



Submission to

Senate Select Committee on Job Security

Job Security

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submission

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Introduction

The Queensland Nurses and Midwives' Union (QNMU) thanks the Senate Select Committee on Job Security (Select Committee) for the opportunity to provide feedback on regarding the inquiry to job security in Australia.

Nursing and midwifery is the largest occupational group in Queensland Health and one of the largest across the Queensland government. The QNMU is the principal health union in Queensland covering all classifications of workers that make up the nursing and midwifery workforce including registered nurses (RN), registered midwives (RM), enrolled nurses (EN) and assistants in nursing (AIN) and students who are employed in the public, private and not-for-profit health sectors including aged care.

Our more than 65,000 members work across a variety of settings from single person operations to large health and non-health institutions, and in a full range of classifications from entry level trainees to senior management. The vast majority of nurses and midwives in Queensland are members of the QNMU.

The incidence of non-standard work in Australia is a cause for concern. In fact, Australia has the third highest rate of non-standard forms of work in the Organisation for Economic Co-operation and Development (OECD) (ACTU, 2020).

The QNMU advocates for the importance of workers to have security and certainty in their employment. Union representation provides protection for wages and conditions of our members through a range of industrial and professional actions.

The QNMU is committed to making these issues, and in particular the erosion of job and income security, a priority over the coming years. As such, the QNMU commends the Select Committee for establishing an inquiry into job security and examining the impacts of insecure and precarious work for Australians. Our submission will focus primarily on aspects of job security as they relate to the nursing and midwifery professions. Insecure and precarious forms of work are a significant concern for the nursing and midwifery professions as these conditions exist alongside an ongoing workforce shortage that will continue to increase in the coming years.

Recommendations

The QNMU recommends:

- Secure working arrangements, including security of hours, wages, and employment status;

- Reform health system reliance on insecure working arrangements such as casual and part-time employment;
- Fair and respectable wages;
- Support job creation for nurse and midwifery specialties;
- Support job creation and retention of nursing and midwifery graduates through secure employment arrangements;
- Supporting conversion of casual or temporary contracts into permanent positions
- Review the definition of 'casual' employee;
- Legislate minimum safe staffing ratios and skill mix across all health sectors;
- Reform the aged care sector through increased staff ratios, prioritisation of secure employment arrangements, adequate pay, training and education opportunities;
- Greater regulation of insecure employment arrangements wherever possible, including the gig economy and sham contracting arrangements;

The extent and nature of insecure or precarious employment in Australia

Standard work arrangements provide full-time, continuous work, with a range of statutory protections, benefits and entitlements, such as minimum wage and protection against unfair dismissal (Connelly and Gallagher 2004; De Cuyper et al., 2008). Over the past 20 years, one of the most alarming trends in Australia's workforce has been the transition away from full-time secure employment to precarious and non-standard forms of work (ACTU, 2018). There has been strong growth in labour force participation of women, as well as strong part-time and casual employment and a decline in full-time permanent employees (Parliament of Australia, 2018).

Non-standard work is categorised as any form of work that is not 'standard', such as casual, part-time, agency or labour hire (The McKell Institute, n.d). The QNMU acknowledges that a proportion of the population working in non-standard arrangements are actively seeking flexibility in order to balance their work and personal lives. Non-standard forms of employment can suit workers with family or care giving responsibilities or other lifestyle factors such as pursuing education or further training, or those seeking flexible or decreased work hours (ACTU,2018). However, the QNMU focuses our concern on workers who engage in non-standard arrangements involuntarily, often because they have no other full-time employment options or require more hours to meet living standards and their financial commitments.

Precarious work is non-standard employment that is usually poorly paid, insecure, unprotected and not viable to sustainably support and provide for workers and their families. Whilst not all non-standard employment is considered insecure, a large proportion are

working in insecure jobs with little to no stability, predictability and reassurance of ongoing employment opportunities (Australian Institute of Employment Rights, 2016).

Many Australians have expressed growing concerns over their economic insecurity, in the forms of unpredictable hours, income, rising costs of living, increasing financial commitments, and household and other debts (Secure Jobs, 2011).

What is job insecurity?

Job security requires more than the attainment of permanent employment or the absence of fear regarding the security of one's employment. Job insecurity encompasses more than fear from unemployment. It is when an employee interprets the situation as threatening to his or her job or its desirable features and feels powerless to circumvent this threat (Beard & Edwards, 1995). It can have characteristics of uncertainty and insecurity (in terms of hours of work, earnings, tasks to perform or duration of the employment relation), lack of protection (from termination of employment, of access to social protection and standard non-wage employment benefits), lacking an explicit or implicit contract, or lacking or having limited access to exercise union and work rights (International Labour Office, 2012). Work may also be considered precarious if workers lack control over their working conditions or have highly variable wages (Vosko et al., 2009).

Drivers of insecure work

The shift towards non-standard and insecure forms of employment has largely been driven by competitive and economic pressures (Tweedie, 2013). There has been a dramatic shift towards precarious work due to factors such as globalisation, the shift from manufacturing to service driven sectors and the shift of risk from employers to individuals (Per capita, 2018).

