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Morrison minister colluded with labour hire firm on casuals: FOI

[Documents](#) released under Freedom of Information show that the office of Industrial Relations Minister Kelly O'Dwyer colluded with labour hire giant WorkPac on a litigation strategy that would help the company sidestep the consequences of falsely classifying workers as casuals.

They also reveal that the Minister's office was consulting with the company on proposed changes to the Fair Work Act shortly before the Morrison Government attempted to change the Act to assist employers who wanted to designate any worker a casual, regardless of the nature of the work they performed.

The document – a list of questions posed by a ministerial adviser to the company – was originally redacted from the ACTU's freedom of information request lodged last year, before being released by the Minister's office yesterday following an appeal.

The questions include:

- What is the basis for asserting that in every case of an employee engaged on a regular and systemic basis, the result of the Full Court decision is that an additional entitlement now arises for annual leave or payment in lieu under the NES and this will be double dipping of an entitlement because of payments already paid to the employees?
- What are the arguments against this assertion and the company's assessment of the prospects of success of these arguments?
- What are the alternative ways in which this could be raised before a court and tested in relation to Mr Skene or any other employee?
- What are the details on WorkPac's proposed legislative fix?
- Do WorkPac consider there to be any other legislative options outside of amending directly or indirectly the Fair Work Act?

Quotes attributable to ACTU Secretary Sally McManus:

"This release shows that the Morrison Government was working closely with a giant labour-hire company to attack the rights of casual workers. At no stage did the minister attempt to consult working people's representatives.

"The Minister's officer wrote to the company asking them to investigate a litigation strategy that would produce an outcome that the company wanted, at the expense of working people.

"They also asked about 'Workpac's legislative fix' to the company's problems of facing the music for abusing the casual classification.

"Shortly after this communication between the Minister's office and the company several things happened.

"First, an application was filed in the Federal Court that resembled what they had communicated with the Minister's office about.

"Second, the Minister intervened on the side of the company in that case and will make submissions supporting the company in the Federal Court today.

"And third, the Morrison Government tried to sneak a clause into the Fair Work Act that would assist employers who wanted to designate a worker as casual, without regard to the type of work they do.

“This is a smoking gun that proves the Morrison Government is in league with big business and is actively working with them to undermine the rights of working people.”

“If they are re-elected they will continue to push for permanent jobs to be converted to casual, insecure jobs.”

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