

6 February 2012

Howe inquiry into insecure work: summary of submissions from organisations

This summary is intended as a resource guide for media covering the Independent Inquiry into Insecure Work in Australia, chaired by former Deputy Prime Minister Brian Howe.

This inquiry has been commissioned by the ACTU, and is due to report and provide recommendations in April.

It was open for submissions from 2 November 2011 to 20 January 2012.

More than 500 submissions have been received by the inquiry, including 450 from individual workers. This is a summary of submissions from organisations that had been published on the inquiry's website by 31 January 2012.

The panel will conduct hearings will be held around Australia in February and March 2012.

More submissions are being published each day. Submissions are available for download at securejobs.org.au

For media inquiries, contact Rebecca Tucker (03) 9664 7359 or 0408 031 269; rtucker@actu.org.au

JobWatch

The submission discusses the Fair Work Act and provides case studies of workers reluctant to exercise their rights because their insecure employment arrangements leave them vulnerable, workers who were forced into sham contracting arrangements, and of the misuse of rolling fixed term contracts.

Contact: Gabrielle Marchetti, Principal Lawyer. admin@jobwatch.org.au, (03) 9662 9458

Australian Human Rights Commission – Sex Discrimination Commissioner

Submission is focused on the impact of insecure work on gender equality in Australia. It discusses previous reports and recommendations published across a range of issues which are relevant to the work of the inquiry, specifically the unequal participation of women in the workforce, the lack gender pay equity in Australia, the need to make flexible work practices such as carers leave more mainstream, and the need for our workplace culture and labour law to better allow individuals to balance paid work and family responsibilities.

Contact: Brinsley Marlay, Media Advisor. Brinsley.marlay@humanrights.com.au, (02) 9656 9284, 0430 366 529

Australian Catholic Council for Employment Relations

The submission discusses the role of the National Minimum Wage in maintaining an adequate income for workers in full-time employment to sustain their quality of life. ACCER argues that a major hurdle to achieving better wage outcomes for low-income workers is the absence of a widely accepted and credible poverty line which can be used to benchmark the NWM. The submission goes on to discuss Catholic Social Teaching on the nature of work and the rights of workers, and sets out the theological basis of the 2005 Catholic Bishops Statement on WorkChoices.

Contact: Brian Lawrence, (03) 9934 3355

Dr Jill Murray, Associate Professor, Law School, La Trobe University

A discussion of developments in international labour law which are relevant to the work of the inquiry, particularly the ILO Convention on Domestic Work.

Contact: Dr Jill Murray, Jill.Murray@latrobe.edu.au, (03) 9479 1761

The Australia Institute

Concentrates on contributions that government policies other than industrial relations can make to improve the situation of insecure workers; specifically skills, superannuation and their lack of power in the workforce. Suggests that a large proportion of people in casual work are switching frequently between poor quality jobs and unemployment. Historical evidence shows that higher labour market 'flexibility' does not automatically mean lower unemployment.

Contact: Serena Rogers serena@tai.org.au, (02) 6206 8707, 0421 759 262

Employment Law Centre of WA

Submission discusses the need to enhance workers' rights, especially unfair dismissal, for casuals, labour hire, fixed-term contracts and independent contracting.

Contact: Jessica Smith, administration@elcwa.org.au, (08) 9227 0100

Carers NSW

A discussion of the experience of carers in the workforce.

Contact: Alison Parkinson, (02) 9280 4744, alisonp@carersnsw.asn.au

Shoalhaven Anti Poverty Committee

Case studies of workers in the Shoalhaven region.

Contact: Judith Reardon Coordinator, East Nowra Neighbourhood Centre, (02) 4422 1299, admin@ennc.ngo.org.au

Kingsford Legal Centre

Kingsford Community Legal Centre is attached to the Faculty of Law, UNSW. Submission provides comprehensive examples of cases the legal centre has handled – in particular exploitation of migrant workers from non-English speaking backgrounds, workers engaged by labour hire & casual arrangements.

Contact: Elizabeth Meyer Phone, (02) 9385 9566, e.meyer@unsw.edu.au

Pay Justice Action

Argues that insecure work is one of the structural reasons that contribute to the gender based pay gap between women and men. Provides statistics and strong case studies.

