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5 October 2022

Select Committee on Work and Care
PO Box 6100
Parliament House
Canberra ACT 2600

By email: workandcare.sen@aph.gov.au

Dear Secretariat

Re. Responses to questions on notice

We write regarding the Select Committee's Work and Care Inquiry and the recent Senate hearing on 21 September 2022 at which questions on notice were put to Ai Group. The Committee has provided us with a response time of 5 October 2022.

Ai Group's responses are below:

- 1. CHAIR:** I listened with interest to your earlier exchange with Senator White about the right to request. I have read the most recent report on the data on the right to request, which was presented to parliament in the last month—maybe two months. It shows that the data is very inadequate. We don't know how many people are refused, and we don't know the consequences of their refusal. The piece of research—a qualitative study by Professor Baird, who was here with us an hour ago—is very inadequate to base any kind of policy prescription on, I would argue. I think we don't have enough data on what's going on, who is being refused, what the outcomes are and what we might speculate an appeal mechanism would offer. Do you have any additional research material that you'd like to give to the committee about the right to request? We'd be very interested to hear what your results might show.

Additional employer research that may be useful to the Committee in respect of the Fair Work Act's right to request provision can be found in the Fair Work Commission's proceedings on Family Friendly Work Arrangements 2015/2. Specifically, Ai Group was involved in compiling a Joint Employer Survey regarding employer responses to accommodating flexible work. Ai Group's submission regarding that Survey with links to Survey responses is [here](#).

- 2. Senator O'NEILL:** I guess the practical reality is that, when someone has to work stacking shelves between eight and 12 at night, they are often trying to informally manage that without paying somebody—they're doing it in the care currency, which doesn't have a number attached to it. I don't see how the trial that you're proposing for cert III, will actually work

for a retail worker. I can't understand how you could be a cert III qualified person, caring for children, and earn less than \$23 and a little bit per hour. There, we have a significant disincentive for people to get to work. We can talk about how nice things might be, but when we start to get down to the practical sorts of how things really work, I remain very concerned about the prevailing structures. I would hope, if you want to provide it on notice, to see some further explanation of the practical way in which you actually see the things that you've suggested working, and not just as an idea. I want to see the numbers, as in a business plan. That's what businesses rely on: 'How do the numbers in this actually work? Where's the workforce? What's got to be paid?' I think we're in a bad place.

Ms Street: Thank you, Senator. We'd certainly acknowledge that in essential industries there would be many award-reliant employees in terms of wages, but there would be many who are not. That's not to say—this isn't an open-slather proposal. We would envisage that there would be a means-test threshold similar to what there is at the moment with access to childcare subsidies. But, from an employer perspective, having a care infrastructure that supports workforce participation, including over irregular hours, is an issue, and it's something that we will be pursuing in those later inquiries.

Ai Group is unable to provide the requested numbers or business plan in respect of in-home ECEC by the Committee's time frame of 5 October 2022.

Also relevant is the Australian Government's *Family Assistance Legislation Amendment (Cheaper Child Care) Bill 2022* (**Cheaper Child Care Bill**) subsequently introduced into Parliament on 27 September 2022, which, if passed could influence the design of any in-home ECEC model. Ai Group supports the policy objectives of the Cheaper Child Care Bill and is presently reviewing its provisions.

As indicated in Ai Group's written submission, Ai Group will be participating in the upcoming Productivity Commission Childcare Inquiry where various models of ECEC are likely to be examined and informed by relevant economic and labour market data relied on by the Productivity Commission.

3. **CHAIR:** Thank you. I think we're approaching the end of our questions, but I wonder if you could take a question on notice, which is to give us the names of some companies that have good practice. I think there's a level of scepticism here in the committee, based on evidence we've heard about the difference between a policy and an outcome for employees. So we're very curious, in particular, about what the evidence base is, not just about great policy but about how it's actually changing things on the ground. So, if you could take that on notice, we certainly have the capacity to meet in a workplace and have a look at what people are doing or to call further witnesses from good places so others can learn from them.



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We refer the Committee to some data sources recognising and naming specific companies who have adopted leading practices in respect of flexible working and supporting carers. These include:

- The [current list of employers](#) awarded with the Workplace Gender Equality Agency (WGEA) Employer of Choice citation, where “Support for Caring” and “Mainstreaming Flexible Working” are included in the 2022-2024 Criteria. Generally, these employers would also be reporting to the WGEA with data available about their workplace practices and profile.
- Other award citations, such as the [Australian Financial Review's Best Places to Work Award](#) winners, where winners are selected based on both employee and employer responses. Award categories include recognition for workplace flexibility where individual employers have been identified.

Ai Group considers that these businesses are likely to have favourable outcomes for employees combining work and caring responsibilities.

We trust this assists the Committee.

Yours sincerely

Nicola Street

Director – Workplace Relations Policy, Diversity, Equity & Inclusion