

Senate Select Committee on Job Security

Mable Responses to Questions on Notice

10 June 2021

Question	Mable responses
<p>1. What sort of data does Mable collect through its platform, including but not limited to the details of job postings, pay rates, the nature of the employment arrangement facilitated through the platform, the duration of services and whether they match the job posting, ratings of Service Providers, complaints, feedback, reports of incidents, compliance details, etc.?</p>	<p>Mable through its technology platform collects a range of data related to Service Provider profiles, posts that may be made by customers via the platform, payment processing related details, ratings and reviews and incidents and complaints which may be made.</p>
<p>2. Can you guarantee there is no sham contracting occurring through the Mable platform?</p>	<p>The question appears to misunderstand the business model of Mable and the platform service that it makes available to customers and Service Providers. We find it difficult to see how there could ever be sham contracting, particularly in situations where the Service Provider determines how it wants to present to customers or clients. That is, the Service Provider chooses how it presents itself and its unique offering to the market. If the commercial relationship changes over time, the parties can make that change.</p> <p>Mable is agnostic as to what commercial relationship the parties choose and Mable offers and can provide administrative and payment support for situations that involve employment relationships or independent contractor relationships.</p>
<p>(a) If yes, what evidence do you rely on to make this guarantee?</p>	<p>See above.</p>
<p>3. Can you guarantee that none of the clients who engage support services through your platform in an independent contracting relationship could be deemed as the direct employer of the workers they are booking?</p>	<p>The nature of the commercial relationships that form between customers and the Service Providers are decided by those two parties. As set out above, Mable is agnostic as to the relationship that the parties choose.</p>

<p>4. Your submission notes an average hourly rate of ‘over \$37’ applying to social support, domestic assistance and personal care type services on the platform — are there other services on the platform that attract a lower average hourly rate?</p>	<p>Mable does not set rates. Mable does not attempt to restrict when the services are available and how they might be structured (eg. hourly or fixed rates, delivery of certain services etc). These are matters for the Service Provider.</p> <p>Regarding service types, there are a variety of services grouped under high level categories of either “social support and domestic assistance” or “personal care”. Service Providers who meet the qualification screening for “personal care” can also offer “social support and domestic assistance” related services but not vice versa. The reference to service types, relates to the broad variety of services that can be offered under the high level categories.</p> <p>For example, the Personal Care high level category can include services such as Showering, Dressing, Grooming; Toileting; Hoist and Transfer; and Assistance with Medication (some of these services require additional evidence of qualifications or experience).</p> <p>Social Support and Domestic Assistance high level category can include services such as Companionship; Light housework; Light Gardening; Shopping; and Meal preparation.</p> <p>We do not collect data to determine average amounts charged for individual services types below the high level categories.</p> <p>The average rate is net of platform fees and is approximate, as due to the nature of our platform and the nature of the engagements, the manner in which providers may set rates and invoice may differ (eg. flat rates for services).</p>
<p>(a) If yes, what are these services, and what is the average hourly rate for these services?</p>	<p>Not applicable. See above</p>
<p>(b) What is the average hourly rate on Mable if you include these additional services?</p>	<p>Not applicable. See above.</p>
<p>5. Is the average rate of \$37 the average rate across all shifts worked on the platform, including nights, weekends, and public holidays?</p>	<p>Mable, in processing payments and performing its administrative tasks, collects and pays the amount that has been agreed between the customer and the small business Service Provider, adjusted for platform fees. The average rate mentioned is for weekday periods and excludes weekends, public holidays and fixed rate agreements.</p>
<p>6. What is the average hourly rate charged between 6am and 8pm on weekdays?</p>	<p>Please refer to our response to question on notice 5.</p>

7. What is the average hourly rate charged on Saturdays?	It is up to the small business Service Provider to determine whether they want to charge a higher amount for work outside of Monday to Friday. Service Providers are not obliged to offer their services at the weekend and many do not. The rates charged on weekends and public holidays are a matter between the Service Provider and their customers.
8. What is the average hourly rate charged on Sundays?	Please refer to our response to question on notice 7.
9. What is the average hourly rate charged on Public Holidays?	Please refer to our response to question on notice 7.
10. How many workers charged the lowest hourly rate permitted on the platform of \$25 in the past 12 months?	The \$25 rate is there as a safety net. The rates charged are a matter between the Service Provider and their customers.
11. How many hours of bookings on Mable in the last 12 months were charged at a rate of \$30 per hour or below?	The rates charged are a matter between the Service Provider and their customers.
12. What proportion of bookings on Mable in the last 12 months were charged at a rate of \$30 per hour or below?	Please refer to our response to question on notice 11..
13. In your submission you mention an incidents and complaints management framework, but in Mable’s Terms of Use it stipulates that, “Any disputes arising out of or in connection with the Care Services received by a Customer must be resolved directly between the Customer and the Support Worker”. Ultimately, who is responsible for dealing with disputes between workers and clients on the Mable platform?	<p>The Service Providers that operate on our platform provide services to the clients who wish to make use of our platform. Any dispute by definition is always going to be between the two parties and best resolved at that level. We do, however, encourage users to raise and report issues to us and, where we can assist, we do.</p> <p>We have a trust and safety team that is available to support with any disputes and to continue to implement and promote safeguards and protocols which enhance the safety of our community.</p>
14. In your evidence you mention you are agnostic as to the nature of the relationship between parties on your platform, and in your submission you say Mable ‘willingly facilitates the administration of an employment relationship if this is desired among the	<p>We advise Service Providers and customers of our preparedness to support employment relationships where the parties make this choice. This may involve assisting with the administrative functions of establishing a direct employment relationship between users. We also refer parties to the Fair Work website for information. We sometimes refer customers to other solutions outside of Mable.</p> <p>It is the Service Providers that determine how they wish to present to the market and the terms and conditions upon which they are</p>