Contact: Alison Thorne, (03) 9388 0062, 0411 080 031, pay.justice.action@iinet.net.au

Jesuit Social Services

Outlines the success of JSSs African-Australian Inclusion program as a model for Government, unions and employers to adopt.

Contact: Julie Edwards, (03) 9427 7388, julie.edwards@jss.org.au

Centre for Work + Life

A brief letter from the Centre along with previously published research papers and the book *Time Bomb. Work, Rest, & play in Australia Today*.

Contact: Barbara Pocock – (08) 8302 4194 /0414 244 606, barbara.pocock@unisa.edu.au

Asylum Seeker Resource Centre – Victoria

Discusses the disadvantages asylum seekers experience in the workforce. The ASRC is the only organisation of its kind in Victoria to offer employment support to asylum seekers.

Contact: Sophie Duterte, P: 0477 049 617 P2P@asrc.org.au

Catholic Social Services

Challenges the conventional view in policy circles that work is always better than welfare. By referring to recent research that suggests that poor quality jobs can be more damaging to workers than unemployment and that workers in heavily casualised industries get trapped and are not on a stepping stone to a better job.

Contact: Paul O'Callaghan, 0434 142 069, paul.ocallaghan@catholicsocialservices.org.au

Social Accounting Accountability Research Centre

Research Centre attached to the University of Wollongong. Submission is drawn from existing research the centre undertook looking at the impact of unpredictable & fluctuating pay on those that receive social security benefits.

Contact: Dr Lee Moerman, (02) 4221 5575, leem@uow.edu.au

Federation of Community Legal Centres

Submission focuses on working conditions in the Victorian Taxi Industry. Taxi drivers are not legally employees and have no entitlement to sick leave, holiday leave or superannuation. On quiet shifts some earn as little as \$8 an hour. Very few are members of a union and their pay and conditions have steadily eroded over the past decade.

Contact: Lucie O'Brien, Policy Officer, (03) 9652 1512, Lucinda.obrien@fclc.org.au

Social Justice Committee of St Vincent De Paul Society of Queensland

StVDP staff assisting families and individuals in financial and personal hardship witness the consequences of insecure work in the form of reduced personal and financial capacity to cope with personal crises and natural disasters. This contributes to increasing incidence of mental illness, substance abuse, criminal activity and a breakdown in social cohesion. These factors are also placing greater stress on social service organisations like StVDP.

Contact: Steve Doyle, social.justice@svdpqld.org.au

Hanover Welfare Services

Submission discusses the relationship between insecure work, unemployment and homelessness. Hanover believes stable employment is essential to preventing homelessness. ABS data shows around 40 per cent of people experiencing homeless are employed. Hanover's work with their own clients has found that most people experiencing homelessness who have worked in the previous 12 months had either part-time, casual or short-term contract work. Less than a third had permanent, full-time jobs. More often work was low-paid, insecure, and in industries with high rates of casualisation.

Contact: Fin Bird, fbird@hanover.org.au, (03) 9695 8355 or 0439 388 251

National Welfare Rights Network

Discussion of the relationship between casualisation and insecure work, and the Commonwealth's Welfare-To-Work agenda. The NWRN advocates reform of the social security system that enshrines greater statutory rights to adequate income support, independent appeals and complaint systems, and the right to independent advice and representation. The submission argues that the combined effects of casualization of the workforce and the increasing complexity of the welfare system mean many Centrelink clients unwittingly receive overpayments and are then unfairly prosecuted by the Commonwealth.

Contact: Maree O'Halloran, CEO. mareeo@welfarerights.org.au, (02) 9211 5300

Dr Kevin White – ANU School of Sociology

An academic paper presenting a qualitative study of the impact of casualised and independent contractor workplace arrangements on the psycho-social health of 72 workers in regional Victoria. The study found evidence supporting the view that these workers in insecure work do not experience freedom and autonomy, but rather lowered social status, insecurity and serious limitations to their ability to manage their health, psychological well-being and social relations.

