

SENATE SELECT COMMITTEE ON JOB SECURITY

AUSTRALIAN INDUSTRY GROUP

ANSWER TO QUESTIONS ON NOTICE OF SENATOR SHELDON

Question:

Could the AI Group confirm whether the following are among your members:

- a. Uber**
- b. Uber Eats**
- c. Ola**
- d. Deliveroo**
- e. Menulog**
- f. Mable**
- g. Didi**
- h. Hungry Panda**
- i. Amazon**
- j. Any other gig platform operating in food delivery, rideshare, disability services, aged care or any other industry, and if yes, which companies?**

Answer:

Ai Group has a number of major and smaller platform businesses amongst its membership. This sector has been an area of membership growth over the past couple of years.

Ai Group has a longstanding policy of not publishing its list of members, consistent with privacy legislation.

Question

The submission of the Australian Medical Association to this Inquiry made the following statements regarding the health impacts of insecure work.

“Job insecurity is a significant stressor that is associated with a range of negative health outcomes.”

“Job insecurity has a range of well-evidenced effects on individual health, including:

Stress and anxiety. An increased likelihood of psychological distress and psychiatric morbidity. A higher risk of coronary heart disease. Higher incidences of high cholesterol and hypertension. Feeling unable to report injuries or accidents suffered in the workplace.”

“Another risk of insecure work that was exposed by the COVID-19 pandemic is the impact of leave entitlements on workers’ ability to comply with public health directions.”

“Similarly, workers who are stressed about losing income may be more likely to provide inaccurate information to contact tracers.”

“Rates of insecure work are higher among people who already experience social and economic disadvantage, including women, young people, Aboriginal and Torres Strait Island peoples, migrants, and people with a disability. This means disadvantage is both a predictor of insecure work, and is exacerbated by insecure work”

“Job insecurity further exacerbates existing levels of social and economic disadvantage, and efforts to improve job security can lead to improvements in health equity.”

Could AI Group confirm whether you agree with or contest these views of the medical experts?

Answer:

In the major *4 Yearly Review of Modern Awards – Casual Employment and Part-time Employment Case* in the Fair Work Commission (FWC), the ACTU argued that casual employees tended to have poorer workplace health and safety outcomes than permanent employees.

In response to these arguments, Ai Group submitted:¹

- 112. *Ai Group does not accept that casual employment typically leads to poor health and safety outcomes.*
- 113. *The fact that some temporary employment arrangements may be managed poorly by a small minority of employers is not a valid rationale for all temporary work to be demonised.*
- 114. *Work Health and Safety (WHS) and Occupational Health and Safety (OHS) laws across Australia impose obligations on employers in respect of their employees and contractors, as well as other persons relating to the workplace or the employer’s undertaking. These obligations require an employer to eliminate risk or to minimise risk as far as is reasonably practicable; in doing so there is a specific obligation to consult with the workers when there is likely to be an OHS/WHS impact of a workplace decision. The obligations apply whether the engagement is an ongoing employment arrangement or one that is for a very short period of time.*
- 115. *In addition, the WHS laws (which apply in all states other than Victoria and Western Australia) include specific obligations for duty holders with*

¹ *Ai Group Final Reply Submission, August 2016.*

overlapping obligations to consult, cooperate and coordinate with each other in relation to health and safety duties.

- 116. All jurisdictions have guidance material in place to assist employers to understand the obligations they have to those workers who are not in their permanent employment: contractors, casuals and labour hire employees. This information has been available, and widely promulgated, for more than 10 years.*
- 117. Temporary employment arrangements should not, in themselves, reduce the safety of workers. The obligations of the employer are not lowered because the worker is engaged in an arrangement outside permanent employment.*
- 118. The law requires that casual employees receive induction, training, supervision and other support appropriate to the level of risk associated with the tasks to be undertaken. There is no legal or ethical reason why standards should be less than those provided to permanent employees.*

Consistent with the views expressed in the above Ai Group submission about casual employees, similar considerations apply to platform workers who are contractors:

- Work Health and Safety laws across Australia impose obligations on employers in respect of their employees and contractors. These obligations require an employer to eliminate risk or to minimise risk as far as is reasonably practicable. The obligations apply whether the engagement is ongoing or for a very short period of time.
- All jurisdictions have guidance material in place to assist businesses to understand the obligations they have to their workers, including employees and contractors.
- Platform work should not, in itself, reduce the health and safety of workers. The obligations of a business are not lowered because the worker is engaged as a contractor.
- The law requires that workers receive induction, training, supervision and other support appropriate to the level of risk associated with the tasks to be undertaken.

In its Decision² of 5 July 2017, in the *4 Yearly Review of Modern Awards – Casual Employment and Part-time Employment Case*, the FWC concluded:

[358] *There is also evidence (particularly that of Dr Underhill and Dr Vallance) that casual employees tend to have poorer workplace health and safety outcomes, with this being attributed to a lack of access to information, exclusion from consultation processes, lack of knowledge about rights, lower levels of instruction and training, confusion about roles, unclear lines of communication and the psychological effects of actual or perceived insecurity in employment.*

² [2017] FWCFB 3541.

However the evidence also made it clear that these effects differed because of the heterogeneous nature of casual employment. Thus casuals who were intermittently and irregularly engaged on a short term basis were more likely to have their safety endangered through a lack of knowledge, information and training, but if such casuals were satisfied with such work because it suited their personal circumstances (because, for example, they were studying full-time), they were unlikely to suffer adverse health effects because of insecurity in employment.

Consistent with the conclusions of the FWC regarding casual work, it is logical to conclude that if platform workers "*were satisfied with such work because it suited their personal circumstances (because, for example, they were studying full-time), they were unlikely to suffer adverse health effects because of insecurity in employment*".

The National Survey commissioned by the Victorian Inquiry into On-demand Work, found that most platform workers are very satisfied with their working conditions; most likely because it suits their personal circumstances:³

Working conditions					
	Agree or strongly agree	Neither agree or disagree	Yes	No	I don't know
I enjoy the work that I do	63.4	21.5	9.0	4.4	3.76
I can choose my own tasks or projects	67.9	16.4	8.5	5.5	3.87
I can work the hours I choose	72.4	14.3	7.3	4.5	4.00
I can work at the pace I choose	64.4	18.5	10.4	4.8	3.77
I am free to decide how to perform any tasks or projects I accept	62.0	18.1	12.5	5.1	3.72
I can work from home or another place that I choose	63.4	16.4	11.3	7.6	3.81
I can work for myself and be my own boss	68.5	16.0	8.4	5.2	3.89
I receive adequate support to resolve disputes over payments or tasks	40.7	27.5	11.9	11.4	3.43
The health and safety conditions are adequate	47.0	22.5	10.8	15.7	3.54

³ *Digital Platform Work in Australia – Preliminary Findings from the National Survey*, published 18 June 2019, p.26.