For instance, the engagement of labour hire and sham contracting are examples of a business model that destabilises traditional employment arrangements and shifts the financial risk from employers to workers. Workers have experienced this shift through low wages, unpredictable work conditions, decreasing access to entitlements and a loss of control and predictability of hours (Centre for Future Work, 2020).

Australia has increasingly become a deregulated and trade-exposed economy, whereby the labour market is infiltrated with higher rates of insecure jobs, low wage growth, and a hamstrung union movement and limited institutional enforcement.

Some of the trends the QNMU has witnessed include the containment of labour costs through caps on wages, cuts to staff, penalty rates, preference for staffing inadequately skilled workers, outsourcing work and minimising risk to the employer in favour of the promise of productivity and prosperity. In our view, this business model enables employers

to provide less protection for employees and the communities they impact, whilst driving down employment standards and conditions for workers.

Insecure work presents significant disadvantages for workers and their communities, in favour of economic prosperity and cost efficiency. Unions are now faced with the challenge of responding to shifts in employment conditions, whilst advocating for the legitimate aspirations of Australian workers to have decent, secure jobs that are appropriate for the modern competitive market economy. As such, the QNMU advocates for the need to reform economic frameworks and employment laws to value workers and their ability to work in with safety and dignity.

Impact of insecure forms of employment

Research indicates that job satisfaction is linked to the level of personal choice attributed to non-standard forms of work. In one study, respondents who 'chose' to work on a part-time or casual basis would consider moving to full-time employment if the working conditions were improved. This finding indicates that whilst many employees would prefer full-time employment, unsatisfactory working conditions are a significant deterrent. Further to this, studies have shown that a significant proportion of nurses are dissatisfied with the prospects of part-time or casual employment (Grinspun, 2003).

Insecure work and precarious work arrangements have a range of negative effect on workers. For instance, nurses who self-reported greater levels of potential threat to their job security also reported higher levels of burnout, less job and career satisfaction, more job stress, lower levels of work engagement, greater intentions to quit, more exhaustion and psychosomatic symptoms, and less life satisfaction (Burke & Singh, 2016).

The costs to society can be significant. People who feel they are trapped in a cycle of insecure work, without hope for a better future are more likely to suffer physical and mental health issues (ACTU, 2018).

Additional impacts of insecure forms of employment include:

- a greater rate of exploitation and non-compliance with industrial standards;
- less access to paid leave and ability to take paid breaks from work;
- financial and housing stress (insecure employment is often a barrier for workers to secure loans, rentals and purchasing a house due to the inconsistency of their income);
- safety issues (because of less access to training and less focus on these employees by host employers);
- lack of career progression and professional development opportunities;

- significant barriers for those in labour hire and insecure work (other than casual workers) to engage in bargaining either with their employment agency employer or their host employer

Our nursing and midwifery members report that they experience increased stress and a level of powerlessness to change their situation over the unpredictability of continued work, or extended contracts if they are part-time workers, as well as the disruption to family life because they have no certainty over rostering and the number of hours worked. Many workers engaged in insecure work feel powerless to act against it. Nurses and midwives often hold the genuine fear that if they raise workplace safety issues, safety and quality concerns, workload issues, engage in union activity, or do not attend work when they are called up, their hours will be reduced or they will not be offered any work. This sense of powerlessness can also be reflected in the growing incidence of wage theft in Australian workplaces, where there is little recourse for unscrupulous employers who underpay and exploit workers.

Job security in the context of nursing and midwifery

Insecure work is a significant concern for the QNMU as nursing and midwifery are female dominated professions and women are more likely to work in precarious and insecure employment arrangements. This creates an inequity in job security and reduces opportunities for career development and increased earnings, among many other gender inequity issues (McKell Institute, n.d).

The majority of QNMU members work in state owned public hospitals and are covered by public sector enterprise agreements. Another significant proportion of members are employed in the private sector at private hospitals, medical centres, aged care facilities and other medical services.

According to the 2019 nursing and midwifery workforce data, there was a total of 404,896 nurses registered in Australia and 399,364 of the cohort was registered to practice. Of this group, 88.7% were female and worked an average of 33.5 hours per week. The data identified that 50% of employed nurses and midwives worked less than 35 hours per week (National health workforce dataset, 2020).

National health workforce dataset (2020)	Public	Private	Other
Percentage of employed nurses and midwives working in each sector (2019)	60%	37%	3%

Data from the above table was sourced from (National health workforce dataset, 2020).

