



THE SENATE

SELECT COMMITTEE ON WORK AND CARE

Answers to questions taken on notice

Public hearing

Tuesday 20 September 2022, Melbourne

**Answer from Professor Sara Charlesworth
Co-convenor, Work + Family Policy Roundtable;
Academic Expert, RMIT University**

Question:

Senator O'NEILL: Can I ask one question on notice as well? You talked about the level of and the intersection with immigration. Could you provide any evidence about other jurisdictions where the level is more appropriate and enables people to actually see this as a career that they might want to come into?

Prof. Charlesworth: Do you mean in terms of being a migrant?

Senator O'NEILL: Yes.

CHAIR: Are you talking about the classification system?

Senator O'NEILL: Yes.

CHAIR: The New Zealand example you spoke of?

Prof. Charlesworth: Well, the intersection of employment regimes and migration regimes causes a huge problem for people who are migrants. But Australia's problem, which I suppose has been a problem in the UK but not in countries like Canada and New Zealand, where the pathway to permanency is much clearer—we've had a policy here since 2009, and I appreciate that it's now changing, of preferring to have temporary migration.

Senator O'NEILL: So maybe it's the Canada information that I need to get my head around. Thank you very much.

Answer:

The final question on notice from Senator O'Neill went to whether there were examples of other countries, such as Canada, doing better in respect of the treatment of migrant care workers which enables people to see a career in care work.

I have included my response in the attached word document with links to/ or soft copies of the not publicly accessible research to which I refer in separate pdf attachments.

Jurisdictions where migrant care workers have better access to careers?

Frontline care work in most OECD countries is highly gendered and low-paid with little access to a career path (OECD 2020). It is clear in most countries that the employment of migrants in care work is because locally born workers, who may have other options, opt for better paying more secure work. For example, reliance on migrants in the UK's social care sector has been described as a “migrant in the market” model, where reliance on migrant workers is largely attributed to their willingness to accept—at least temporarily—the low pay and difficult working conditions characteristic of a privatised and residual social care system in exchange for a relatively easy entry to the local labour market’ (Turnpenny & Hussein 2021: 26).

National migration regimes set the rules whereby people can enter a country to live and work and the temporary or permanent basis of residence, together with the employment, political and social protection rights that adhere to a particular migrant status, and contribute to the norms that govern the employment of migrants in different sectors (King-Dejardin 2019: 52).

The vast literature on migrant care workers, especially those in frontline jobs, points to their vulnerability relative to their native-born counterparts (for a summary see King-Dejardin 2019). UK research shows, for example, that migrant workers in social care are more likely to work for-profit employers, be on zero hours contracts and less likely to be paid the statutory minimum wage than is the case for UK-born workers (see King-Dejardin 2019; Turnpenny & Hussein 2021). In Australia migrant aged care workers are more likely to be employed on a casual basis and be underemployed than their locally-born counterparts (Charlesworth & Isherwood 2021). Such employment-related vulnerability is exacerbated by temporary visa status and also where migrants’ access to residency in a country depends on employer sponsorship of their visa (Howe et al. 2019; Charlesworth & Malone 2022; Wadehra 2021). This is because migration regulation in many countries privileges workers designated as ‘skilled’, providing them direct migration pathways and often permanent residence. In care work, however, gendered norms about what constitutes skill may intersect with the gendered norms that underpin the profound undervaluation of care work. Thus temporary migrant workers who end up in ‘low-skilled’ LTC work have had little prospect of permanent residence or citizenship (Howe et al 2019; Charlesworth & Malone 2022)

Scandinavian countries, which spend more on long term care as a proportion of GDP than many other countries, do tend to have better wages, conditions and higher staff ratios than found in other OECD countries. However evidence from Sweden, for example, suggests that non-Nordic migrants face worse conditions in care work and were more likely to report they were in temporary employment, had a higher workload and less influence over their working conditions than Nordic-born workers (Jönson and Giertz 2013 cited in Charlesworth & Isherwood 2021).

In Canada, what was known as the migrant live-in caregiver program appeared to offer better prospects for migrants who were prepared to undertake live in caregiving to families with young children or to older adults though a pathway to permanency after two years. However a recent analysis of the evolution of these policies since they were introduced in the 1950s suggest that despite promising a pathway to permanent residency, they have not delivered for many live-in care givers, placing limitations on their employment rights through employer sponsorship (Wadehra, 2021). This, it is argued, has led to the creation of a highly vulnerable workforce that is subject to working in low-wage and undervalued sectors with few protections. Based on this policy analysis it is proposed that Canada should work toward granting permanent resident status to all migrants upon arrival so workers will be able to protect themselves from exploitation and abuse. The proposal is for the establishment of a single-tier migration system in which current and future migrants, refugees, and undocumented people would be given full and permanent migration status without conditions or exceptions (Wadehra, 2021: 17).