Contact: Dr Kevin White, 0401182267, Kevin.White@anu.edu.au

Scarlet Alliance

Scarlet Alliance consists of 8 state based organisational members, 4 state and national associate organisational members and over 150 individual members. Other than independent sole traders, there are 3 main employment forms for sex workers, all of which are insecure forms of employment. These are independent contractors; recognised and unrecognised casual employees; and a hybrid of contractor and casual employee conditions. It would be extremely rare for any sex worker to receive employer paid superannuation, casual loading, paid leave of any kind or be in receipt of regular and predictable income.

Contact: Kane Matthews, 0413 848 704, president@scarletalliance.org.au

Uniting Justice Australia

Submission discusses how insecure work impacts on women, low-paid and indigenous Australians who have been disproportionately impacted by the growth of insecure work. Also discusses the tax/transfer system and its interrelationship with employment.

Contact: Rev. Elenie Poulos, 02 8267 4239, unitingjustice@nat.uca.org.au

Workplace Research Centre

The Workplace Research Centre is one of Australia's leading research organisations on work and employment. Their submission suggests that workers, particularly older low-skill workers, are feeling more insecure post GFC. There is greater insecurity in the private sector, particularly amongst those workers on fixed term contract. Income security the key issue.

Contact: Dr John Buchanan, Director. 0418 207 945 or john.buchanan@sydney.edu.au

Youth Affairs Council of Victoria

Submissions calls on government to help young people effectively enter the labour market rather than continue to devise strategies to postpone their entry to the workforce. This is based on the findings of an on-line survey YACVic conducted in November 2011.

Contact: Alice Tudehope, 0421 669 968, atudehope@yacvic.org.au

Australian Institute of Employment Rights

The Australian Institute of Employment Rights ("AIER") is an independent, not-for-profit body that works in the public interest to promote the recognition and implementation of the rights of employers and workers in a cooperative industrial relations framework. Their submission is drawn from their publication *The Australian Charter of Employment Rights*. It argues that there is little evidence to link a regulated labour market with unemployment rates and that, in the OECD, countries with quite diverse policies have recorded similar employment outcomes. Labour market regulation does not reduce employment but it can reduce income inequality.

Contact: Lisa Heap, Executive Director. 03 9647 9102 or 0418996354.
lisaheap@bigpond.net.au

Brotherhood of St Laurence

The submission focuses on the larger policy framework of "securing inclusive growth" and defines the challenge as not just about "insecure work". It contends that workplace relations legislation and related policy levers need to be reformed to ensure the protection of basic universal rights and entitlements of all workers to decent, sustainable work.

Contact: Michael Horn, 0407 324 360, mhorn@bsl.org.au

Beyond Blue

The submission focuses on high prevalence mental health disorders of depression and anxiety and the implications for participation in employment. It uses focus group research conducted by beyond blue and contends that "people with depression and anxiety are more at risk of insecure work than the general population" and have lower levels of workforce participation than both the general community and people with a physical disability. There is a strong emphasis that "job insecurity is a well-established risk factor for poor health" and that "participation in the workforce is an important component of social inclusion".

Contact: Clare Shann (03) 9810 6100 Cheryl.geels@beyondblue.org.au

Anglicare Australia

The submission covers the transitioning into employment off benefits and the barriers interrupting that process; the conflict between the costs of inducing productivity and the savings made from reducing working conditions; the balance to be struck between employer expectations, employee needs and work/life balance; implications of reforms in the community sector; and the external considerations over which community sector employers do not have control (funding).

Contact: Kasy Chambers (02) 6230 1775 anglicare@anglicare.asn.au

National Working Women's Centres

Submission focuses on the circumstances of particular at risk groups for women: mature age workers; pregnant workers; workers with young children; workers experiencing domestic or family violence; aboriginal workers; people from migrant and refugee backgrounds; workers in "underground" industries (such as sex workers); and casual employees.

Contact: Rachel Uebergang (08) 8981 0655 rachel@ntwwc.com.au

Federation of Ethnic Community Councils of Australia

People from migrant backgrounds are disproportionately disadvantaged when it comes to the uptake of insecure work. This particularly affects more newly arrived communities, women, younger people and older people. This is often caused by low English literacy levels, social isolation, limited information provision in accessible formats and other equity issues.