Paid leave entitlement status	Aug 2019	Nov 2019	Feb 2020	May 2020
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Employees without paid leave entitlements in nursing and midwifery	38,200	42,300	31,600	29,300
Employees without paid leave entitlements in enrolled and mothercraft nursing	5,400	2,200	3,600	3,300
Employees without paid leave entitlements in Nursing support and personal care workers	22,000	28,300	31,800	23,200
Employees without paid leave entitlements in Aged care or disability care work	70,100	80,200	81,700	80,200
Employees with paid leave entitlements in nursing and midwifery	305,100	303,000	314,100	319,100
Employees with paid leave entitlements in enrolled and mothercraft nursing	19,800	17,000	19,700	17,200
Employees with paid leave entitlements in Nursing support and personal care workers	69,900	75,300	68,800	62,000
Employees with paid leave entitlements in Aged care or disability care work	119,900	123,800	132,900	122,700

(ANMF, 2021)

The Australian Bureau of Statistics (ABS) data detailed above provides no precise measure of casual employment. However, casual workforce data can be derived from the absence of paid leave entitlements as a key indicator of non-standard work arrangements. There are a variety of reasons for the rise and fall in employees across professions without paid leave entitlements. Whilst, difficult to determine the drivers of change, the table provides an indication of the nature of non-standard, casual work across nursing and midwifery. Alarming, the aged care and disability care workforce without paid leave entitlements has increased by 10,100 between 2019 and 2020.

Casual employment

Casual employment is one of the fastest growing forms of employment in Australia. In August 2020, it was reported that casual employment made up 24.4% of the total workforce in Australia (APH, 2020).

Casual workers are generally employed on an 'as needed' basis, with no certainty of ongoing work. Casual work provides a high level of flexibility for the employer and the employee, whereby the employment obligations are significantly diminished for each party compared to standard employment arrangements. Casual employment does not give rise to most forms of entitlements (paid leave, sick leave) and conditions offered for standard employment positions (Gilfillan, 2018). This form of work has also been associated with greater job insecurity, perceived reduced power and respect at work. Benefits normally afforded to permanent staff, such as leave entitlements, superannuation, greater access to training, localised knowledge, and unemployment compensation are absent or less common in casual employment (Keuskamp, et al., 2013). Due to the transient nature of casual employment,

employees are often exempt from training and further education opportunities and have limited opportunity for career progression.

Often casual workers are engaged to supplement an inadequate permanent workforce. The QNMU acknowledges the usefulness of engaging casual employees to short-term workforce shortages. However, we caution against the heavy reliance on a casual workforce. Research indicates that extensive use of casual labour can worsen relationships between managers and permanent employees, decrease permanent employee's loyalty to their workplace and create staff retention issues (Davis-Blake et al., 2003). Casual nurses can often experience marginalisation through practices that affect team membership and clinical performance. This generating of obstacles can create a sense of otherness, an 'us and them' mentality between casual and full-time workers and engender a culture of ineffective communication (Batch & Windsor, 2015).

Fixed term employment

Another form of insecure work that is far too prevalent in Australia is the use of rolling fixed term contracts that deny permanency to workers. Australia is one of seven OECD countries that does not put a limit on the maximum length of fixed term contracts. The QNMU recommends the need to impose a limitation of the number of contracts or years of service, before the employee must be offered permanency.

A fixed-term contract or position is often viewed as a pathway to permanent employment. However, this is often not a reality. The QNMU assists many nurses and midwives who are offered numerous consecutive fixed term contracts by employers, with little indication of ongoing job security or certainty regarding the conversion to permanent employment. Fixed-term contracts provide employers with greater flexibility and leave the worker with limited job security, workplace rights and entitlements. Studies investigating fixed-term employment report that nurses and midwives who enter such arrangements tend to be younger than other female nurses, less likely to be married or have children, tend to have a generally negative perception of work, be unhappy with pay, and report their jobs as stressful when compared to other female employees (Hall & Harley, 2000).

Agency employment

Agency employment is common in the healthcare sector. However, there are concerns over the largely unregulated nature of agency work, that involves significant fluctuations in working conditions and entitlements (Burgess et al., 2005). The primary benefit of agency work is that it provides flexible working arrangements and the ability for the worker to control the hours and shifts worked (Manias et al., 2003).

One of the critical issues in agency nursing is the limited opportunity for career progression as their work is focused on completing tasks rather than improving knowledge and skills (Manias et al., 2003). Psychologically, agency nurses may experience feelings of anxiety if they are compelled to work in inappropriate settings, such as specialty areas they are not familiar with (Peerson et al., 2002). From a workforce management perspective, working alongside large numbers of agency nurses on a daily basis was also identified as a reason why permanent nurses had decided to leave the hospital environment (Peerson et al., 2002). In many cases agency nurses and midwives work under the direction of the host facility. Both the agency and the host should ensure the same standards of safety and quality care are provided. There are cases where agency nurses and midwives are expected to work outside of their scope of practice, where they feel unsafe. The QNMU considers this situation to present significant safety risks.

Underemployment of nurse graduates

The QNMU expresses a long-held concern for the underemployment and insecure employment of nursing and midwifery graduates. This trend does little to support the ongoing shortage of nurses and midwives and the impact an aging workforce will have on the number of working nurses and midwives. Despite this significant problem, many graduate nurses have trouble securing employment after completing their qualifications due to a lack of experience. Often those who find work are offered casual or part-time employment with minimum contracted hours and require more hours to meet their financial requirements.

