



Australian Government
Department of Education,
Skills and Employment

Inquiry into Australia's skilled migration program

Submission from the Department of Education, Skills and Employment to the Joint Standing Committee on Migration



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Inquiry into Australia's skilled migration program

Introduction

The Department of Education, Skills and Employment (the department) welcomes the opportunity to make a submission to the *Joint Standing Committee on Migration's (the committee) Inquiry into Australia's skilled migration program*. The department has prepared this submission addressing the full Terms of Reference outlined by the committee.

Executive Summary

The department has a role in advising the Australian Government on skilled migration policy settings as it relates to education, skills and employment. It recognises that skilled migration is critical to the Australian economy and adds new skills and experience to our workforce. Employers need access to skilled and experienced workers which they cannot source locally, with protections in place for Australian and migrant workers. The department is supportive of the current skilled migration program in meeting its intended objectives.

Unsurprisingly, the ability of the skilled migration program to achieve its intended objectives has been impacted by the COVID-19 pandemic. The department is supportive of the introduction of the Priority Skilled Migration Occupation List (PMSOL) developed by the National Skills Commission (NSC) to address critical skills needs.

The department provides policy advice to government in relation to migration settings and the operation of the labour market more broadly. The NSC, with an independent National Skills Commissioner, provides evidence-based labour market analysis to Government to assist it in deciding which occupations are listed as eligible under Australia's skilled migration program. The department notes that the NSC will be providing a separate submission to this inquiry.

The COVID-19 pandemic has prevented many international students, particularly those from China, from arriving in Australia. Restrictions have seen education providers move their teaching online, with international students having to adjust to online study. In relation to international students, the sector is of immense value to the Australian economy, drawing international talent and building capacity in Australia. In 2019, more than 750,000 international students studied in Australia¹, which generated over \$40.3 billion in export revenue² and supported nearly 250,000 jobs³. International students are vital to producing a pipeline of skilled individuals in Australia and filling skills needs in the future workforce. International students contribute significantly to the achievement of the objectives of the skilled migration program.

¹ <https://internationaleducation.gov.au/research/International-Student-Data/Documents/MONTHLY%20SUMMARIES/2019/Dec%202019%20MonthlyInfographic.pdf>

² https://internationaleducation.gov.au/research/Research-Snapshots/Documents/RS_DataSources2020.pdf

³ https://internationaleducation.gov.au/research/Research-Snapshots/Documents/RS_Job%20supported%202018.pdf

The department also administers the Skilling Australians Fund (SAF) and assessments of prospective migrants' skills, qualifications and/or work experience by assessing authorities. As such, it is in a unique position to provide input and consider the impact of Australia's migration policies and programs, especially in light of the COVID-19 pandemic.

Is the skilled migration program meeting its intended objectives?

Skilled migration complements the Australian workforce

The Australian Government's skilled migration program is focussed on ensuring business and industry, including those in regional Australia, can access skilled workers to fill skilled workforce needs. The skilled migration program supports Australian businesses to access critical skills in a timely way if workers are unavailable locally. With the nature of work becoming more complex and the demand for specialist skillsets growing, temporary skilled migrants remain important for Australian businesses to stay competitive and access talent quickly.

Reforms to the skilled migration program in 2017 which set out the objectives of the skilled migration program⁴ saw the introduction of the Short-term Skilled Occupation List (STSOL), Medium and Long-term Strategic Skills List (MLTSSL) and Regional Occupation List (ROL). The department supports the overarching objectives of a skilled migration program that enables the smooth operation of the labour market by filling local vacancies that cannot be met by Australians.

Furthermore, the department supports the means by which these objectives are achieved. For example, Labour Market Testing (LMT) ensures that employers have first undertaken checks to ensure that local job seekers are not available to fill a particular vacancy. Further, the Temporary Skilled Migration Income Threshold (TSMIT), currently set at \$53,900, is designed to protect lower paid Australian jobs and ensure skilled migrants can support themselves while in Australia. Finally, the review of Australia's skilled migration occupation lists ensure that it is only those occupations where there is a demonstrated workforce need that remain accessible for those looking to work in Australia on skilled visas. Together these policy settings ensure that Australians have the first opportunity to fill available positions.

To ensure Australia meets its labour market needs, comprehensive labour market analysis and stakeholder consultation is undertaken by the NSC. This analysis is then provided to Government to assist the Minister for Employment, Skills, Small and Family Business in providing advice to the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs on the recommended composition of the skilled migration occupation lists. The Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs is the final decision maker on the composition of the lists.

⁴ <https://minister.homeaffairs.gov.au/peterdutton/Pages/update-of-skilled-visa-occupations-lists.aspx>

More recently, the PMSOL⁵, which identifies 18 occupations, supports the objectives of the skilled migration program by providing an avenue for filling critical skills needs to support Australia's economic recovery from the COVID-19 pandemic.

Size and scope of the skilled migration program

During periods of economic downturn and/or a softer global economy, migration continues to have a role to play in contributing to economic growth and to meeting short-term labour and longer-term skilled workforce needs. Currently, the migration ceiling for the 2020-21 migration program is set at 160,000 places. Due to restrictions on migration and other impacts of the COVID-19 pandemic, program outcomes for the year did not reach the ceiling.

The department supports a maintenance or temporary increase in the planning ceiling, with a focus on employer-sponsored visa categories where primary applicants are job matched as a condition of visa grant. This will keep Australia competitive in the global market for attracting talent and address skills gaps that have widened due to the interruption to migration caused by the COVID-19 pandemic.

The department considers that the STSOL, MLTSSL, ROL and PMSOL appropriately support the intended objectives of the skilled migration program⁶ as they harness independent labour market advice and extensive stakeholder consultation from the NSC.

International students are beneficial to the Australian economy

International talent, both students and professionals, builds capacity in Australia and is a substantial contributor to the economy. As Australia's largest services export industry, international education contributed \$37.5 billion to our economy over 2019-20 and supported nearly 250,000 jobs.

With strong employment and language skills international graduates are well-positioned to secure permanent resident status, including through the Skilled Migration Program. In 2019-20, around 60 per cent of the permanent residency visas granted through the Skilled Migration Program were to people who previously held an international student visa in Australia⁷.

International students can now receive skilled migration points for study in Australia and for meeting the Australian study requirement, a feature of the skilled migration system that makes studying in Australia attractive.

While the closure of Australia's borders has been critical to the successful management of the spread of COVID-19, it also means that many current international students are unable to return to their onshore studies. The Australian Government is in discussions with all states and territories about planning for international student arrivals when conditions allow. Any future decisions will be guided by expert health advice and in alignment with all Australian Government directives.

⁵ [Priority Migration Skilled Occupation List \(homeaffairs.gov.au\)](https://www.homeaffairs.gov.au/peterdutton/Pages/update-of-skilled-visa-occupations-lists.aspx)

⁶ <https://minister.homeaffairs.gov.au/peterdutton/Pages/update-of-skilled-visa-occupations-lists.aspx>

⁷ Source: DHA, [Australian Migration Statistics, 2019-20](#), updated 30 November 2020

With the reopening of borders, Australia is competing with other countries for the economic, social and cultural benefits international students bring. Attractive visa settings will make Australia the preferred destination for international students.

Role of the department to ensure Australia remains a leader in education services

The department plays a key role in ensuring Australia remains a leader in the provision of education services to overseas students. It administers both *the Education Services for Overseas Students Act 2000 (ESOS Act)* and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (the ESOS Framework). This framework underpins the provision of international education and outlines the rights and responsibilities of both providers and students.

In addition, Australia has one of the strongest and most effective student protection arrangements in the world, with safeguards for students at every stage of their education. Strong governance frameworks ensure that international students receive the courses and the quality education they expect, protecting Australia's international reputation. This reputation for stability and quality is what makes us so attractive to students in many source markets.

