**INTRODUCTION**

The Victorian Trades Hall Council (VTHC) was founded in 1856 and is the peak body for unions in Victoria. VTHC represents approximately 40 unions and over 400,000 workers in Victoria. These workers are members of unions that reach into every industry in the state, both in the public and private sectors.

Since gaining the Eight Hour Day in April 1856, VTHC has had a long history of fighting for and defending the rights of workers in Victoria. The importance of winning the Eight Hour day is significant not just in Australia but worldwide. Few advances in the quality of life for working people would have been achieved without the involvement of the Victorian union movement.

Over the last 150 years, VTHC and its affiliated unions have campaigned for and successfully won a range of important rights and entitlements for Victorian (and Australian) workers, including:

- Minimum wage
- Penalty rates
- Collective bargaining rights
- Freedom of association and the right to representation
- Occupational Health and Safety (OHS) protections
- Annual as well as Sick (and Carer’s) Leave
- Maternity and Parental Leave
- Paid Domestic Violence Leave
- Superannuation
- Protections from unfair dismissal and redundancy entitlements, and
- Long Service Leave.

The changing nature of work in today’s modern world means these hard-fought entitlements are now under attack. Further, an increasingly globalised and deregulated labour market means more workers than ever are trapped in insecure work through labour hire, sham contracting, short-term contracts or casual employment. Each and every day, these workers are missing out on the benefits of the union movement’s victories.

VTHC will continue to campaign tirelessly for the rights, entitlements and protections of all workers in Victoria, no matter their employment status or employer, workplace or birthplace.

VTHC has consulted widely and collaboratively with our affiliate unions. Unions have been encouraged to prepare and submit their own submission relevant to their membership. This submission is in no way intended to supersede any submission from an affiliate union, rather it should be read as complimentary. VTHC would like to acknowledge the work of its affiliate unions and the Australian Council of Trade Unions (ACTU) for participating in the development of this submission.

Unions exist to give workers a voice. As a result, this submission includes personal stories from Victorian workers who have experienced firsthand the detrimental impact of labour hire and insecure work.

To ensure that workers have had a fair opportunity to participate in this important inquiry, VTHC has collaborated with the National Union of Workers (NUW – Victorian Branch) to develop an online submission portal where workers could share their story. Anonymity was provided, if requested. This portal received over 600 submissions and these submissions have been provided to the Inquiry Chair. VTHC would like to sincerely thank the Inquiry Chair and staff for their support of this endeavour; and thank the NUW for their ongoing collaboration here.

These worker stories are powerful. They are at times, poignant and sad; angry and passionate. One question asked workers, “if you were in charge, how would you fix this problem?” Their feedback, ideas and suggestions has driven and been the focus of our report and recommendations in this submission.

With the launch of this important inquiry, an opportunity presents itself for Victoria to continue to lead the way in the rights and entitlements of workers. Our current federal government seems more interested in cutting the entitlements and conditions of working people, meaning no comfort will be found through federal mechanisms at this time. Despite this obvious limitation, numerous opportunities present themselves for Victoria including regulation, worker training and procurement best practice.

This Inquiry is also timely. With the rise of “free” trade agreements (FTAs) such as the China Australia FTA, VTHC also holds grave concerns for the safety, health and wellbeing of migrant workers in this country who find themselves doubly exposed to exploitation through insecure visa arrangements.

Victoria must take the lead in protecting all working people in this state.

Luke Hilakari
Secretary
THE IMPACT OF LABOUR HIRE AND INSECURE WORK

Submissions from over 600 Victorians with experience of insecure work point to a dire need for regulation of labour hire and insecure forms of employment.

Working with the National Union of Workers, Victorian Trades Hall Council built an online portal to collect the stories and experiences of workers trapped in labour hire and insecure work. Over 600 working people made a submission through this process, and their experiences form the basis of this report.

Almost 4 million workers or 40% of the Australian workforce are locked in insecure work, namely as casuals, labour hire workers, short-term or sham contracting arrangements.

Some of the consequences of insecure work are:

- Financial insecurity, where workers struggle to pay rent, medical bills or secure car loans;
- Less safe workplaces with poorer OHS outcomes and increased risk of injury or disease;
- Inability to plan lives due to random and irregular employment patterns; and
- Fewer career options, with options, with less training opportunities leading to poorer career advancement.

It is important to note that insecure work is not limited to the private sector, indeed it is prevalent throughout the public sector and not-for-profit (NFP) organisations. Governments of all political stripes have embraced a similar model with short-term, cyclical funding for public services. Clearly, government has a leading role to play in reducing the prevalence of insecure work.

The rise of insecure work is not simply some unexpected result of the “evolving” nature of work in today’s modern world. Rather, it is the desired outcome from a systematic and targeted attempt by big business, corporations and their lobby groups to deregulate the labour market.

Insecure work simply creates an opportunity for employers to offload their workforce responsibilities. Arrangements designed to benefit the employer first and foremost, such as sham contracting, labour hire and casual employment, are dangerous and detrimental to workers.
INSECURE WORK MEANS...

Incorrect pay

1 in 3 people in insecure forms of employment believe they are not being paid correctly. That jumps to 1 in 2 for people on ABNs.

"It's a constant battle to get paid"

Is your employer complying with the law?

- ABN: 60%
- Informally employed: 39%
- Labour hire: 36%

Being silenced

55% said you could not speak up at work about your pay and conditions without risking your job.

Poorer health and safety

People in insecure work feel their workplace is not always safe

- Across all forms of insecure work, 38% feared their work was not always safe.
- 40% of workers in any form of insecure work were not informed of workcover arrangements.
- The proportion of workers with fears for safety was greatest amongst those employed in labour hire arrangements – 58% said their work was not always safe.
- 34% of workers believed it was likely they would be penalised if they raised health and safety issues at work.

But many fear they'll lose their job or be penalised if they speak up about health and safety.
"Due to the irregularity of the work, you have to keep your personal life on hold to ensure adequate earnings to pay the bills."

Financial hardship
- 27% said they were not able to meet basic living expenses like bills and food
- 24% said they didn’t always meet their rent or mortgage payments

Lives on hold

Most people in insecure work have no predictable work roster, week-to-week

- 59% of casuals, 61% of informally employed workers, and 67% of labour hire employees are unable to predict their work roster.
- 39% could not arrange childcare to suit their working hours.

Overall, nearly half (48%) of all people in the insecure work economy are being denied the right to take leave when they need to, through a culture of fear and intimidation.

86.3% have no confidence about the future of their work and income.

"It makes me feel sick to think about Christmas and how we are going to manage to buy presents"
It is the opinion of VTHC that the recommendations, listed on the page over, are necessary, realistic and achievable. VTHC commits to working with community stakeholders, employer associations and government to ensure the safety, rights and entitlements of workers in labour hire and other insecure working arrangements are guaranteed.
RECOMMENDATIONS

1. That the Victorian Government recognises the changing nature of work in Victoria, including the rise of insecure work such as labour hire, sham contracting, short-term contracting and casual employment; and acknowledge a need to address the detrimental impact of insecure work on working people.

2. That the Victorian Government recognises insecure work often results in financial and housing stress; plus emotional and family relationship stress as well as poorer working conditions and less safe workplaces.

3. That the Victorian Government acknowledges the key role it plays in setting a standard of best practice regarding reducing the prevalence of insecure work through its own employment practices across the public service; and that the Victorian Government commits to the phasing out of insecure work across its public services.

4. That the Victorian Government stipulates best practice from companies and not-for-profit organisations seeking government contracts through the tendering process. Further, the Victorian Government should recognise the flow-on impact of short-term contracts for government work results in short-term contracts for those workers; and accordingly phase out insecure work across its outsourced community services and other contracted work.

5. That the Victorian Government introduces mandatory training for all workers commencing insecure work in Victoria, at the point of entry into the workforce. This training should include OHS as well as entitlements and workplace rights education.

6. That the Victorian Government introduces a labour hire scheme with key features including:
   - Payment of a bond and annual license fee to the Victorian Government to operate a labour hire company in Victoria;
   - Threshold capital requirement to operate a labour hire company in Victoria;
   - Core requirements for license holders and related parties including annual information reports and ‘fit and proper person’ tests;
   - The establishment of a dedicated compliance unit; and
   - Mandatory OHS, workplace rights and entitlements training (also noted separately in Recommendation 5).

7. That the Victorian Government lobby the federal government to maintain or extend (and in no way reduce) current employment entitlements for working people, such as penalty rates.

8. That the Victorian Government, in an effort to reduce the severity of insecure work on working people, introduce a portable long service leave scheme for Victorian workers.

9. That any reports and recommendations arising from the Inquiry are framed by an understanding that insecure work is a gender equality issue and that therefore any recommendations or proposals must acknowledge and incorporate a gender dimension, specifically:

   (a) That the Victorian Government support amendments to the Fair Work Act, and applications before the Fair Work Commission, designed to ensure those with family/caring responsibilities have a right to flexible working hours.

   (b) That the Victorian Government fund initiatives by the Victorian and Regional Trades and Labour Councils designed to support the adoption of employment practices supportive of quality part-time work and a move away from casual work arrangements for workers with family/caring responsibilities.

   (c) That the inquiry give consideration to the use of the ILO’s Unacceptable Forms of Work (UFW) framework developed by Academics Dr Deirdre McCann and Professor Judy Fudge. The Unacceptable Forms of Work framework both acknowledges the vulnerability of women in the labour market and offers a multi-dimensional approach to resolving issues associated with insecurity.
INSECURE WORK

The definition, prevalence and impact of insecure work (in which, we include labour hire) in Australia has been well documented. VTHC supports the definition of insecure work as determined by the Independent Inquiry into Insecure Work:

“Insecure work [is] poor quality work that provides workers with little economic security and little control over their working lives. The characteristics of these jobs can include:

• Unpredictable and fluctuating pay;
• Inferior rights and entitlements;
• Limited or no access to paid leave;
• Irregular and unpredictable working hours; and
• A lack of any say at work over wages, conditions and work organisation.”

Insecure work is prevalent throughout Australia and indeed we have the second highest rates of insecure work amongst OECD nations, behind only Chile in 2011 figures. This is despite substantial evidence that, if given the opportunity for permanent employment, workers would accept lower salaries as trade-off for job security.

IMPACT OF LABOUR HIRE AND INSECURE WORK

Working with the NUW, the VTHC established a website to collect the stories and experiences of workers trapped in labour hire and insecure work. Over 600 working people made a submission and these submissions have been provided to the Inquiry directly.

These submissions came from workers across all sectors and industries including health care workers and nurses; hospitality and food workers; teachers and university tutors; actors, construction workers and public servants.

The online portal asked workers to answer the following questions:

• Were you paid fairly and correctly for the hours you worked?
• Do you believe your employer was complying with the law regarding your employment?
• Did you feel that you could discuss your pay and conditions without risking your job?
• Was your work always safe?
• Were you told about WorkCover and what to do if you were injured?
• Did you feel you could discuss health and safety without risking your job?
• Did you have a predictable roster that you could plan your life around?
• Could you or your co-workers organise childcare to suit your work schedule?
• Could you take leave when you needed without worrying about losing your job?
• Could you pay your bills and buy food each week?
• Could you pay your rent/mortgage when it was due?
• Did you feel confident about the future of your job and income?
• If you were prime minister, what would you do to fix the problem?

A summary of the findings have produced astounding but not unexpected figures.

55% of workers reported they could not speak up at work about their pay and conditions without risking their jobs.

43% of workers reported they were not told about WorkCover or what to do if they were injured.

Half of workers reported that they did not have a predictable roster to plan their life around and that they could not take leave without fear of losing their job.

18% of workers reported that they could not always pay their bills or buy food each week.

25% of workers reported that they could not always pay their rent or mortgage each week.

Remarkably, 86% of workers reported that they did not feel confident about the future of their job or income.

VTHC can provide further breakdown of these figures on request of the Inquiry.

These figures show the need for urgent action to reduce the dangerous and detrimental impact of labour hire and insecure work on working people in Victoria.
WORK THAT IS DECENT

In contrast, it is important to define the concept of decent work as a goal to which the union movement, the Victorian Government and this Inquiry can aspire. VTHC supports the definition provided by the International Labor Office (ILO) which states:

“Decent work means productive work in which rights are protected, which generates an adequate income, with adequate social protection. It also means sufficient work, in the sense that all should have access to income-earning opportunities. It marks the high road to economic and social development, a road in which employment, income and social protection can be achieved without compromising workers’ rights and social standards.”

The ILO has developed policy on decent work with five key pillars, namely:

• Quality of work and employment;
• Ensuring career and employment security;
• Maintaining the health and well-being of workers;
• Developing skills and competencies; and
• Reconciling work-life balance.

VTHC encourages the Inquiry to adopt a bold and ambitious definition of decent work that can act as a model for the entire Victorian workforce, but particularly for the Victorian State Government as a model employer.

“I was employed through a labour hire agency. An under $20 flat rate, for all hours and shift lengths regardless of warning, overtime, casual loading, night loading. No roster, 24/7 on call. The company I work for changed its ABN and business name every 3 months without warning. They cut our pay with no warning. I just noticed a lower pay rate in my payslip and asked, and that’s when they told me we had a pay cut. I am constantly on call thus cannot go out with friends or schedule things a week in advance because I may get called into work and need to be here in less than 30 minutes from the call in.”

– Submission via VTHC portal (Anonymous, name provided)

LABOUR HIRE AND INSECURE WORK: OHS IMPLICATIONS

There have been numerous inquiries and reports which have specifically addressed the OHS implications for labour hire workers and workers in insecure employment – such as casual and agency workers. Below are examples which illustrate the on-going OHS issues for such workers.

LABOUR HIRE

In 2003, the Victorian Parliament’s Economic Development Committee (EDC) commenced an inquiry into Labour Hire Employment in Victoria.

In preparing its submissions, the VTHC, with the assistance of Elsa Underhill (then at Victoria University, now Deakin, and an expert in this area) undertook a survey and focus groups of labour hire employees.

The eight page surveys were distributed at workplaces by union organisers, and returned anonymously in reply paid envelopes to VTHC. Subsequently five focus groups were conducted. In total, 145 labour hire employees from a range of industries and occupations completed the survey, and 38 employees, including a small number of specialist labour hire union organisers, attended the focus groups.

The major concern identified was the breadth of insecurity and associated deteriorating employment standards experienced by labour hire employees. There were many issues identified, but those specifically related to occupational health & safety/workers compensation were:

• Labour hire was used by employers to contract out hazardous work;
• Fear of, and actual job loss, for raising concerns over working conditions or OHS;
• Discrimination and harassment for being a health and safety representative (HSR);
• Stress associated with job and income insecurity;
• Inadequate training/instruction prior to performing an unfamiliar task;
• Inadequate training/instruction prior to using unfamiliar equipment;
• Inappropriate placements;
• Lack of on-going training; and
• General discriminatory behaviour.

The only potential benefit identified was “flexibility”. However for most workers surveyed, there was little flexibility but rather inflexibility and insecurity associated with labour hire employment. Only a small number of workers spoke of the positive benefits flowing from employment in labour hire. These were primarily agency nurses and older workers.
In its submission, the VTHC made a number of recommendations to the EDC committee. These were:
1. Introduction of registration/licensing of labour hire companies;
2. Permanent employment of workers by the labour hire companies;
3. Maximum placement times and conversion to permanent employment with the host; and
4. Prohibiting labour hire from hazardous industries/tasks.

The EDC released its final report in July 2005 after two years of submissions and consideration. The committee heard evidence that labour hire agencies faced a number of issues in complying with OHS legislation. It heard labour hire agencies:
- Often did not have a comprehensive knowledge of the host employer’s premises, plant and work practices;
- Could not exercise control over the host’s premises, plant and equipment;
- Found inspections difficult due to the often short-term nature of the assignments; and
- Could not predict all of the risks that workers might encounter in the host workplace, including changes to work processes and supervision.

