

**SALARIED MANAGER UNDERPAYMENT CLASS ACTION PROCEEDINGS
BROUGHT AGAINST WOOLWORTHS
(Baker & Another v Woolworths Group Limited & Another, NSD 2004 of 2019, Federal Court of
Australia)**

NOTICE OF YOUR RIGHT TO REGISTER, OPT OUT, OR DO NOTHING

KEY POINTS

You are getting this notice because it is likely that you are a class member in the underpayment class action legal proceeding that has been filed in the Federal Court of Australia against Woolworths. The matter is being mediated, which means there will be discussions between the parties that could lead to a settlement.

You can do one of three things in response to this notice:

1. Register

If you would like to participate in the class action legal proceeding and have your claims considered as part of the mediation discussions, you need to register by 21 May 2021. This will mean you will be bound by the outcome of the class action proceeding.

2. Opt out

You can exclude yourself from the class action legal proceeding by opting out, which will mean you do not get any compensation from it (whether or not you have been compensated by Woolworths directly) but you keep your right to make your own claim.

3. Do nothing

This will result in you remaining part of the class action legal proceeding but any claim you might have in the proceeding will not be considered as part of the mediation. However, if the matter does not settle and the Court makes a compensation order, you may have the opportunity to seek compensation under that order.

You should read this notice carefully. If there is anything in it that you don't understand, you should seek legal advice.

ABOUT THE CLASS ACTION

A class action is a legal proceeding brought by someone on behalf of a group of people with similar claims (called a "class").

This class action has been commenced in the Federal Court of Australia against Woolworths Group Limited and Woolworths (South Australia) Pty Ltd. It is made on behalf of salaried team members who worked at Woolworths Supermarkets, Woolworths Metro, or BIG W from 30 November 2013 to when the legal proceeding was filed (the **Relevant Period**) whose position title was, or included the word, manager.

The class action alleges that, if a manager's entitlement under the General Retail Industry Award 2010 ("**Award**") was higher than their annual salary during the Relevant Period, then they should have been paid the higher amount. The class action legal proceeding seeks to recover any additional amounts

that should have been paid, and have penalties (like a fine) imposed on Woolworths. If ordered by the Court, compensation for underpayments and penalties may be paid to eligible class members.

WOOLWORTHS PAYMENTS

Woolworths has carried out a "Salaried Team Pay Review", which is **not** associated with the class action, to identify shortfalls in payments based on Woolworths' records as to the hours each salaried manager worked. Woolworths has made payments of these shortfalls, plus interest and superannuation, in accordance with its calculations. Woolworths has also set up a review process, separate to the class action, as a way for you to resolve directly with Woolworths any queries or concerns about whether you may be entitled to an additional payment and if so, how much. If your query or concern is not resolved directly with Woolworths to your satisfaction, you may refer it to an independent review process that is chaired by former Fair Work Commissioner, Mr Greg Harrison.

Woolworths' Salaried Team Pay Review is a separate process to the class action legal proceeding, and you can access it directly at no cost. You do not have to pay any part of a payment you may receive from that process to any lawyers, unless you directly decide to do so. Details are available at: <https://team.woolworths.com.au/faqs.html#/login>

You are able to participate in both the class action legal proceedings and Woolworths' Salaried Team Pay Review process simultaneously, and participation in one does not affect your eligibility to participate in the other. Woolworths may be entitled to offset any payments made to you in connection with its Salaried Team Pay Review against any underpayment established by way of the class action legal proceedings.

COSTS OF THE CLASS ACTION

If any money is recovered from Woolworths as a result of the class action legal proceeding, Adero Law (the Applicants' lawyers) will ask the Court to allocate a portion of that money and apply it towards legal costs, so that the costs are shared by everyone who obtains money from the class action.

Adero Law may also ask the court for an additional 25% increase to their legal costs, which would also be paid from any proceeds of the class action, to reflect the risk of undertaking the class action on a no win, no fee basis. For example, if Adero Law's total fees were \$3 million, the extra 25% would mean they receive an extra \$750,000 or \$3.75 million in total. Adero Law's fees are subject to Court approval, which will consider the interests of class members.

