



ASU Submission to the Australian Senate Education and Employment Committee Inquiry into the Social Security Legislation Amendment (Green Army Programme) Bill 2014

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About the Australian Services Union

The Australian Municipal, Administrative, Clerical and Services Union, trading as the Australian Services Union (ASU) is one of Australia's largest Unions, and represents approximately 120,000 employees. The ASU was created in 1993. It brought together three large unions – the Federated Clerks Union, the Municipal Officers Association and the Municipal Employees Union, as well as a number of smaller organisations representing social welfare, information technology.

Today, the ASU's members work in a wide variety of industries and occupations and especially in the following industries and occupations:

- Local Government (both blue and white collar employment)
- Social and community services, including employment services
- Transport, including passenger air and rail transport, road, rail and air freight transport
- Clerical and administrative employees in commerce and industry generally
- Call centres
- Electricity generation, transmission and distribution
- Water industry
- Higher education (Queensland and South Australia).

The ASU has members in every State and Territory of Australia, as well as in most regional centres. We are a community-based organisation and take a strong view about the success of Local Government. Our members tend to live in the communities where they work:

In both urban and regional areas, the local council is often the largest single employer; therefore, uncertainty has significant economic impacts locally. The economic interests of Australian urban, rural and remote communities need a resolution¹

Therefore, ASU advocacy extends beyond negotiated industrial outcomes for members. The ASU has a true commitment to the Local Government industry with a proud history; since 1871, of representing employees and that has a far-reaching effect on the sustainability of all communities. The ASU is a significant advocate and our issues are representative of all Australians.

¹ Aph.gov.au. 2013. *Final report on the majority finding of the Expert Panel on Constitutional Recognition of Local Government: the case for financial recognition, the likelihood of success and lessons from the history of constitutional referenda*. [ONLINE] Available at: http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=jscg/localgovt/finalreport.htm. [Accessed 13 March 14].

Introduction

The ASU welcomes the opportunity to participate in the Senate Education and Employment Committee Inquiry into the Social Security Legislation Amendment (Green Army Programme) Bill 2014. As read; "the Bill proposes to amend the: Social Security Act 1991 to: specify that persons receiving a green army allowance under the Green Army Programme (GAP) cannot also receive a social security benefit or pension; provide that certain participants in the GAP are not considered workers or employees for the purposes of various laws; and specify the income testing arrangements to apply to a social security pensioner if their partner is receiving a green army allowance; and Social Security (Administration) Act 1999 to make consequential amendments."

Primarily, this submission will make arguments central to reviewing the intention to amend the Act so that certain participants in the Green Army Programme are not considered workers or employees for the purposes of various laws.

Social Security Legislation Amendment (Green Army Programme) Bill 2014

The Australian Services Union notes that the Federal Government is intending to roll out a scheme of creating work for the dole arrangements that are connected to environmental concerns and issues.

We note that often the schemes find themselves working within the structures of local government and providing local government areas with important environmental activities that provide great benefits to the community in turn.

In the past government has operated two different models known as Australian Labour Market Programmes (ALMP)²: Commonwealth Employment Programmes have been

² Parliamentary history: In summary, Looking all the way back to the 1970s, schemes have predominantly included payments that met or assisted employers to meet award rates of pay; however, programmes introduced during the 1990s (e.g. "Jobskills and New Work Opportunities" (NOW)) paid reduced 'training' wages. Meanwhile, reciprocal obligation elements have meant governments have consistently raised importance of employability and compliance policies implemented by social security departments. Reciprocal obligation; however, was replaced with Mutual Obligation and in 1996 all labour market programmes were constructively abolished from 1996 Commonwealth budget. Following Introduction of "Work For The Dole" programmes, Mutual Obligation is already the current default for Newstart; Mutual Obligation for single-parents & disability-unemployed has increased overtime; most recently from July 2006 with 'Welfare to Work'. However, recent ALP governments have re-introduced subsidies into ALMP; e.g. Wage Assistance for very long term unemployed and The Working on Country for indigenous jobseekers in regional and remote areas in environmental protection. (http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2012-2013/SSPaymentsUnemployment#_ftn3)

significantly different in character to “Work for the Dole” obligations. Whether there is mutual benefit or the obligations of “Work for the Dole” have implied within them the intention to be punitive towards unemployed people, is a matter of important speculation. To clarify, the varying intentions of schemes make it essential to regulate schemes and ensure minimum rates of pay and working arrangements. The ASU is predominantly interested in whether regulations and arrangements are sufficient to address issues of long-term unemployed and youth unemployment; whether infrastructure is in place in communities that accommodates the scheme in that way; also, whether local government councils can be supported to provide minimum standards and a long-term vision for their communities.