Concurrently, universities have increased the number of applicants for entry to nursing, further exacerbating the issue. Whilst the QNMU recognises the need to maintain budget integrity, there is a need to create long-term solutions to ensure that Australia has an adequately staffed and skilled workforce to deliver sustainable quality health care. The QNMU encourages the need for the government to invest in the next generation of Australian nurses and midwives by providing adequate training and employment opportunities.

The risks of insecure or precarious work exposed or exacerbated by the COVID-19 crisis

The COVID-19 pandemic has highlighted the structural weaknesses of the insecure and non-standard employment model. Australia's labour market has experienced significant volatility during the COVID-19 pandemic, culminating in a recession with unprecedented high unemployment rates (Centre for Future Work, 2020).

Workers in insecure employment have been disproportionately impacted by unemployment during the pandemic. Casual workers were reported to have lost their employment 8 times

faster than those in permanent employment (ACTU, 2020). Part-time workers were 3 times more likely to lose their jobs than full-time workers (ACTU, 2020).

Young people and women have also disproportionately suffered from unemployment, most likely due to the overrepresentation of these demographics in insecure and non-standard forms of work (ACTU, 2020). Prior to the pandemic, it was reported that 56.9% of casual workers were women (ACTU, 2020). Research from the Macquarie University has found that women in casual employment are particularly vulnerable to the impacts of the pandemic as they have no access to entitlements such as paid leave or carers leave to balance work and family responsibilities, such as child care (Dados & Taksa, 2020).

In fact, we have seen the largest expansion of casual work in Australian history with the addition of 400,000 casual positions arising between May and November of 2020 (Centre for Future Work, 2020). During the pandemic, nurses and midwives in precarious work have been most at risk of having their hours reduced, being stood down or having their contracts terminated. Precarious work leaves employees unable to rely on leave entitlements (Tweedie, 2013).

Nurses and midwives have experienced significant job loss during the pandemic. Particularly, in the private sector with the cessation of elective surgeries, closure of health services, as well as in the aged care sector. Some aged care facilities attempted to make staffing cuts and redundancies under the guise of low occupancy rates, whilst others opted to significantly reduce staffing hours. All during a time when aged care was most vulnerable. The QNMU believes that further cuts to staffing, during the pandemic are unjustifiable and will simply reduce standards of care and decrease the capacity of the sector to maintain a surge workforce if needed and add to the economic hardship of those already poorly paid aged care workers who are impacted by these decisions. The QNMU recommends that the federal government review the impact that the increasing casualisation of the workforce has had on the financial and economic response to COVID-19. Greater protections and entitlements are required for all workers, particularly targeting casual and temporary workers, who through experience have been the most vulnerable to the impacts of a fragile workforce.

Workforce planning

The pandemic has also highlighted the need for further job creation in nursing and midwifery to meet projected increases in health care demands. The QNMU advocates for the creation of jobs in nursing specialties such as the role of the Nurse Practitioner, Nurse Navigator, Rural and Isolated Practice Endorsed Nurse (RIPEN) and Mental Health Nurse. We encourage the use of nurse and midwifery-led models of care that engage such roles to provide innovative care and tackle ongoing issues associated with access and equity.

The pandemic has highlighted that realigning workforce structures must be an essential element of a new health workforce model that needs to include new types of workers and revised roles for existing workers. In our view, this will improve ongoing productivity and efficient and accessible health service delivery.

Aged Care

The Royal Commission into Aged Care Quality and Safety has heard extensive evidence about the risks of insecure work in the aged care sector in relation to quality of care and the difficulties in recruiting and retaining qualified staff. The QNMU is extremely concerned that the promotion and prioritisation of short-term labour hire in aged care and overuse of part-time workers on minimum hour contracts, further exacerbates quality and safety concerns. The QNMU urges the Select Committee to review the governments promotion of this form of insecure work as an alternative to providers engaging ongoing staff directly.

Staff who are familiar with the needs of residents, especially during the period of limited access to nursing homes by families and friends, are essential to providing continuity of care and upholding quality and safe standards. A report by the Royal Commission has revealed that families value staff who are familiar with their loved ones' needs and preferences for care and the evidence for the effectiveness and appropriateness of continuity of care is irrefutable.

The QNMU is concerned that the continued perpetuation of an insecure workforce in aged care will do little to address the lack of adequate staff to provide appropriate care, let alone flexibly adapt in a crisis. Our members are dealing with poor rostering, staggered shifts, multiple staff rostered off during times of high care needs, leaving the floor short staffed with a poor skill mix and often lead by less experienced staff. The QNMU advocates for legislated minimum ratios and skill mix across all sectors, including aged care to ensure that members can deliver safe and effective care.

During the pandemic, many nurses who work across multiple locations have lost shifts or been stood down from their usual employment to control infection risk. The QNMU is aware some providers instigated a 'no secondary employment' policy to prohibit staff from working in more than one facility. Many aged care workers are engaged on a part-time basis and rely on having more than one employer in order to earn a sufficient wage. Whilst, the QNMU recognises the importance of infection control measures, this further exemplifies the need for secure employment arrangements so that workers are not reliant on multiple insecure jobs to meet their financial needs.