If the class action legal proceeding is successful or settled on a basis approved by the Court, all legal costs will be taken from money recovered from Woolworths in the class action legal proceeding. You will not be required to take money from your own pocket to pay Adero Law for its legal services.

If the class action legal proceeding is unsuccessful, class members will not be required to pay any legal costs.

POSSIBLE SETTLEMENT – AND THE NEED TO REGISTER TO PARTICIPATE

The Applicants and Woolworths have been ordered to take part in a mediation by mid-2021. The mediation will only consider the claims of class members who register. **Accordingly, if you want your claim in the class action legal proceeding to be considered in that mediation (and therefore have the opportunity to share in any settlement), you need to register by 21 May 2021.**

If settlement is reached, it will not become effective unless it is approved by the Court. That involves the Court assessing whether it is a fair and reasonable compromise.

COPIES OF RELEVANT DOCUMENTS

The allegations made against Woolworths are set out in an Amended Statement of Claim, and Woolworths' response is set out in its Defence. These documents are available at <https://www.aderolaw.com.au/class-actions/woolworths/>.

YOUR OPTIONS

You have three options:

1. Register to participate

You do not have to register to remain a class member. However, if you wish to receive a share of any benefit or monetary compensation from any settlement of the class action, you need to.

If you remain a member of the class action, by either registering or doing nothing, you will be bound by the outcome of the class action. This may mean you are unable to rely on these matters, or any other matters, in any other claims.

If you have already signed a retainer agreement with Adero Law, you do not need to register again. If you have not already signed a retainer agreement, you can register online at <https://www.aderolaw.com.au/class-actions/woolworths/>. **You need to do this by 21 May 2021.** As part of the registration process, you will need to provide details about you and your claim to Adero Law.

2. Opt out of the class action

If you "opt out", you will no longer be a class member. This means that you will not be affected by any orders in the class action, and you will not be entitled to any compensation as a result of it (either by way of mediation or Court decision). However, you will be able to bring your own separate claim, if you would like to.

If you would like to opt out, fill in the form at Schedule A and send it to the Federal Court either:

- (a) By email to: nswdr@fedcourt.gov.au, with the subject line: Opt Out Notice NSD2004/2019.
- (b) By post to: Federal Court of Australia Registry, Locked Bag A6000, Sydney South, NSW 1235.

3. Do nothing

If you have already registered with Adero Law, you don't need to do anything further and you will remain registered.

If you have not already registered with Adero Law and do nothing, you will be an "Unregistered Class Member". You will remain a class member (and for example, have the opportunity to share in any compensation ordered by the Court), but your claim will not be considered as part of mediation.

Schedule A

OPT OUT NOTICE

ONLY COMPLETE THIS FORM IF YOU WISH TO NOT PARTICIPATE IN THE CLASS ACTION

Federal Court of Australia
District Registry: New South Wales
Division: Fair Work

Cameron Baker and another
Applicants

Woolworths Group Limited (ABN 88 000 014 675) and another
Respondents

To: nswdr@fedcourt.gov.au
Subject Line: Opt Out Notice NSD2004/2019

OR

Federal Court of Australia Registry
Locked Bag A6000
Sydney South, NSW 1235

The person named below as a Group Member in this class action gives notice under section 33J of the *Federal Court of Australia Act 1976* (Cth) that the Group Member is opting out of the class action.

<i>Name of Group Member (print):</i>	
<i>Postal address of Group Member:</i>	
<i>Woolworths Employee ID (optional):</i>	
<i>Telephone:</i>	
<i>Email:</i>	

If you are signing as the solicitor or representative of the Group Member:

<i>Name of person completing this form (print):</i>	
<i>Authority of person completing this form (e.g. power of attorney, lawyer):</i>	
<i>Postal address of person completing this form:</i>	
<i>Telephone of person completing this form:</i>	
<i>Email of person completing this form:</i>	

Date:

Signature:

Print name: