50

I'm also aware that everyone might, there might be a few questions.

40:54

So what I might do is just ask those who are interested in answering, asking a few questions you don't mind.

41:09

There's AQ and a function at the bottom of the of the Zoom chat feature, if you don't mind answering any of those questions.

41:17

And Alex, if you're still online, potentially Joanna, they may ask you.

41:21

But Alex, if you're still online, if you don't mind asking or answering a few questions that have come up, I'm still here.

41:28

Tom, thanks.

41:48

OK, so they don't appear to be any questions, Tom.

41:50

I think Joe and I must have answered them all already.

41:53

Yeah, No, no problem.

41:54

I appreciate that.

41:56

Thank you so much, Alex.

41:57

And thank you so much, Joanna, for for your time.

42:00

Thank you everyone, for joining us.

42:01

Obviously, if you have any questions later on, please feel free to contact us.

42:07

Someone ask a question.

42:09

Yeah.

42:09

So go ahead.

42:10

Is this for all workers or just for the Philippines?

42:13

Well, yeah, it's for all workers, right?

42:17

In any country at all.

42:21

Joanna's case specifically focuses on the situation where the worker is directly contracting as a contractor or employee with an Australian company.

42:31

So that's the that's really the focus for today.

42:35

If you want to get around that, don't contract with flesh and blood people overseas or if you do, be very aware of what you're in for, pay the minimum wage and so on.

42:49

The other way around it of course is to contract with an overseas company that does the employing of the overseas labour.

43:00

Thanks Tom.

43:03

Thank you, Alex and and again thanks everyone for attending.

43:09

If you want a copy of the recording, please reach out and request that for us later or if you have any other questions, let us know.

43:16

And again, thank you for attending today's webinar.