The department is responsible for supporting the Council of International Education to deliver the goals and objectives of the *National Strategy for International Education 2025*. As recognised in the National Strategy, regional Australia is important to Australian international education, offering international students quality education, training and research. The Council for International Education (the Council) is considering how to grow the sector sustainably over the longer term and respond to emerging competitive pressures. The Council is developing a new Australian Strategy for International Education which will guide the recovery of the sector as it continues to feel the impact of COVID-19 in 2021 and beyond.

Post study work rights

In order to dissociate student visas from permanent migration status, in 2010 the Australian Government announced reforms to the skilled migration program including a new, more targeted, Skilled Occupations List, a review of the points test used to assess applicants, and the potential to cap visa grants to people in particular occupations.

Australia's Student and Graduate Visa Program currently provides for the temporary stay of international graduates, with incentives to work in regional areas. Changes to the Temporary Graduate visa (subclass 485) came into effect in January 2021, allowing eligible graduates from Australian institutions who have lived and studied in regional areas to gain access to an additional year to work in regional Australia after completion of their first post-study work visa. These changes will encourage international students to study in regional institutions, bringing not only export income but adding to the vibrancy of regional towns and universities. In addition, international graduates can use the time on a 485 visa to work on finding ongoing employment that may allow them to apply for skilled migration.

Due to exceptional circumstances during COVID-19, visa measures were announced by the Australian Government on 20 July 2020 to support current students with an Australian student visa who have been impacted by COVID-19. Current student visa holders studying online outside Australia due to COVID-19 are able to use that study to count towards the Australian study requirement for a post-study work visa. In addition, graduates who held a student visa are eligible to apply for a post-study work visa outside Australia if they are unable to return due to COVID-19. The Department of Home Affairs has implemented these visa changes to ensure international students can plan to travel to Australia when travel restrictions are relaxed.

Australia's post-study work rights regime is highly competitive in comparison to countries such as Canada, New Zealand, the UK and US. Both Canada and New Zealand offer post-study work rights to graduates of up to three years, with New Zealand also offering one year to graduates of diploma-level courses. The UK announced in October 2019 that it would re-introduce two years of post-study work rights in 2021 after abolishing them in 2012. The US provides one-year of post-study work rights to university graduates. This is known as Optional Practical Training and must be in the graduate's field of study. Canada announced that while borders remain closed, international students can complete up to 100 per cent of their degrees from outside of Canada and still be eligible for post-study work rights. As such, welcoming ongoing flexibility in Australia's migration policies will be an important part in enhancing Australia's competitive position overseas.

Assessing Authorities help to ensure migrant skills are appropriate for the Australian labour market

The department is responsible for facilitating the approval of, and providing ongoing support to, skilled migration assessing authorities under the Migration Regulations 1994. Under the regulations the Minister for Employment has sole discretion to approve or reject the appointment of a skilled migration assessing authority. If the Minister for Employment approves an organisation, they advise the Minister for Immigration and request that a legislative instrument naming the assessing authority be made. The Department of Home Affairs lists the approved assessing authority on their website and the organisation is then eligible to undertake skills assessments.

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The department's oversight of these authorities aims to ensure that skills recognition services are accessible, transparent, equitable and appropriate to the goals of the skilled migration program. The main purpose of skills assessments is to determine the potential employability of a prospective migrant in a nominated occupation by assessing their qualifications and skills against the Australian standards for entry to that occupation.

Assessing authorities are generally professional bodies that are responsible for establishing or applying nationally-recognised professional standards in Australia. Skills assessments are a secondary role for many of these bodies, some of which have a regulatory role (through legislatively based registration and licensing requirements) and/or a role in accrediting Australian qualifications for employment in an occupation. Regulatory and accreditation roles are linked to employment opportunities and support transparency and equity in skills assessments.

Investing in local apprenticeships and traineeships in areas of future growth and/or demand

The Skilling Australians Fund (the Fund) was established as an ongoing arrangement by the Australian Government in 2017 to ensure that the businesses that benefit from employing migrants are also skilling Australians. Since 1 July 2018, the Fund has been managed through the National Partnership on the Skilling Australians Fund.

Under the National Partnership, the Fund assists in the delivery of state and territory projects as set out in individual bilateral agreements between the Australian Government and the six participating states and territories. These projects aim to deliver improved employment outcomes for Australians by supporting the uptake of additional apprenticeships, traineeships and other employment-related training to meet employer, industry and labour market needs for skilled workers.

The Skilling Australians Fund levy (the levy) is the principal mechanism for raising revenue for the Fund. The levy is paid by employers who sponsor skilled workers from overseas, under certain visa classes. The collection of the levy in this way means that employers seeking to access skilled workers from overseas are contributing to the skills development of Australians.

Funds raised through the levy are distributed by the department through a four-year project-based National Partnership. Under this Partnership, signatory state and territory governments receive funding for projects that prioritise apprenticeships and traineeships in agreed priority areas (such as industries of future growth, occupations in demand and/or with a reliance on skilled migration).

Increasing the depth of human capital in the labour market

Beyond filling vacancies, temporary skilled migrants also improve Australia's stock of human capital. According to Bittman et al (2007), "overall, migrants have attained higher education qualifications than Australian-born prior to migration, thus raising the national levels (on a per capita basis) of human capital"⁸. This provides the labour market with more highly skilled workers, increasing its ability to adapt to the evolving needs of the economy.

One example of this are intra-corporate transfers which enable foreign companies to share knowledge and experience with another branch or associated entity in Australia to either deliver a project or train local employees. This transfer of knowledge improves the human capital of Australian born workers through access to training. Some studies have suggested that "over three-

⁸Michael Bittman et al 2007, 'Human Capital: the social costs and benefits of migration into Australia', p.34.

quarters (76 per cent) of skilled visa holders [were] helping to train or develop other workers, [with] 68.5 per cent of employers saying they were using skilled visa holders to train Australian counterparts⁹. This transfer of skills and experience enables Australia to improve its local knowledge pool and for Australians to gain new capabilities.

Helping address demographic changes caused by an ageing population

The objectives of the skilled migration program must also take into account whole-of-government objectives and work in tandem with investment in non-migration workforce strategies. Temporary skilled migrants assist in offsetting labour market challenges driven by Australia's ageing population.

An ageing population increases the demand for government-funded health care, while simultaneously reducing the size of the workforce.¹⁰ Temporary skilled migrants are generally young, with more than half of all primary Temporary Resident (Skilled Employment) visa holders aged between 25 and 34 years of age.¹¹ Younger migrants typically have longer working lives and are therefore likely to better offset the decreasing labour force.

Supporting early childhood and care workforce needs

It is recognised that there is a growing disparity between the supply and demand for a skilled Early Childhood Education and Care (ECEC) workforce. While the ECEC workforce has grown significantly over recent years, there are increasing shortfalls, particularly in regional and remote areas and with respect to Early Childhood Teachers (ECTs). Finding a balance between responding to increasing sector demand and supply pressures, whilst ensuring a high quality ECEC workforce is attracted and retained, is an ongoing challenge.

All governments have endorsed the development of a new ten-year Children's Education and Care National Workforce Strategy, which will support the recruitment, retention, sustainability and quality of the early childhood services workforce. Migration planning for this sector in the 2021-22 program will be crucial to achieving whole-of-government objectives.

Contributing to Australia's permanent migration flows

Temporary migrants are likely to become permanent migrants. Nearly half of the individuals granted permanent residency are already in Australia on a temporary visa.¹² The department notes that a range of studies and analysis find that permanent migration has strong positive impacts on Australia's economy.¹³ A valuable source of evidence on the long-term effects of permanent migration is provided by the DHA's Continuous Survey of Australia's Migrants (CSAM).¹⁴

⁹Migration Council Australia 2013, 'More Than Temporary: Australia's 457 Visa Program', p.22.

¹⁰Productivity Commission 2016, 'Migrant Intake into Australia', p.294.

¹¹Department of Home Affairs 2020, BP0012 Temporary Visa holders in Australia as of 31 May 2020.

¹²The Treasury and the Department of Home Affairs 2018, 'Shaping a Nation: Population growth and immigration over time', p.20.