Contact: Pino Migliorino (02) 6282 5755 or pino@culper.com.au

Family Relationships Services Australia

Explores the negative impact of insecure work on families, and calls for further research into the social consequences of insecure work. Also provides a list of academic research reference material

Contact: Kate Allen, (02) 6162 1811, KateAllen@frsa.org.au

Queensland Council Unions

QCUs submission outlines how insecure work affects employees' lives, and analyses some of the reasons for the growth in insecure work. The submission also outlines some proposed solutions.

Contact: Brett Young, 0400 080 099, brett@essentialmedia.com.au

Queensland Teachers Union

The submission outlines the Queensland Teachers Union's concerns about insecure work and its impact on the teaching profession. It provides a number of examples of solutions the QTU have implemented through their collective bargaining.

Contact: Nicole Mathieson, 0400 500 393, media@qtu.asn.au

Queensland Nurses Union

This submission outlines the contradictions between the acknowledged shortage of nurses in Queensland and increased training, and Queensland Health's failure to hire new graduates due to budget constraints. It also discusses the rise of agency staff, the impact of the use of 457 visas and the wage gap between aged care nurses and other nurses.

Contact: Dr Liz Todhunter, Research and Policy Officer, (07) 3840 1473, ltodhunter@qnu.org.au

CFMEU Mining & Energy Division, Queensland District

Outlines the impact of insecure work in mining in Queensland. Issues discussed include the impact of fly-in, fly-out shifts in regional areas, the use of labour hire, the impact of globalisation and the consolidation of the mining industry, and the health impacts of insecure work.

Contact: Jim Valery, District Secretary, 07 3839 8588, 0427 415 708, jvalery@cfmeuqld.asn.au

CFMEU National – Construction & General

The CFMEU submitted their sham contracting report, *Race to the Bottom*, which was released in March 2011.

Contact: Dave Noonan, 02 8524 5800, Media contact: Bernadette Moloney, 0414 229 660, bmoloney@fed.cfmeu.asn.au

Unions SA

The submission discusses the make-up of the SA economy, and the causes, consequences of and options for tackling insecure work. The shift towards insecure work is driven by employers seeking to minimise their costs and shift risks on to employees. Women and young workers have been particularly vulnerable to these trends. Moreover, the limited rights that precariously employed workers enjoy have seldom been enforced adequately.

Contact: Janet Giles, Secretary. Media contact: Angas Story, 08 8279 2222, 0422 006 302, astory@saunions.org.au

CEPU Postal & Telecommunications Division (NSW)

The submission discusses the changing nature of the Australia Post and Foxtel workforces, away from full-time employees covered by collective agreements towards sub-contractors who pay for many of the costs associated with doing their job.

Contact: Jim Metcher, 02 9893 7822, JimMetcher@cepu.org

CFMEU Construction & General Division (NSW)

Discusses the prevalence of sham contracting in the construction industry, with vulnerable workers such as those from migrant and non-English speaking backgrounds being exploited.

Contact: Rita Malia, 02 9749 0400, rmallia@nsw.cfmeu.asn.au

NSW Teachers Federation

Provides statistics and analysis of employment trends and collective agreement conditions in the NSW public and vocational education sectors.

Contact: Jenny Diamond, 02 9217 2100, diamond@nswtf.org.au

Australian Services Union

Identifies call centres as the typical workplace where 'insecure work' manifests. Emerging trends include call centre operators combining sham contracting with work-from-home arrangements, thus avoiding conditions in the relevant awards and reducing their OH&S liabilities. The submission also discusses the ongoing outsourcing of public services to NGO's and how the lack of secure funding and poor procurement policies can drive the growth of insecure work.

Contact: Brigid Marasco, 0409 129 070, bmarasco@asu.asn.au

Health and Community Services Union

Discusses the likely impact of the National Disability Insurance Scheme, arguing that it will exacerbate the use of casual employment, impacting on service delivery.

Contact: Lisa White, 0438 288 003, lisaw@hacsu.asn.au

CPSU/CSA WA

Provides a thorough breakdown of the changing situation with regard to insecure work in the public services, based on 500 interviews with public service workers.