However, the ASU notes that it is primarily important that all workers when contributing to community outcomes be judged equally in the eyes of the community and should accordingly receive reasonable remuneration as well as all safety practices in a work environment. We note that the government has been critical in the past of areas that do not meet essential safety requirements and the Union supports the necessity that workers involved in any industry should have the highest Occupational Health & Safety mechanisms in place, for a safe working environment, and that all employers should be subject to the same legislative accountability and/or regulations should it be found that they have not provided a safe work environment.

The ASU believes it is absolutely critical that all workers enjoy the same standard of Occupational Health & Safety rather than some being singled out for lesser standards, should this be done we believe the government would be acting inappropriately and not in the interest of the community. We note that the provision of a safe work environment by way of legislation and regulations are significant and important in our society and have been developed upon many years of practice and refinement to bring about the standards that we currently have. These standards are an important aspect of our community and should be available to all members of the community no matter whom they are and no employer or government should in any way or part be exempt from the requirements of solid legislative reporting mixed with a solid policing mechanism to ensure local workplaces are safe. Should it not be clear that local workplaces are safe and by which mechanism a policing and/or enforcement mechanism takes place there may be ultimately a price to be paid by the owner of the property or land and where the work activity is being undertaken.

The ASU through its branches have over many years had experience in dealing with a range of work for the dole and/or work and training schemes provided by the government; these schemes go well back into the 1970s and the ASU has been a long term participants of these schemes, we believe that the ASU branches have also been participants in these schemes in the depression era and other economic downturns of our society in the early parts of the 20th century. However, the schemes come with problems and those need to be recognised; checks and balances will be needed in consultation with local employers.

Having said that, the best successes in the past seem to indicate there is an appropriate way for maintenance of council bike-paths; creeks; land-care etc.to take place under a scheme. The ASU’s experiences in managing and/or being a sideline

participant in these schemes has been extremely rewarding and has seen a significant number of benefits to the community including the construction of important projects that remain of benefit to the community today as well as the construction of infrastructure and resources that continue to be used.

There is also a significant important part in the activities undertaken that it is not just the physical construction that goes on in our society to return benefits but it is also critical for us to acknowledge the role that is undertaken by the improvement of skills and training and recognition that allow participants in any of these related schemes to be able to move on to secure more meaningful work. Schemes should invest in skills training, and recognition for long-term employment, career opportunities.

We note that much has happened in the provision and recognition of skills since the 1970s and today's workforce is familiar with the Australian Qualifications Framework and the recognition of skills and attainment by way of both units within competencies as well a certificate and diploma full outcomes.

These are significant and important issues and we believe that it is in the best interests of the government that any monies that are invested in the providing meaningful work for persons of long-term unemployed and/or persons that need some assistance through these schemes to gain recognition, work respect and a foothold for confidence in the future; it is critical that these outcomes should be recognised by way of the Australian Qualifications Framework (the AQF); whether it be units or full competencies. This is an important and significant issue as it seems little point in using government monies to encourage workforce participation without ensuring that there is an ongoing benefit to the participant. It should be noted that an ongoing participant benefit would not just be skills and training but ensuring that should accidents occur in the workplace that they have the same Occupational Health & Safety litigation and regulatory frameworks to pursue as any other worker.

Indeed the National Skills Recognition Framework would provide many opportunities for the participants to pick up benefits and skills in accordance with the relevant frameworks of the occupations that they undertake, be it in the outdoor environment and green areas of parks, gardens or construction we feel that these are important issues. We note; also, the potential for scope be addressed and it be determined that there many tasks that can be undertaken at the level of skill suggested, could transfer to other traditional manual labour activities including painting of toilet blocks, painting of community halls. Similar programs have; in the past, been undertaken and skills gained "on-the-job" were recognisable.

The ASU does comprehend that labour skills often compare against those of qualified tradespersons working in the same environment and we have no difficulty in ensuring that implementation of the proposed Green Army Programme, intends these skills be passed on. Indeed, it is important for us to ensure that there are no complications at a local level and there are true skills outcomes and training benefits for participants.