Finally, apart from better migration regulation, ensuring that migrant care workers in countries such as Australia have access to decent work and career paths means investing in and fundamentally revaluing frontline care work. Until all work in state-funded care services is fully recognised and valued in employment regulation as 'work', to which full employment protections adhere, migrant care workers will continue to experience decent work deficits, whatever their employment contract or migration status (Charlesworth & Malone 2022: 11).

References

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ARTICLE

Migrant aged-care workers in Australia: do they have poorer-quality jobs than their locally born counterparts?

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Abstract

Migrants make up a significant and growing proportion of the aged care workforce in Australia. Using data from the 2016 National Aged Care Workforce Census and Survey, we investigate employment conditions for Australian born and overseas born frontline workers working in residential and home based aged care, focusing on two key poor job quality indicators. We find that migrant home care workers from non English speaking background (NESB) countries are the most likely to be employed on a casual basis and to report hours related underemployment. Migrant residential care workers from English speaking background (ESB) countries are more likely to be casual while NESB migrants are more likely to be underemployed. Controlling for a range of employment and socio demographic characteristics, we find that being an NESB migrant is significantly associated with both casual status and underemployment. Generally, while this association lessens with years spent in Australia, exposure to casual employment is amplified over time for NESB migrants in the residential sector. Holding a temporary visa increased the likelihood of casual employment for residential care workers and underemployment for home care workers. Working for a for profit employer was also associated with poorer job quality. Further policy shifts in Australia towards temporary migration and increased marketisation of aged care may impact on the working conditions of migrant aged care workers.

Keywords: aged care workers; Australia; migrant status; non English speaking background; job quality; contract status; underemployment

Introduction

The literature on migrant care work in developed economies emphasises an international pattern of increasing reliance on both new and existing populations of migrants in long-term care to provide a source of low-paid labour as a response to the growing demand for care workers (Simonazzi, 2009; Michel and Peng, 2017). As in other Organisation for Economic Co-operation and Development

(OECD) countries with ageing populations, in Australia there has also been a significant policy focus on meeting projected demands for an increased aged-care workforce. The supply of, and demand for aged-care workers has been the subject of several government inquiries over the last decade, with recommended workforce strategies addressing attraction and retention issues, current and future skill demands, and pay and working conditions (Productivity Commission, 2011; Senate Community Affairs Reference Committee, 2017; Tune, 2017; Department of Health, 2018b). Yet while there have been some employer calls for increased migration to help meet current and future demand (Adamson *et al.*, 2017), none of these government inquiries were charged with investigating nor made any recommendations about migration strategies to support an increased aged-care workforce.

This lack of attention to migration in the Australian aged-care workforce context is perhaps surprising, given a growing proportion of frontline aged-care workers are migrants. Australian Bureau of Statistics (ABS) Census data indicate that of personal care assistants (PCAs), the main occupation in residential aged care, the proportion of overseas-born workers grew from 43.7 per cent in 2011 to 50.2 per cent in 2016. Of aged and disabled care workers, the main occupation in home-based care, the proportion of migrants grew from 33.0 per cent in 2011 to 37.0 per cent in 2016. The 2016 profile of these two occupations in Table 1 suggests a highly feminised workforce with a higher proportion of male workers among the overseas-born than in the Australian-born population of aged-care workers. What is striking is the relatively large proportion of migrant workers who were born outside the main English-speaking background (ESB) countries, described here as non-English-speaking background (NESB) migrants.

Simonazzi (2009: 225) suggests there are two main groups of migrants who work in paid care: those who have migrated to engage in care work and those who have 'ended up' in care work because this was the only work available. Unlike many other developed countries, in Australia there have been no 'front-door' visa pathways for aged-care workers, whose work is deemed 'low-skilled' (Howe *et al.*, 2019). The Australian situation has been described as 'migrants working in aged care' rather than 'migrant aged-care workers' as historically most migrant aged-care workers have been long-standing migrants with permanent residence (Howe, 2009: 388). However, over the last decade much has changed in Australia's migration and aged-care regimes. Despite a long history of permanent migration mainly from the United Kingdom (UK) and other European countries, there has been rapid shifts both towards migration from NESB countries and towards temporary migration as the norm (Mares, 2016). As in Table 1, a growing proportion of the frontline aged-care workforce is made up of migrant workers from NESB countries. There is also evidence of an increasing number of newer migrants working in the care sector who arrived on temporary visas (Eastman *et al.*, 2018a).

