

UPDATE ON THE WOOLWORTHS CLASS ACTION

Baker & Anor v Woolworths Group Limited & Anor I NSD 2004 of 2020

1. Background

- 1.1. In December 2019, Adero Law (**Adero**), filed a class action against Woolworths in the Federal Court of Australia alleging annualised salaries paid to staff were not sufficient to satisfy their entitlements owing pursuant to the *General Retail Industry Award 2010* (**Award**). The class action is filed on behalf of Mr Baker, Mr Piro and salaried managers. Adero estimates that the class action is on behalf of over 25,000 of current and former salaried Woolworths managers across the period of 3 December 2013 to 3 December 2019.
- 1.2. On 5 September 2025, Justice Perram delivered a judgment impacting approximately 40,000-45,000 individuals across Australia in the Coles and Woolworths businesses, including Big W. The judgment is in respect of a 7-week trial which occurred on 5 June 2023 to 21 July 2023.

2. Key Findings

- 2.1. Adero has reviewed the judgment and notes that the judgment has found against Woolworths on key issues, including:
 - a) that employment entitlements must be paid in full within each pay period (this involves a finding from the Court that Woolworths had failed to discharge its statutory duty in respect of payments made across the course of the class action period of 2013- 2019);
 - b) that Woolworths failed to keep accurate records or in some cases any records of the actual hours worked by its employees during the period of the class action and as such any inaccurate or incomplete record of the employer cannot be relied upon to determine any underpayments owing; and
 - c) Section 557C of the *Fair Work Act 2009* (Cth) (**FW Act**) now requires Woolworths to disprove each hour of work claimed by the employee during the class action period from September 2017 onwards.
- 2.2. It was found by Justice Perram, in the case of Coles, that the clear “*evidentiary vacuum*” that Coles relied upon to conduct its HR and payroll system was a “*calamity which belongs to Coles and not its employees*”. This finding is significant to the Woolworths class action given that it is the central allegation of the class action that Woolworths did not have any adequate system for recording hours worked and for paying its employees their entitlements as they arise by which to discharge their legal obligations under the FW Act.
- 2.3. We consider these findings, based on extensive review of evidence put forward by both Woolworths and the Applicants, likely now exposes Woolworths to further back payments beyond those already made in its internal remediation process. The judgment also stands as a victory in seeking to hold Woolworths accountable to properly account for its legal obligations to its employees.

3. Next Steps From You

- 3.1. Adero encourages people to continue to register so that we can have your contact details on file and continue to provide updates about the status of the class action. For individuals who have previously registered but have since updated their contact information, please send an email to woolworths@aderolaw.com.au so that we can update your details on file.
- 3.2. Adero will be in contact with individuals in order to seek further information as required and evidence as to your hours worked. Please note this will take place gradually over the coming year.
- 3.3. Please be advised that the client portal used before is no longer active. If you have any questions, please do not hesitate to email woolworths@aderolaw.com.au and the Woolworths Class Action Team will be in touch with you.

4. Next Steps From Us

- 4.1. The parties are now using the principles contained in the judgment to calculate group members' entitlements. This is being undertaken prior to any further hearing or mediation on compensation for any remaining individual issues of group members, in order to fully resolve the matter.
- 4.2. The question on whether Woolworths should pay an amount for "penalties" due to breaching clauses of the Award and what amount they should pay also still needs to be resolved by the Court. If Woolworths seeks to appeal certain issues contained in the judgment that may delay the timetabling of events. There will be a case management hearing in November 2025 where the Court will timetable the next steps in the proceedings.
- 4.3. Adero Law is focused in achieving the best outcome for group members. We understand that the pace of justice can at times be frustratingly slow. Please know that Adero Law remains committed to getting each group member a fair compensation for every hour they worked. We are grateful for your continued support and patience.

Yours Sincerely,

A handwritten signature in cursive script, appearing to read 'Adero', written in black ink.

THE WOOLWORTHS CLASS ACTION TEAM