¹³Productivity Commission 2016, 'Migrant Intake into Australia' and The Treasury and the Department of Home Affairs 2018, 'Shaping a Nation: Population growth and immigration over time'.

¹⁴<https://www.homeaffairs.gov.au/research-and-statistics/research/live/continuous-survey-australia-migrant>

CSAM measures the labour market integration of a randomly selected group of recently arrived migrants in the skilled and family streams. The respondents are either on a permanent residence visa or a provisional visa on a pathway to permanent residency. Migrants taking part are surveyed on three occasions to capture changes in their labour market status and measure how they have integrated over time into the Australian labour force. The survey is conducted every 12 months, with information captured at the six-month, 18-month and 30-month stages of settlement.¹⁵

CSAM findings indicate positive employment outcomes for skilled migrants on a pathway to permanent residency, and by extension, positive economic contributions to the Australian economy. The latest surveys (2018, Cohort 5¹⁶ and 6 Reports¹⁷) found that employment outcomes for permanent skilled migrants (primary applicants) were strong both at the six-month and 18-month stages of settlement.

These findings include¹⁸:

- Skilled migrants outperformed Australia's general population in terms of full-time employment and attainment of highly-skilled roles.
- Employer-sponsored migrants reported high rates of employment (93.7 per cent), participation (95.6 per cent) and above average wages in highly-skilled jobs.
- Onshore independent migrants (points tested migrants who submitted a visa application from within Australia) also reported high rates of employment (93.5 per cent) and participation rates (97.4 per cent). Living and possibly working in Australia prior to gaining permanent residency may explain their labour market integration success.
- While offshore independent migrants (points tested migrants, who submitted visa applications from overseas) had an unemployment rate of 13.6 per cent, interestingly, they reported higher average earnings than other skilled migrants.

The CSAM study finds that most skilled migrants migrate to Australia either to improve the future for themselves and their family, or for work and business opportunities.¹⁹ This intrinsic motivation, combined with the emotional and financial investment associated with relocating countries of residence, would undoubtedly increase their level of commitment to achieving long-term positive economic outcomes.²⁰

¹⁵Ibid.

¹⁶ Department of Home Affairs 2018, 'Continuous Survey of Australia's Migrants – Cohort 5 Report – Change in outcomes 2018', <https://www.homeaffairs.gov.au/research-and-stats/files/csam-cohort5-change-outcomes-2018.pdf>

¹⁷ Department of Home Affairs 2018, 'Continuous Survey of Australia's Migrants – Cohort 6 Report – Introductory Survey 2018', <https://www.homeaffairs.gov.au/research-and-stats/files/csam-cohort6-report-introductory-survey2018.pdf>

¹⁸Ibid.

¹⁹ Department of Home Affairs 2015, 'Continuous Survey of Australia's Migrants – Cohort 3 Report – Introductory Survey 2015', <https://www.homeaffairs.gov.au/research-and-stats/files/cohort3-report-introductory-survey-2015.pdf>.

²⁰Ibid.

Long-term structural changes to the skilled migration program

The Future of Work and attracting talent

In the context of COVID-19, temporary skilled migration to Australia has reduced. There were around 30,893 fewer temporary skilled visa holders in Australia at the end of January 2021 than there were at the end of March 2020. In March 2020 there were 139,331 temporary skilled visa holders. This fell to 108,438 at the end of January 2021.²¹

Looking to the future, Australia's skilled migration program will need to take into account the substantial changes to Australia's labour market, prioritise high value visa streams that drive growth and economic recovery and ensure that recruiting and employing Australian workers remains the Government's first priority.

Diversification of efforts will be important to the long-term success of the International Education sector

While the return of international students onshore will be vital to reinvigorating the international education sector, diversification efforts will be important to the longer-term success of the sector. Australian Government approaches to diversification include:

- attracting more international students to regional education institutions;
- attracting students from a wide range of source markets, through the work of our counsellors offshore who provide market intelligence on opportunities, and working with Austrade on the offshore marketing of international education;
- delivering education in new ways including more offshore and online delivery, by growing market access through Free Trade Agreements and government to government engagement to address trade barriers;
- developing new education products and services, such as micro-credentials, and sharing our expertise in education and training policy and systems, to align international systems and create opportunities for Australian providers; and,
- as almost 50 per cent of higher education enrolments are in management and information technology courses, diversifying the disciplines international students choose to study, which in turn will also address Australia's skills needs.

