

## Lavery Pathology – Important EA Update

Dear Member,

It has been brought to the attention of the Health Services Union that some managers at Lavery Pathology are informing employees that the Enterprise Agreement, voted on in November 2019, took effect as at 1 January 2020.

The Health Services Union is currently in the process of making submissions to the Fair Work Commission (FWC) after we identified several provisions in the proposed Enterprise Agreement that appear to be less beneficial to employees than the equivalent Award provisions. The Fair Work Commission has also flagged a number of clauses which may be less beneficial than the equivalent clauses in the Award. This means that the Enterprise Agreement in its current form may not pass the Better Off Overall Test (BOOT test). Every Enterprise Agreement that is negotiated and submitted to the FWC for certification must be equal to or better than the Modern Award; in this instance, the Lavery Agreement contains several provisions which are less beneficial than equivalent Award provisions. The HSU has therefore demanded that Lavery make undertakings to ensure that the Enterprise Agreement meets the BOOT test.

As Lavery have provided undertakings which the HSU have deemed to be inadequate, the HSU continues to discuss with Lavery what is required in order to ensure that the Enterprise Agreement meets the necessary standard and that workers are not worse off. The HSU will advise as to the progress made in relation to the undertakings for the proposed Agreement.

Please do not hesitate to contact the HSU on 1300 478 679 should you have any questions in relation to the above. Alternatively, you can send an email to [privatehealth@hsu.asn.au](mailto:privatehealth@hsu.asn.au) with your enquiry and we will get back to you as soon as possible.

In unity,



Gerard Hayes  
Secretary, HSU NSW/ACT/QLD