The final report contained 11 recommendations, the majority of which were OHS-related. Under the 2004 OHS Act, labour hire agencies and host employers appropriately share OHS duties. However, one of the recommendations was that the Victorian Occupational Health and Safety Act 2004 should be amended to give “greater clarification to the allocation of these duties”. Other recommendations included:

- Implementation of a labour hire registration scheme, administered by the Victorian WorkCover Authority, to exclusively regulate OHS standards in the industry;
- Better protection for labour hire workers who raise OHS issues;
- Monitoring of leave and hours; and
- Victorian WorkCover Authority commission research into the effectiveness of existing return to work arrangements for labour hire workers with a view to developing improved return to work pathways.

None of the recommendations have been implemented by government.

### CASUAL WORKERS

In 2006, a study *The hidden health and safety costs of casual employment* was released by the Industrial Relations Research Centre, University of New South Wales. The study found casual workers are at much greater risk of being injured compared to permanent employees. Not only do the workers suffer the consequences, but significant costs are created for employers. The authors noted that at that time there had been a substantial increase in casual employment in Australia, driven by lower labour costs and improved “flexibility” (for employers).

However, they found evidence that the growth of casual employment did not necessarily result in increased productivity or cost-saving, but that there are a number of ‘hidden costs’ in employing significant numbers of casual workers.

They found that casual working arrangements and job insecurity were associated with adverse OHS outcomes, including increased fatalities, illnesses, occupational violence, decreased reporting propensity, as well as inferior knowledge/compliance with OHS entitlements, standards and regulations (due to less or inferior OHS training).

These outcomes were largely caused by:
- Greater insecurity – lower job satisfaction, job stress, higher levels of exposure to hazards;
- Economic and reward pressures – casual workers on average are paid less than permanent employees;
- Low levels of social support – which assists in reducing stress in the workplace;
- Imbalance of demands and control – causes ‘job strain’ which includes lower job satisfaction, depression and exhaustion;
- Disorganised work processes or settings and lack of induction and training – could include inadequate training, fragmented OHS systems; and
- Regulatory failure – ambiguity over duty of care.

In other words, many of the same factors identified by labour hire workers in the VTHC study also affected casual workers and their health and safety at work.

### CHANGING NATURE OF WORK – INCREASE IN INSECURE/PRECARIOUS EMPLOYMENT

In 2010, the ACTU commissioned and published *Shifting Risk: Work and working life in Australia*. The report identified the major ‘transformations’ in work and working life in Australia before and after the global financial crisis:
1. Growing inequality in Australia;
2. Casual, contract and precarious employment [was] now the norm;
3. Massive increase in financial risk among working families;
4. Growing fixed costs are adding to financial pressure; and
5. High household debt makes the economy vulnerable.

Although not specifically addressing occupational health and safety, the transformation of work from generally permanent and full time to casual and precarious impacts workers’ occupational health and safety outcomes.

There have been many international studies demonstrating that workers in precarious employment have poorer occupational health and safety outcomes, and are more likely to be injured at work than other types of employees.

In 2004, two Australian academics, Michael Quinlan and Philip Bohle, in light of the growing evidence at the time that some types of contingent work were associated with a significant deterioration in worker safety, health, and well-being, undertook a review of this international evidence.

They defined contingent work and precarious employment as terms used to describe employment arrangements involving uncertainty about continuity of employment. According to the authors, “Contingent work implies that labour is performed only when required, whereas precarious employment connotes the job and income insecurity in many such arrangements.” Their findings suggested that ultimately safe behaviours on the part of individual workers required accurate hazard perception, appropriate task training, and an ability to learn from experience. These factors obviously relied not only on the individual workers themselves, but also the level and quality of training provided by the employer/host and the level of supervision. As highlighted by the VTHC survey and focus groups, these were areas identified by workers themselves as being inadequate.

They also noted however, a range of factors beyond the control of individual workers, and grouped these into three categories:

1. **Pressures and reward systems**
   This includes insecure employment, contingent wages, long or irregular hours, and multiple job holdings. There is often no protection from arbitrary dismissal, lack of entitlements such as sick pay, allocation of high risk work, and often very short employment ‘tenure’. Outcome include that workers under such pressures will not report OHS issues, will not report injuries, keep working when in pain, reluctance to report/claim workers’ compensation, and so on.