The pandemic has also highlighted a genuine need for a surge workforce to supplement existing staffing arrangements in residential aged care. This has occurred when high numbers of staff have been required to self-isolate or there has been a significant outbreak of COVID-

19 in an aged care facility, for example as at Newmarch House. Whilst the QNMU acknowledges the need to fill short-term vacancies, we strongly caution against the engagement of short-term labour hire as a short-term solution to a systemic issue. Specifically, we caution against the engagement of online labour hire firms to provide additional staffing in aged care facilities.

One such platform is the federal government selected scheme called Mable. The online platform was adopted without the usual tender process based on the emergency management provisions. The scheme provides facilities with staff to fill short-term vacancies or address shortages of staff caused by the pandemic, for instance where self-isolation is required. The Government has allocated \$5.77 million to fund this private labour hire platform. Such platforms tend to engage workers as independent contractors. This ambiguous characterisation of worker's employment relies on offering short-term contract work that perpetuates insecure employment. Furthermore, workers are not subject to adequate screening, such as proof of registration, qualification and criminal checks. The risk is largely shifted to the worker, away from the provider in this instance. Workers are offered little protections, entitlements and support that are standard employment arrangements. Once again, the QNMU is concerned that the federal government's move to promote this form of insecure work is an alternative to providers engaging ongoing permanent and continuous staff directly.

The QNMU is concerned with the negative impact that insecure work has on nurses and care workers in aged care. Although our members can be engaged on a casual basis in aged care, insecure work in aged care more predominantly takes the form of part-time employment. Part-time work can be manipulated to take on an alternate form of casual labour, where employees are contracted for minimal hours and have little control over the hours worked and rosters. Part-time workers can be used instead of casual employees, as they are not entitled to penalty rates. The Royal Commission offers a much-needed opportunity to reform the aged care sector. However, it is essential to address the impacts and dangers of a workforce reliant on insecure workers and driven by profit and cost saving at the expense of safe, quality care. To that end, the aged care workforce requires adequate training and numbers of skilled staff rostered on the floor. To achieve a sustainable workforce, the sector requires better pay, secure work, with working conditions that recognise and support those who are for Australia's aging population.

Casualisation will be reinforced by the federal government Omnibus Bill

In addition to supporting the recovery of economic conditions, the QNMU calls on the government to improve the quality and stability of new and existing jobs. We believe the Federal Government's proposed legislation, the *Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Bill 2020*, will only reinforce the dominance of insecure and precarious work arrangements in the labour market. Although most of the bill

has not passed, the remaining measures could further entrench the growing precarity of employment relationships in Australia. The QNMU does not condone any legislative changes that could liberalise casual work or allow employers still greater flexibility in adjusting working hours for part-time workers and allow the approval of weakened Enterprise Agreements (EAs). The originally proposed measures would have accelerated the surge of insecure work and exacerbated an already unequal and destabilised workforce, that would not be prepared to withstand the next economic crisis. The result would be a steep increase in the broad incidence of insecure work, setting the stage for further dislocation of labour in the future.

Workplace and consumer trends and the associated impact on employment arrangements in sectors of the economy including the 'gig' and 'on-demand' economy

Gig economy in healthcare

The digital platform economy has extended to all sectors including healthcare and disability services. As previously mentioned, digital platforms have been engaged in the aged care sector but have also extended to other healthcare sectors. The development of this technology has coincided with the change and growth in the disability sector where once consumers received support from generally one organization, to a now more fragmented approach to support programs. Data shows that since the introduction of the National Disability Insurance Scheme (NDIS) in March 2013, there has been continual growth in participant numbers with almost 400,000 people with disability being supported by the NDIS. The active providers have also grown by almost four times since 2017 from 4,005 to 14,882 in June 2020 (NDIS, 2020). This NDIS delivery model has propelled the rapid emergence of gig type arrangements. These digital platform brokers operate under a business model. They are not service providers, they are not covered by labour hire licensing regulation, they do not provide oversight or supervision of care workers and they have no responsibilities for employment or care (Baines et al., 2019).

Sham contracting

Sham contracting is an attempt to deny workers the protections provided by labour laws and institutions like the Fair Work Commission and trade unions, like the QNMU. They intend to place workers beyond the reach of basic industrial standards, providing little benefits and entitlements to workers. The QNMU is concerned that this trend towards sham contracting will continue in the coming decades unless the Federal Government reforms our workplace laws. Sham contracting essentially makes the employee assume the costs of incorporation and workers compensation and negates the requirement to pay a range of other overheads. Sham contracting is another form of risk shifting, placing the employee at a disadvantage (ACTU, 2018; McKell Institute, 2020).

The effectiveness, application and enforcement of existing laws, regulations, the industrial relations system and other relevant policies

Labour laws serve a range of purposes, including the protection of workers from exploitation, employer compliance with regulations, and to distribute how workers receive their share of the benefits of productivity and wider economic growth (ACTU, 2018).