In this paper, we investigate differences in migrant status for both NCWs and PCAs against two key poor job quality indicators: casual status and underemployment. These workers are the non-nursing, personal care workers in long-term care (OECD, 2019). In Australia, they make up 84 per cent of direct care workers in home-based services and 70 per cent in residential services (Mavromaras *et al.*, 2017). While their tasks can vary, HCWs and PCAs provide 'hands-on' care and

Table 1. Frontline care occupations by birthplace and sex

Occupation	Overseas born				Australian born				Total			
	Female (%)	Male (%)	N	Total NESB	Female (%)	Male (%)	N	Female (%)	Male (%)	N	Overseas born (%)	NESB (%)
Personal care assistants*	81.7	18.3	14,185	11,825	89.3	10.7	14,060	85.5	14.5	28,245	50.2	41.9
Aged and disabled workers	76.2	23.8	47,813	34,112	82.1	17.9	81,537	80.0	20.0	129,346	37.0	26.4

Note: NESB: non-English-speaking background.

Source: Australian Bureau of Statistics (ABS) Census 2016 (*Census data for this six-digit occupational grouping is not publicly available and was purchased by the authors from the ABS).

support with the activities of daily living to increasingly frail service users with complex care needs, often in conditions of understaffing and a lack of time to care (Meagher *et al.*, 2019).

We use data from the 2016 National Aged Care Workforce Census and Survey (NACWCS) to focus on differences between Australian-born workers, those born in ESB countries and those born in NESB countries. Our rationale for doing so lies in international evidence outlined below that points to differences in the working conditions between diverse groups of migrants, including in care work, that suggests in Australia NESB migrant workers may also experience some significant disadvantages in employment. Our focus on casual contract status and underemployment draws on employment relations and job quality literature that suggests these dimensions of poor job quality can contribute to employment precarity.

In the next section, we set out the framings for our analysis, drawing on a brief review of literature that highlights how regimes of care, employment and migration shape conditions for migrant care workers. We also outline relevant scholarship on the dimensions of job quality used in our analysis. After outlining our methods, we describe key findings of our analyses of the NACWCS, focusing on casual status and underemployment. In particular, we explore the extent to which any disadvantage for migrant aged-care workers is 'washed out' over time, both in terms of years spent in Australia and with the current employer.

Migrant care workers and employment conditions

Care, migration and employment regimes in international context

A number of scholars have drawn attention to the intersecting regimes of care, employment and migration in understanding how the conditions of work for migrant care workers are produced (Van Hooren, 2012; Williams, 2012; Bauer and Österle, 2013). In many instances, the convergence of these policy and regulation regimes has produced a precarious labour market for migrant workers, predominantly women. In Europe and North America, migrant status is seen to intersect with and contribute to the gendered precarity of care work, particularly for temporary and undocumented migrants (Simonazzi, 2009; Shutes and Chiatti, 2012; Michel and Peng, 2017). There has been far less focus, however, on the experience of permanent migrants, which remains the predominant grouping of migrant workers in the Australian aged-care workforce.

There is agreement in the international literature that migrant workers are significantly disadvantaged in the long-term care labour market. There is evidence of disadvantage for foreign-born care workers throughout OECD countries, including 'shorter contracts, more irregular hours, broken shifts, lower pay and in lower classified functions than non-migrant care workers', and in the UK, that migrant workers are more likely to earn less than the minimum wage, and more likely to be located in the lower-paid private sector (Columbo *et al.*, 2011: 175–176).

There is also some broad evidence of variation in the employment experiences of different groups of migrant workers based on their country of origin. For example, in the European context, non-European Union (EU) nationals generally have been found to have worse labour market outcomes than EU migrant workers (Peracchi and Depalo, 2006). In the Netherlands 'non-Western' migrants appear to have

poorer contracts and working conditions compared with migrants from Western countries (European Foundation for the Improvement of Living and Working Conditions, 2007: 47). A number of Australian studies also provide evidence that migrant workers from NESB countries experience significant disadvantages in employment (Ho and Alcorso, 2004; Colic-Peisker, 2011; Boese *et al.*, 2013).