2. **Disorganisation**
   These are workplaces where there are the following risk factors:
   - a high percentage of workers have no prior relevant work experience; or are very young or vulnerable;
   - where tasks and skills are mismatched;
   - there is poor induction, training and supervision;
   - there is poor or ‘fractured’ communication;
   - OHS management systems are ineffective (prevention and compensation); and
   - workers are unable to collectively organise.

3. **Regulatory failure**
   The four elements of regulatory failure are:
   - lack of knowledge of legal right/obligations;
   - limited access to those rights;
   - disputed legal obligations; and
   - non-compliance coupled with regulatory oversight.

They labelled this the PDR model – and it goes some way to explaining how and why precarious employment affects OHS. Most if not all casual, labour hire and other insecure workers work in workplaces which have these factors.

**TEMPORARY AGENCY WORKERS**

There is further evidence that temporary agency workers have even poorer OHS outcomes. A 2011 study, published internationally by two leading Australian academics, How Precarious Employment Affects Health and Safety at Work: The Case of Temporary Agency Workers sought to explain why this was the case.

The study undertaken in Victoria draws on workers’ compensation claim files for injured agency and directly hired workers from 1995-2001, and focus groups of temporary agency workers conducted in 2003. The authors analysed the results, using risk factors identified in the PDR model (Quinlan and Bohle, 2004, 2009). Based principally on qualitative data, the authors concluded that while agency workers share common risk factors with other forms of precarious workers, unique characteristics associated with the triangular nature of agency employment heighten their vulnerability further.

Quinlan, Bohle and others both in Australia and internationally, have continued to publish papers which highlight the vulnerability of insecure workers. A
brief overview of recent research was published in Policy and practice in health and society\textsuperscript{13}. The authors refer to research indicating that job insecurity and precarious work arrangements can “weaken the coverage and implementation of occupational health and safety and workers’ compensation legislation, as well as posing a serious challenge to inspectors and regulatory authorities.”

The VTHC can attest to this through the regular contact with workers and health and safety representatives (HSRs). This month, for example, an elected HSR contacted the OHS Unit seeking information and support; he was a casual worker and after fighting with his employer to recognise his right to be the elected HSR for his designated work group, he now faced pressure not to raise issues of concern. His fear was that as a casual worker, he had very little protection if the employer simply decided not to roster him for further work. Consequently, he and his fellow workers are potentially excluded from legislated consultative processes.

There are thus two main issues affecting the health and safety of workers in vulnerable/insecure employment:

1. Such work arrangements have a direct deleterious effect on health and safety across many sectors – and there are some in which there is still relatively little research (for example, homecare, service and hospitality workers); and

2. OHS regulators must recognise and address these health and safety implications as such workers have little effective regulatory protection.

In the previously referred to edition of PPHS, Underhill and Quinlan\textsuperscript{14} discuss the regulatory failure in Australia, and identify five ‘regulatory weaknesses’. Their study involved focus groups in Queensland to explore what workers themselves thought were the main problems, what ‘works’ in safeguarding their health and safety, what measures could improve their ‘safe placement’ and what regulators could do. The researchers were then able to suggest alternative approaches to improving the health and safety of workers in the temporary agency sector.

These included:
- Developing a detailed knowledge of the workplaces where workers are placed, and their risks;
- Implementing a verification process that hazards have not changed and workers are assigned appropriate tasks;
- Ensuring workers are provided with adequate and appropriate training, supervision and are consulted;
- Establishing long-term relationships with hosts; and
- Having in place someone with OSH credentials/qualifications – e.g. a workplace health and safety officer.

There are many more studies which could be cited demonstrating that labour hire, casual and other workers in precarious forms of employment have poorer OHS outcomes and why this is so. As noted there are even a few which are beginning to consider and propose non-regulatory measures.

However we believe we have provided enough to give an accurate picture of what these workers face. There are not fewer insecure workers in Victoria today than there were in 2003/04 when the Victorian government last held an inquiry – and it is unlikely that the numbers will reduce. Consequently, what is necessary is that government introduce increased protections and that the OHS regulator be more responsive and ensure compliance with the law.