Migration to regional areas to better target skills needs

In 2019, the Government introduced two new regional visas - Visa subclasses 491 (Skilled Work Regional visa) and 494 (Skilled Employer Sponsored Regional visa) - to support skilled migration to regional areas to fill targeted local skills shortages. Administration of these visa subclasses are the responsibility of the Department of Home Affairs.

²¹ Department of Home Affairs, [Temporary visa holders in Australia - Datasets - data.gov.au](https://data.gov.au/dataset/temporary-visa-holders-in-australia)

Subclass 491 is a provisional visa for skilled workers who want to live and work in regional Australia. It allows skilled workers to live, work and study in designated regional areas of Australia for up to 5 years.

Subclass 494 is part of the employer sponsored stream, which enables regional employers to address identified labour shortages within their region by sponsoring skilled workers where employers cannot source appropriately skilled Australia workers. These visas allow skilled workers to work in designated regional areas of Australia for up to 5 years.

For the purpose of these visas, regional areas are defined as any location outside of a major city (Sydney, Melbourne or Brisbane). Cities such as Perth, Adelaide, the Gold Coast and the Sunshine Coast fall under Category 2, which give them access to priority processing of regional visas and access to the Regional Occupations List (ROL).

Evolving with changes to technology and social developments

Technology and social developments are prompting changes in how the labour market operates. At a micro level, there are some trends towards individual jobs becoming more sophisticated as skillsets expand and evolve. New jobs are emerging, workers are increasingly expecting flexibility, and lifelong working relationships between an organisation and their employees is no longer the norm. At a macro-level, the geography of work is also changing; for some occupations location is increasingly becoming less relevant to the ability of an individual to complete their work.

This has ramifications for Australia's skilled migration program. Workers will increasingly need to be digitally-literate, multi-disciplined and be able to work across and outside traditional job descriptions to foster innovation and bring in new ideas. To support this evolution, there are multiple pathways for temporary skilled migrants to enter Australia and adapt to its growing needs. This includes labour agreements (to meet company specific labour needs), Designated Area Migration Agreements (to meet labour needs in specific regions) and the Global Talent Visa Program (to recruit for highly skilled and specialised positions).

Recognising changing occupations and skills with ANZSCO

The department acknowledges ongoing efforts by the Australian Bureau of Statistics (ABS) in reviewing the *Australian and New Zealand Standard Classification of Occupations* (ANZSCO). ANZSCO draws on occupation information collected in surveys and the census and classifies occupations according to skill level (range and complexity of tasks) and skill specialisation (field of knowledge, tools and equipment used, etc.)²². ANZSCO assigns occupations to one of five skills levels. In Australia, only ANZSCO-classified occupations with a skill level of 1-3 are considered eligible for the skilled migration visa program. Some occupations are not on any list and are therefore not eligible to be nominated by a visa applicant – even where the occupation is classified at ANZSCO level 1-3.

²² ABS 2018, 'Labour Statistics: Concepts, Sources and Methods'.

In past reviews of the SMOL, consultation with public stakeholders has revealed that many stakeholders note ANZSCO's doesn't recognise the changing nature of job roles, as well as new and emerging occupations. The main concerns of stakeholders are that:

- ANZSCO is outdated and unrepresentative of the current labour market. Employers find it difficult to classify their labour needs with ANZSCO, particularly with emerging occupations.
- ANZSCO's reliance on formal education, training and work experience ignores soft skills which are vital for employers and exist beyond occupation titles.

In the long term, the department believes that in order to continue to meet its intended objectives, the skilled migration program will need to recognise new and emerging occupations as well as occupations that have transformed due to technological developments.