Contact: Darren O'Dea, 0421 934 794, Darren.odea@cpsu.csa.org

Textiles, Clothing and Footwear Union of Australia

Provides an overview of casual and precarious work in Australia, and a discussion of the prevalence of casual and informal work in the TCF Industry. The TCFUA make a number of recommendations for how forms of precarious employment such as sham contracting and casual employment could be reduced, and provides case studies of the experiences of retrenched workers.

Contact: Michele O'Neil, National Secretary. 0419 338 853

Transport Workers Union (WA Branch)

Identifies growth of labour hire and casualisation in transport industries and reiterates already documented solutions of site rates, casual conversion and casual-permanent ratios.

Contact: Paul Aslan (08) 9328 7477; paul.aslan@twuwa.org.au

National Union of Workers

Submission focuses on labour hire and contracting in NUW industries, particularly the poultry industry. There is a strong causal link between the use of third party employment and OHS problems due to blurred lines of responsibility and lack of training and knowledge. Unregulated labour hire firms are also more likely to avoid their accountability for recording of safety breaches.

Contact: Emma Kerin (03) 9287-1872, ekerin@nuw.org.au

AEU Tasmanian Branch

Summarises the industrial practices of the Tasmanian Department of Education and Skills Tasmania (an independent statutory authority that runs Tasmania's TAFE system). The submission provides a summary of AEU responses to the use of insecure employment in Tasmanian public schools..

Contact: Mark Robinson, 0403 043 151, mrobinson@aeufederal.org.au

AEU South Australian Branch

AEU members experience insecure work impacting on their financial security, impacting more greatly on women, and disadvantaging employees when they start a family. The submission also discusses the misuse of contract teaching in TAFE to avoid the creation of permanent positions.

Contact: Mark Robinson, 0403 043 151, mrobinson@aeufederal.org.au

Health Services Union – National office

The majority of HSU members are female, work part time, are low paid and find it difficult to make ends meet. They are also passionate about their work and are attracted to the work because of the contribution they can make to the community. The community and health industries workforce is expected to grow by 25% by 2015-16 and to supply 25% of all new Australian workers.

Contact: Karen Douglas 0409 860 459 or karend@hsu.net.au

CEPU Postal Vic Branch

A discussion of trends within the Australian Post workforce, and Australia Post's use of contractors as posties and parcel contractors.

Contact: Joan Doyle, 0419 345 134, office@vicpt.cepu.asn.au

Australian Nursing Federation

Nurses are suffering as employees and members of their community as a result of the steady expansion of insecure work. Nursing employers are encouraged by facilitative provisions in awards and bargaining to reduce labour costs by expanding insecure work arrangements. The Baillieu Government approach to bargaining in Victoria is the embodiment of this. The attack on nurse / patient ratios and attempts to introduce split shifts are undermining the profession.

Contact: Nick Blake (03) 9602 8500 or nick@anf.org.au

Australian Manufacturing Workers' Union

Casualisation in manufacturing has increased since 2009. In its examination of rates of casualisation and rates of unemployment in OECD countries, the AMWU attacks the contention that "maximum workforce flexibility is required to build strong economies". Strong economies are built on skilled workers in secure jobs. A permanent casual trap is emerging that has effects on the financial, health and safety and well-being of employees and the community needs to be recognised, including the impact on productivity and labour turnover.

Contact: Dash Lawrence, 0457 858 925, dash.lawrence@amwu.asn.au

Shop Distributive and Allied Employees' Association (SDA)

The SDA submission focuses on the extent of casualisation in the retail sector, which contains approximately 13% of Australia's total workforce. The submission examines the

causes of casualisation of the retail industry – the extension of retail trading hours by state governments; the increasing fluctuation on any given day, trading week and seasonal fluctuations over the whole trading year; and the desire of management for “flexibility” in the event of a drastic impact on employment (eg. “permanent casuals”). The submission states that a major problem for retail workers, especially casuals, is the constant changing of their rosters, making it especially difficult for workers with family responsibilities.

Contact: Ian Blandthorn, (03)8611 7000/0410 524 539; ian@sda.org.au

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