“Safety? What safety? Only provided a flimsy paper mask despite using an angle grinder on concrete. Digging trenches by hand. Carrying unreasonably heavy things with no trolley or safe lifting measures in place. Operating power tools with no training or gloves provided. The only safety gear is what I picked up around the worksite. No WorkSafe training or information.”

-Submission via VTHC portal (Anonymous, name provided)

LABOUR HIRE AND INSECURE WORK: IMPLICATIONS FOR WOMEN

Insecure work is a gender equality issue as most of those employed insecurely are women

The nature of work in Australia has changed dramatically in recent decades with one of the biggest changes being the growth of part-time work. In 2014, 25% of Australians aged 25–64 worked part-time, compared with 21% in 1992\textsuperscript{15}. The majority of these part-time jobs are casual and characterised by temporary, non-permanent contracts.

- Part-time work has grown for both men and women however women work part-time at three times the rate of men\textsuperscript{16}.
Given that women in Australia continue to bear responsibility for the majority of unpaid domestic and caring work a lack of flexible working arrangements for women with caring responsibilities forces many women into insecure and precarious work in the form of part-time and casual jobs. While the issue of flexible working arrangements is an issue for both men and women, women continue to be far more likely to take extended leave to fulfil caring responsibilities and are therefore more likely to be pushed into insecure and precarious work.21

Most part-time jobs in Australia are casual jobs with 55% of these casual positions occupied by women which means that 25.5% of all women workers are engaged in casual employment. Unsurprisingly, it is heavily female dominated industries that predominately employ casual and insecure workers such as the healthcare and social services, and retail sectors. As a result over a quarter of women workers do not have access to paid leave entitlements or secure working arrangements compared to one fifth of men, exacerbating gender pay inequality.18

Part-time and casual jobs are generally not managerial positions and a breakdown of part-time managers by gender highlights the lack of part-time management positions, despite the need of many workers (particularly women workers) to balance work with caring responsibilities.19 Consequently, men are more likely to hold managerial positions, with the availability of part-time work significantly higher in non-management categories dominated by women. As such insecure work creates a labour market which is not only segregated between secure and insecure workers, but also entrenches gender segregation between men and women.20

The impact of insecure work on workers is well documented. This impact is particularly significant for women.

The temporary or non-permanent nature of most part-time and casual positions means that these jobs offer very little job security which is a key feature of insecure and precarious work. The lack of job security associated with insecure and precarious work means that workers have limited access to both economic and non-economic (i.e. social and professional relationships, career progression) rewards, a lack of access which persists and is even exacerbated over time. As such, insecure and precarious work is linked to not only lower earnings but also poorer employment prospects and advancement opportunities including opportunities for skill development.21

As mentioned above the lack of meaningful flexible working arrangements in permanent employment, in particular, difficulty accessing part-time or flexible hours on return to work after parental leave22, forces many women into insecure and precarious casual work. However, the increased ability to manage paid work and caring / domestic responsibilities that casual work provides women lies in the reduced hours not the casual terms of employment. Ultimately, the insecure and precarious work that casual jobs offer result in poor job quality for women in terms of job security, economic security and access to paid leave.23

Insecure work is one of the key drivers of the gender pay gap and women experiencing poverty. Women in insecure work do not receive the same paid entitlements as full-time workers. They also often miss out on regular superannuation benefits and opportunities for advancement which perpetuate the gender pay gap. Currently the gender pay gap in Victoria is 13.5%.24

As a result of the economic disadvantages associated with insecure and precarious work women are experiencing financial and housing stress at increasingly high rates. The Australian Institute of Health and Welfare reports that nearly two-thirds (65%) of primary carers aged 25–64 found it hard to meet everyday living costs because of their caring role.25 With the majority of unpaid caring and domestic work continuing to be performed by women, it is primarily women who bear the economic consequences of balancing these responsibilities with insecure and precarious work.

The lack of part-time management positions further contributes to the gender pay gap. As such, insecure and precarious work further entrenches the glass ceiling not only in terms of the gender pay gap but also in terms of women’s advancement in leadership and managerial positions.26

For older women a life time of insecure work can result in living in poverty and an increased risk of housing stress and homelessness in later life.27 This increased risk of poverty and homelessness is caused by wage inequality, low or no superannuation (where work history pre-dates compulsory superannuation) and the necessity of having to take unpaid breaks from the labour market in order to fulfil caring responsibilities, all of which are directly linked to women’s engagement in insecure work.

