

Thursday 21 April 2022

Morrison refuses to clarify position on BOOT

During his daily press conference yesterday, Prime Minister Scott Morrison refused to rule out making changes to the Better Off Overall Test (BOOT) or bringing back other elements of the IR Omnibus which would cut wages for working people.

Morrison was asked to rule out changes to the BOOT test three times yesterday, but on every single one of those three occasions, he refused to do so, saying instead that there would be no “major” changes to the BOOT.

This is a split from Industrial Relations Minister Michaelia Cash, who said that “the Morrison Government is not changing the Better Off Overall Test, full stop.”

Among the elements of the IR Omnibus which would cut wages and remain part of the Prime Minister’s plan on IR are:

- Changes that would allow workers to be left worse off relative to the Award and National Employment Standards (the central point of the BOOT is to ensure workers are better off) by allowing the FWC to consider non-monetary benefits (like yoga classes)
- Changes that would support secret deals by allowing the employer to commence bargaining 28 days before advising employees of their right to be represented at the bargaining table and removing the requirement for the employers to directly advise workers of their rights to representation, instead allowing them to rely on a reference to the FWC website.
- Laws removing the rights of workers to be told about the agreement that they are being asked to vote on in advance of the vote taking place
- Allowing employers to undercut existing agreements and benefits by transferring staff to new entities with inferior pay and conditions to perform the same work.
- Allowing companies to misrepresent workers’ rights and entitlements by allowing unlawful provisions to stay in the agreement even though it has no legal effect. For example, the agreement might say you aren’t entitled to paid sick leave – and workers wouldn’t know that wasn’t right unless they checked the agreement against the National Employment Standards in the Fair Work Act or the Award.
- A requirement that the FWC to approve agreements within 21 days unless stated reasons not to do so. This will lead to less scrutiny and examination of proposed agreements.

Quotes attributable to ACTU Secretary Sally McManus:

“The Prime Minister needs to come clean and tell working Australians exactly what changes he’s planning to the Better Off Overall Test.

“This Prime Minister cannot get be allowed to get away with saying one thing and doing another – his plans to cut wages and undermine the rights of working people are still in place.

“A re-elected Morrison Government will be more of the same – record low wage growth driven by spiralling insecure work and attacks on workers’ rights.”

Media contact: Peter Green 0400 764 200