<p>parties’ — how many such employment relationships do you currently facilitate between clients and workers/providers?</p>	<p>prepared to provide their services and the price... not Mable. We remain willing to support direct employment relationships via Mable where they arise and are agreed between the parties, however, to date there has been little take up of the employment relationship.</p>
<p>15. Noting your submission states that ‘The Mable platform doesn't facilitate "gig", task based or on-demand work... Rather, Mable facilitates ongoing relationships of mutual choice,’ have you analysed booking data between workers and clients to identify where regular, repeated hours are being worked and therefore might constitute an employment relationship between the client and worker?</p>	<p>We do have the ability to spot patterns of usage and we do have a prompt system whereby if we were to detect patterns of usage that had the potential to be regarded as consistent with an employment relationship, we then send a message to the Service Provider and the client referring them to the Fair Work website for information and reminding them about the ability for Mable to support an employment relationship between the parties.</p> <p>It is important to note that the only parties that could decide to have an employment relationship are and remain the customer and the Service Provider. Mable cannot make or force suppliers to present themselves to the market as either independent contractors or employees. It is the relationship chosen by the parties that is supported by Mable through its financial and administrative offering.</p> <p>Mable supports Service Provider’s rights to choose their work times and arrangements.</p>
<p>(a) If so, how many such relationships have you determined may exist on the platform?</p>	<p>Mable is not in a position to determine any legal relationship. That is a matter for the customer and the Service Provider.</p>
<p>(b) If not, why haven’t you investigated this?</p>	<p>As set out above, if we find that there are consistent patterns of usage, we refer the parties to the Fair Work website and remind them of our ability and preparedness to support employment relationships where the parties wish to enter into such relationships.</p>

<p>16. If a worker charged your minimum permitted hourly rate of \$25, and deducted the \$2.50 (10%) platform fee and a further \$2.14 (9.5%) for superannuation, they would receive a pre-tax income of \$20.36 per hour (before other potential costs such as transport, PPE, income protection insurance). Given the minimum wage for casual workers is \$24.80 per hour (\$19.84 minimum wage plus 25% casual loading), why does Mable allow platform users to earn an income that is 18% lower, or \$4.44 lower, than the minimum wage for casual workers?</p>	<p>We rely upon each and every Service Provider to make their individual assessment as to the amount and/or hourly rate or fixed price that they need to charge customers or clients. We know the Service Providers to be sophisticated and commercially-minded individuals who understand their level of expenses and, as part of that assessment, they also have complete transparency on the amounts that are charged by Mable.</p>
<p>17. Does Mable facilitate a process in which a platform worker's wages may be paid to them in advance of the usual payment processing day in exchange for an additional fee?</p>	<p>No.</p>
<p>(a) If so, what is the additional fee charged, in percentage terms?</p>	<p>Please refer to the question above.</p>
<p>(b) What is the average time between a shift being worked and payment being made to a worker for that shift on Mable?</p>	<p>Mable has a daily payment run. Payments are made within 1 business day of receipt of funds from the Service Provider's Clients.</p>
<p>18. What was Mable's total revenue in the 2019-20 Financial Year?</p>	<p>Mable is a private company and does not disclose this information.</p>
<p>19. What was Mable's total taxable income in the 2019-20 Financial Year?</p>	<p>Mable is a private company and does not disclose this information.</p>
<p>20. What was the nature and sum of payments made by Mable to any overseas entity for the purposes of intellectual property royalties, licensing fees or any other payment made to an overseas parent</p>	<p>Mable is a private company and does not disclose this information, however, Mable's intellectual property was developed and resides in Australia.</p>

company or related entity in the 2019-20 financial year?	
21. What was the total amount of tax paid by Mable in the 2019-20 Financial Year?	Mable is a private company and does not disclose this information. However, Mable remains loss making as it invests in building its marketplace platform.
22. How many claims have you received in the last 3 years from a worker claiming they are or were an employee of either Mable, or a Mable client?	None
(a) How has Mable dealt with such claims?	Not applicable
23. How much did Mable employees, and Mable Service Providers, receive in JobKeeper?	Neither Mable nor Mable employees received Job Keeper. We are not aware of whether any Service Providers received Job Keeper.
24. How many Mable Service Providers are also receiving a form of Government assistance such as JobSeeker?	See response above.