The schemes; also, pose an ideal opportunity to provide the workforce of the future in local government. Indeed there are many workers still in a local government today that

owe their careers and employment opportunities to the regional employment development programs (RED schemes) and/or other labour market schemes – skills programs that still remain in local government today. These schemes are often favoured by local government employers providing they are properly regulated, clearly identifiable and costs to local government are limited as it is an ideal mechanism to look to recruit the workforce of the future and for councils to gain first-hand the clear understanding of commitment, attributes, skills and willingness to learn and work of those employees working under the scheme. It is an ideal opportunity for councils to look to recruit from workers participating in schemes.

The ASU needs to emphasise that is not opposed to these schemes. In fact we welcome the opportunity for additional workers to come into the industry providing that they are linked to a clear set of objectives:

- i. Recognised skills and outcomes. The programme should be linked to an outcome that provides for longer-term benefits for persons working under the scheme;
- ii. Safe and secure workforce;
- iii. Reasonable rates of pay for these schemes that are linked in turn to and at least, minimum rates of pay for day labour staff as evidenced in a local government Enterprise Bargaining Agreement or state award.

It is not appropriate to set a remarkably different rate of pay for the work of value comparable to other forms of community labour, without providing meaningful avenues for skills development and an employment outcome. Linking payments that compare to an agreed community standard found in a bargained agreement must be an imperative of any scheme.

It makes little sense to take a person off the street, encourage them to participate in these programs, get them to do some work and then not help with the extra step of transferring the work for the government project schemes into full employment in another area. As a minimum outcome of any scheme: projects should include a training component and an acknowledgment of compliance; recognition of skills attained for future employment.

There are; indeed, many qualifications and skills that can be picked up in these areas from truck driving, plant operations, horticultural activities and a range of other opportunities that we believe we encourage long-term workplace participants and we would be encouraging councils to work with these schemes and take on additional employees providing that the issues of salary, skills and ensuring that the project employees do not undertake work that is seen as the usual work of council employees which would be largely at a more senior level such as concreting, pathway constructions, general maintenance, trades based activities including areas where certified and regulated tradesperson's work in local government and a range of other activities.

We also see no reason why some of these schemes cannot be linked to traditional traineeship funding programs that have been undertaken in the past that provide

programs where employees need to receive certain skills and recognition from a recognised training organisation as well as an opportunity for workplace confidence, encouragement and participation.

Conclusion

We would be most willing to participate in ongoing discussions including roundtable discussions with the parliamentary investigative team senate enquiry looking at this matter as well as representatives of this department as well as the minister's office to ensure these programs are rolled out in a meaningful way. We would also be committed to working with the rollout of these projects and ensuring that there are benefits to the community and where working with councils and the local government institutions and/or social and community service types of organisations for the rollout of these schemes and ensuring that they are of benefit to the community.

The ASU national local government industry division made up of its most senior representatives; state secretaries from across the country, have recently met and considered a wide range of issues facing local government industries and reforms over the next 12 months. This planning workshop came out with a series of points for the union to investigate consider and support.

One of these issues that was raised with given positive endorsement by the ASU branch secretaries in local government was the participation of the ASU in supporting work for the dole and other unemployment schemes that provide benefits to the community, providing that three core issues are obtained:

- i. Reasonable rates of pay;
- ii. A skills and training component outcome – leading to ongoing employment;
- iii. An opportunity for local government employers to use these schemes to encourage ongoing employment with the council;
- iv. Occupational Health & Safety standards are maintained for all workers and where appropriate local government plays a key role in ensuring safety standards are maintained – plus the workers involved in the schemes can and should be able to continue to maintain their rights of litigation, actions under legal systems framework and such to ensure that safety issues both now and in the future are addressed for these prospective workers and their families.

The ASU has been a significant contributor to a range of reforms and Federal Government initiatives. Accordingly, the ASU sees the role of the Australian Senate Education and Employment Committee Inquiry into the Social Security Legislation Amendment (Green Army Programme) Bill 2014, as an important opportunity to continue to make these contributions. The ASU is an important advocate for Australian communities who are reliant on incomes from fair and equitable employment opportunities. The ASU would welcome any opportunity for a representative to appear before the committee, to raise all issues of concern.