Current labour laws offer limited protection for workers in insecure employment. For instance, agency workers are often engaged by employers with the intention of protecting the end user enterprise from the legal consequences associated with direct engagement. Hiring casuals or part-time workers can often be a means to obfuscate labour costs and move economic risk from the enterprise to the worker (McKell Institute, n.d). The QNMU considers that the labour laws and labour market institutions should be reformed to support and protect vulnerable workers and workers who face power imbalances in their employment relationships. This power imbalance is particularly pronounced for many workers in insecure employment. As such, the QNMU considers the need to re-visit wage fixing mechanisms; reconsider the unfettered expansion of precarious employment arrangements; and strengthen the capacity for workers to protect their rights by organising in their trade unions. It is important to recognise that labour is not just an input into a production process. How we value workers impacts the type of society we create. Therefore, it is fundamental that we reform our labour laws to protect workers in non-standard employment and create a workforce that is protected and equipped to handle the challenges that lie ahead.

Under the *Fair Work Act* 2009, all employees in the national industrial relations system are protected by the National Employment Standards (NES). The NES provides a minimum set of employment conditions and entitlements for workers. However, these standards do not apply to many non-standard work arrangements. For instance, these standards only partially apply to casual workers, as they are not afforded entitlements such as paid leave. Employers can therefore engage non-standard arrangements that are minimally regulated and sit outside the framework of the *Fair Work Act*. Such arrangements provide employers with flexibility on their terms but diminish an employee of their ability to balance their work commitments with their personal lives and responsibilities. Workers miss out on a whole range of securities and protections, such as the entitlement to paid annual leave and personal leave, a presumption of continuity in their work, protection against unfair dismissal, predictability of hours and income, and access to training and career pathways or a say in the workplace.

There is no single, simple solution to the insecure work problem and progress in reversing this trend will take time. The QNMU considers the need to more closely regulate and monitor insecure work wherever possible and provide more certainty and predictability in the labour market.

Definition of 'casual' employee

Our current labour laws do not properly define the meaning of a casual employee. As a result, workers can remain casual for years without a review of their employment status. The average tenure of a casual is just over four years (Parliament of Australia, 2018). Workers deserve the right to request to convert to permanent work if they so desire and casual work should be clearly defined.

The complex web of rules and regulations must be removed as they give far too much power to employers in bargaining. Workers should be free to bargain collectively and reach a negotiated agreement with employers without restrictions.

Converting employment status from temporary to permanent

The QNMU recommends the need to expand the ability to convert temporary employment to permanent through casual conversion. The QNMU assists many casuales who work regular and consistent hours at their place of work and by definition should be re-classified as a permanent staff member. However, their employer deems that they are not eligible to convert their employment from temporary to permanent. We have fought tirelessly to have members correctly classified as permanent staff, allowing them the benefits and security of permanent work.

Currently, employers can reject or decline a worker's request for casual conversion. There is little to no recourse for an employer providing a speculative or generalised reason for declining. The QNMU recommends the need for some objective criteria that should be legitimate and specific in nature, that describe the reasons for rejecting a casual conversion request. In our view, every worker should maintain the right to request conversion and the onus should be on the employer to provide adequate evidence to the contrary.

Another legislative step required to convert insecure and precarious work into secure jobs is to expand the coverage of the *Fair Work Act* to include all workers rather than just employees. The limitations of historically unsuitable definitions of employment has excluded many workers from the protection of our industrial laws. By regulating work, the *Fair Work Act* should capture a variety of relationships where workers should have protection and the right to act collectively. This can also prevent employers from artificially structuring their workforces in a way that avoids obligations to workers. Offering all workers, the rights to freedom of association, collective bargaining and access to fast effective dispute resolution, would facilitate greater job security for these workers.

Conclusion

The erosion of job security and predictable incomes produces anxiety and stress. Employers have imposed these conditions on many workers who are already struggling with varying

degrees of personal debt and the COVID-19 pandemic has further exacerbated these issues. The union movement has fought tirelessly to improve pay and conditions of workers and the growing trend of labour becoming a disposable commodity is one we oppose. The QNMU stands united in the pursuit of secure jobs and a better future for Australia workers.