Insecure work is both driven by, and entrenches, the male bread winner model

The normative ‘one and a half earner’ model that sees fathers working full-time while women work part time
hours is deeply entrenched in Australia.\textsuperscript{28} This norm together with the prevailing social attitude that views women as primarily responsible for the majority of reproductive labour, perpetuates women’s income and employment insecurity by creating a set of conditions which push women into insecure and precarious work. Thus, the ‘one and a half earner’ model and the associated feminisation of insecure work that this model gives rise to, ultimately disempowers women in both the household and the labour market.

- Once again the key issue for working women is the challenge of balancing paid work with caring / domestic responsibilities and it is this complexity that is the most significant factor in many women’s preference for part-time work with flexible work hours. However, as is often the case in the current labour market, the only work that can meet these requirements is insecure, casual work, leaving women with a choice between work with no paid leave or no work at all.\textsuperscript{29}

- Another key factor in the feminisation of insecure work is the workplace discrimination experienced by many women returning to work after a period of parental leave. According to the Australian Human Rights Commission, 36\% of mothers experience discrimination on return to work after pregnancy. Of those 36\%, half reported discrimination when they requested flexible work arrangements and almost a quarter reported being made redundant/restructured, were dismissed or did not have their contract renewed.\textsuperscript{30} This discrimination is one of the underlying causes of the overrepresentation of women in part-time, casual and therefore insecure work.

“I was directly employed more than a year ago. Another issue is a lack of maternity leave. Despite working for 5 consecutive semesters (3 years) as a casually employed sessional tutor, I did not qualify for maternity leave from either the employer ... or the government (because I was “unemployed” across the semester breaks and lost the continuity of employment required). I work hard, I pay taxes, I want to survive. It is so very hard.”

- Submission via VTHC portal (Anonymous, name provided)
WORKER SOLUTIONS

As part of the online submission portal provided by VTHC, workers were asked, as a final question: ‘If you were prime minister, what would you do to fix the problem?’ Their solutions provide an insight into the impact of insecure work.

“If I were prime minister, I would ensure job security was guaranteed with laws that protected workers.”

“Legislate to minimise casual employment and ensure at least genuine minimum award conditions were enjoyed by all workers in Australia. As a casual worker in Australia, it should be an exception rather than the rule to discover you are being exploited on a regular, if not daily basis!”

“Stop other humans being able to do this to others. I would try and give more people steady work than to have them in a mentally tolling situation like I am in. I just want to work hard and get paid a decent wage and get some time with my family.”

“Enforce stricter rules on the use of casual and contract employment. It should be used in very limited circumstances.”

“Bring in safe secure working conditions. We deserve to be paid honestly and reliably for the job we are qualified to do.”
ENDNOTES


3. The VTHC made two submissions: the first in 2003, and a second in 2005 after the release of the draft report. These can be provided. We also appeared at the public hearing.

4. A summary of outcomes of the VTHC survey and focus groups can be provided.

5. Economic Development Committee: Final report, Inquiry into Labour Hire Employment in Victoria (no longer available)


15. AIHW, 2015, Australia’s welfare 2015—in brief, Australia’s welfare no. 12. Cat. no. AUS 193, AIHW, Canberra, p. 26

16. WGEA, 2015, Australia’s Gender Equity Scorecard: key findings from the Workplace Gender Equity Agency’s 2014-15 reporting data November 2015, WGEA, Sydney, p. 3


18. Ibid. p. 21

19. WGEA, 2015, Australia’s Gender Equity Scorecard: key findings from the Workplace Gender Equity Agency’s 2014-15 reporting data November 2015, WGEA, Sydney, p. 8


25. AIHW, 2015, Australia’s welfare 2015—in brief, Australia’s welfare no. 12. Cat. no. AUS 193, AIHW, Canberra, pp. 52

26. WGEA, 2015, Australia’s Gender Equity Scorecard: key findings from the Workplace Gender Equity Agency’s 2014-15 reporting data November 2015, WGEA, Sydney, pp. 11