References

- ANMF. (2021). Submission of the Australian Nursing and Midwifery Federation to the Education and employment legislation Committee. Retrieved from: https://anmf.org.au/documents/submissions/ANMF_Submission_IR_Omnibus_Bill_Feb_2021.pdf
- Australia Bureau of Statistics. (2020). Insights into casual employment, occupation and industry. Retrieved from: <https://www.abs.gov.au/articles/insights-casual-employment-occupation-and-industry>
- Australian Bureau of Statistics. (2020). Annual wage growth 1.8% in June Quarter 2020. Retrieved from: <https://www.abs.gov.au/media-centre/media-releases/annual-wage-growth-18-june-quarter-2020>
- Australian Council of Trade Unions (ACTU). (2011). The Future of Work in Australia: dealing with insecurity and risk.
- Australian Council of Trade Unions (ACTU). (2018). Australia's insecure work crisis: Fixing it for the future. Retrieved from: https://www.actu.org.au/media/1033868/insecure-work_final-18052018-final.pdf
- Australian Council of Trade Unions (ACTU). (2020). Responding to the COVID-19 Crisis. Retrieved from: file:///H:/Downloads/Sub122_Australian%20Council%20of%20Trade%20Unions.pdf
- Australian Institute of Employment Rights. (2016). Inequality and insecurity responding to the challenges of precarious work. Retrieved from: <https://www.aierights.com.au/wp-content/uploads/2017/01/Inequality-and-Insecurity-2016-McCallum-Debate-Discussion-Paper.pdf>
- Batch, M. & Windsor, C. (2015). Nursing casualization and communication: a critical ethnography. *Journal of Advanced Nursing*, 71(4), pp. 870-80.
- Beard, K. & Edwards, J. (1995). Employees at risk: Contingent work and the psychological experience of contingent workers. *Trends in Organizational Behavior*. John Wiley & Sons: 109–126.
- Burgess, J., Connell, J. & Rasmussen, E. (2005). Temporary Agency Work and Precarious Employment: A Review of the Current Situation in Australia and New Zealand. *Management Revue*, 16(3), 351-369.
- Burke, R. & Singh, P. (2016). Correlates and consequences of nursing staff job insecurity. *Journal of Health & Human Services Administration*, 39(3), 383-406.

- Centre for Employment & Labour Relations Law. (n.d). Independent inquiry into work in Australia. Retrieved from: <https://www.actu.org.au/media/349495/centre-for-employment-and-labour-relations-law.pdf>
- Centre for Future Work. (2020). Briefing paper: 2020 year-end labour market review: Insecure work and the COVID-19 pandemic. Retrieved from: https://d3n8a8pro7vhmx.cloudfront.net/theausinstitute/pages/3411/attachments/original/1609197941/Year-End_Labour_Market_2020.pdf?1609197941
- CFMEU. (2015). Labour Hire and insecure work the need for a new and fairer Victorian framework. Retrieved from: https://manufacturing.cfmeu.org.au/sites/ffpd.cfmeu.org.au/files/CFMEU_Labourhire_Final.pdf
- Connelly, C.E. and Gallagher, D.G. (2004). Emerging Trends in Contingent Work Research. *Journal of Management*, 30(6): 959-983
- Dados, N. & Taksa, L. (2020), *Pandemic's economic blow hits women hard*, Macquarie University The Lighthouse, Retrieved from: <https://lighthouse.mq.edu.au/article/april-2020/Pandemics-economic-blow-hits-women-hard>
- Davis-Blake, A., Broschak, J. & George, E. (2003). Happy Together? How Using Nonstandard Workers Affects Exit, Voice, and Loyalty Among Standard Employees. *The Academy of Management Journal*, 46(4), 475-485.
- De Cuyper, N., de Jong, J., De Witte, H., Isaksson, K., Riggotti, T. and Schalk, R. (2008). Literature Review of Theory and Research on the Psychological Impact of Temporary Employment: Towards a Conceptual Model. *International Journal of Management Reviews*. 10(1): 25-51
- De Ruyter, A. (2004). Casual work in nursing and other clinical professions: evidence from Australia. *Journal of Nursing Management*, 12, 62-68.
- Gilfillan, G. (2018). Characteristics and Use of Casual Employees in Australia, Canberra: Parliamentary Library.
- Grinspun, D. (2003). Part-time and Casual Nursing Work: The Perils of Healthcare Restructuring. *International Journal of Sociology and Social Policy*, 23(8), pp. 54-80.
- Hall, R. and B Harley (2000) The location and characteristics of fixed-term and casual female workers in Australia: Analysis of AWIRS95. *Australian Bulletin of Labour*, 26:18-37
- International Labour Office. (2012). World of work report 2011: Better jobs for a better economy, Geneva: *International Institute for Labour Studies*.

- Keuskamp, D., Mackenzie, C. R., Ziersch, A. M. & Baum, F. E. (2013). Deliberately casual? Workers' agency, health, and nonstandard employment relations in Australia. *Journal of Occupational and Environmental Medicine*, 55(6), pp. 620-627.
- KPMG. (2020). COVID-19 as accelerator for digital transformation and the rise of the gig economy. Retrieved from <https://assets.kpmg/content/dam/kpmg/sa/pdf/2020/covid-19-as-accelerator-of-digital-transformation-and-the-gig-economy.pdf>
- Manias, E. et al., (2003). Agency-nursing work: perceptions and experiences of agency nurses. *International Journal of Nursing Studies*, Volume 40, p. 269–279.
- McKell Institute. (2020). Many Jobs, little support: Multiple jobholders and the COVID-19 recession. Retrieved from: <https://mckellinstitute.org.au/research/articles/many-jobs-little-support-multiple-jobholders-and-the-covid-19-recession/>
- Monash University. (2012). What Nurses Want: Analysis of the First National Survey on Nurses' Attitudes to Work and Work Conditions in Australia. Retrieved from: http://anf.org.au/documents/reports/What_Nurses_Want_Report.pdf
- Morton, R. (2020). Exclusive: Gov's \$5.8m aged-care app offers 'no duty of care'. The Saturday Paper. Retrieved from <https://www.thesaturdaypaper.com.au/news/politics/2020/05/23/exclusive-govs-58m-aged-care-app-offers-no-duty-care/15901560009868>
- National Disability Insurance Scheme. (2020). NDIS quarterly report to disability ministers. June 2020
- National Health Workforce Dataset (NHWDS) Nurses and Midwives 2016-2019. (2019). Retrieved from: <http://hwd.health.gov.au>
- OECD. (2020). The impact of the COVID-19 pandemic on jobs and incomes in G20 economies. Retrieved from: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms_756331.pdf
- OECD. (2020). Underutilised, underpaid, undervalued: Australian Women and COVID-19 in and after the crisis. Retrieved from: <https://www.oecd-forum.org/posts/underutilised-underpaid-undervalued-australian-women-and-covid-19-in-and-after-the-crisis>
- Parliament of Australia. (2018). Characteristics and use of casual employees in Australia. Retrieved from: https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1718/CasualEmployeesAustralia
- Parliament of Australia. (2018). Trends in use of non-standard forms of employment. Retrieved from:

- https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1819/NonStandardEmployment
- Parliament of Australia. (2020). COVID-19: Impacts on casual workers in Australia - a statistical snapshot. Retrieved from:
https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1920/StatisticalSnapshotCasualWorkersAustralia
- Peerson, A. et al. (2002). Agency nursing in Melbourne, Australia: a telephone survey of hospital and agency managers. *Journal of Advanced Nursing*, 40(5), p. 504–512.
- Pennington, A (2021). The Australia Institute, Centre for Future Work Briefing Paper: How Non-Union Agreements Suppress Wage Growth- and Why the Omnibus Bill Will Lead to More of Them.
- Percapita. (2018). Is work in Australia working? A discussion paper. Retrieved from:
<https://percapita.org.au/wp-content/uploads/2018/05/Is-Work-In-Australia-Working.pdf>
- Productivity Commission. (2006). The Role of non-traditional work in the Australian labour market Productivity commission research paper. Retrieved from:
<https://www.pc.gov.au/research/completed/non-traditional-work/nontraditionalwork.pdf>
- Richter, A., Naswall, K. (2018). Job Insecurity and trust: uncovering a mechanism of linking job insecurity to well-being. *An international Journal of Work, Health & Organisations*, 33(1): 22-40.
- Selenko, E., Mäkilangas, A., Stride, C.B. (2016). Does job insecurity threaten who you are? Introducing a social identity perspective to explain well-being and performance consequences of job insecurity. *Journal of Organizational Behaviour*. DOI: 10.1002/job.2172
- The McKell Institute. (n.d). Understanding Insecure Work in Australia. Retrieved from:
<https://mckellinstitute.org.au/app/uploads/McKell-Institute-Queensland-Understanding-Insecure-Work-in-Australia-1-2.pdf>
- The University of Adelaide. (2018). The wages crisis in Australia. What it is and what to do about it. Retrieved from:
<https://www.adelaide.edu.au/press/system/files/media/documents/2019-04/uap-wages-crisis-ebook.pdf>
- The University of Sydney. (2018). Women and the Future of Work. Retrieved from:
<https://www.sydney.edu.au/content/dam/corporate/documents/business-school/research/women-work-leadership/women-and-the-future-of-work.pdf>

Tweedie, D. (2013). Precarious work and Australian labour norms. *The Economic and Labour Relations Review*, 24(3), p. 297–315

United Workers Union. (2020). Technology and Power Understanding issues of insecure work and technological change in Australian Workplaces. Retrieved from: <https://www.unitedworkers.org.au/wp-content/uploads/2020/08/Technology-and-Power-UWU-Submission.pdf>

University of New South Wales. (n.d). How does job insecurity affect household consumption in Australia. Retrieved from: <https://melbourneinstitute.unimelb.edu.au/assets/documents/hilda-bibliography/student-essays-dissertations/JBowman.pdf>

Victorian Government (2015) Victorian Inquiry into the Labour Hire Industry and Insecure Work, Background Paper retrieved from http://economicdevelopment.vic.gov.au/data/assets/pdf_file/0015/1215411/9390-IRV-Inquiry-in-the-Labour-Hire-Industry-and-Insecure-Work-Brochure.pdf

Victorian Government. (2020). Report of the Inquiry into the Victorian on-demand workforce. Retrieved from: https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/4915/9469/1146/Report_of_the_Inquiry_into_the_Victorian_On-Demand_Workforce-reduced_size.pdf

Vosko, L. F., MacDonald, M. & Campbell, I. (2009). *Gender and the Contours of Precarious Employment*. 1st ed. New York: Routledge.

Watson, I., Buchanan, J., Campbell, I., Briggs, C. (2003). *Fragmented Futures New challenges in working life*. The Federation Press.

Yu, S. (2014). Work-life balance – work intensification and job insecurity as job stressors. *Labour & Industry a Journal of the social and economic relations of work*, 24(3): 203-216. Retrieved from: https://www.researchgate.net/publication/280169705_Work-life_balance_-_work_intensification_and_job_insecurity_as_job_stressors