In a qualitative Irish study, the experiences of migrant care workers were found to differ significantly according to their country of origin, with non-Irish European care workers experiencing the least disadvantage (Doyle and Timonen, 2009). Differences between locally born workers and migrant care workers who come from countries outside the dominant local language or ethnic group have also been identified in England (Stevens *et al.*, 2012) and in Sweden (Jönson and Giertz, 2013). This latter study found the experiences of Nordic-born migrant care workers were similar to Swedish-born care workers. However, non-Nordic-born migrant workers were more likely to report they were in temporary employment, had a higher workload and less influence over their working conditions than Nordic-born workers (Jönson and Giertz, 2013). Though they do not specifically consider migrant status, in their analysis of pay variance in the social care sector in the UK, Hussein and Manthorpe (2014) found that black and minority ethnic groups earn significantly less as professional and direct care workers.

Job quality and care labour in the Australian context

Work conditions are directly linked with the quality of aged-care services. The settings necessary to provide for effective care relationships between frontline workers and service users require a stable workforce and decent working conditions (Armstrong, 2016). In Australia, there is significant evidence that aged-care workers are concerned about low pay rates and poor working conditions, including not having enough time to care (Mavromaras *et al.*, 2017; Meagher *et al.*, 2019). Poor job quality directly impacts not only the continuity and consistency of formal care for older Australians, it also presents a major barrier to attraction and retention of aged-care workers into the future (Senate Community Affairs Reference Committee, 2017).

Our specific focus in this paper on contract status and having sufficient hours of work in the current job draws broadly on the job quality literature which assesses job quality from the perspective of the worker (Green, 2009; Burchell *et al.*, 2014). The job quality approach we draw in here focuses on more intrinsic or 'objective' features of the job such as wages, contract status and working time in terms of the quantum, scheduling and autonomy over hours (Charlesworth *et al.*, 2014). This approach recognises that job quality is also shaped by the socio-spatial location of the worker, including gender and migration status (Noack and Vosko, 2011).

In Australia, what is known as 'casual' employment is significant in international comparison and widely seen as a characteristic of precarious or vulnerable employment (Vosko *et al.*, 2009). Casual employees currently comprise 25 per cent of all employees (ABS, 2018a). They are excluded from many of minimum labour standards protections for permanent employees. While casual employees are entitled to an hourly rate of pay (with an additional 'loading' of 25 per cent in lieu of paid

leave), they have no right to job security, to a regular schedule of hours or to secure employment with an employer (Campbell *et al.*, 2019). Casual employees may be employed full-time or part-time.

In Australia, the rate of time-related underemployment is focused in the main on part-time workers (both casual and permanent), who would prefer to work more hours and are available to work more hours in the reference week or in the four following weeks (ABS, 2018b). This measure of underemployment includes both permanent and casual part-time workers. Underemployment is a significant and gendered problem in service industries linked to low weekly hours (Campbell *et al.*, 2019). In general terms, the fewer weekly hours part-time workers have, the more likely they are to want to work more hours (Wilkens and Lass, 2018).

Migrant status may also affect opportunities for securing quality jobs in the Australian aged-care sector. A recent Australian study exploring the experiences of Asian migrant workers found that PCAs from Southern Asia were more likely to be employed on a casual contract while migrants from both South-East Asia and Southern Asia were more likely than Australian-born workers and other migrants to be underemployed (Isherwood and King, 2017). Building on this study, we focus on differences between Australian-born, ESB migrant and NESB migrant workers in respect of contract status and underemployment. We compare the experience of these three groups in each of the HCW and PCA occupations.

The study

Data were gathered as part of the 2016 NACWCS, the fourth NACWCS conducted by the National Institute of Labour Studies on behalf of the Australian Department of Health. All aged-care-funded residential and home care support providers were invited to participate. Each organisation was sent a package, which included the employer census, a set of surveys for direct care workers (stratified according to care places/client numbers) and information about how to distribute the surveys to obtain a random sample of workers (Mavromaras *et al.*, 2017: 4–8). Responses were received from a total of 8,885 frontline workers in residential facilities (a response rate of 50%) and 7,024 workers in community outlets (a response rate of 26%) (Mavromaras *et al.*, 2017: 8). This included 2,759 PCAs in residential facilities and 4,355 home care workers (HCWs) in community-based outlets. Sampling weights were constructed and applied to the worker survey data based on data on direct care worker numbers and occupational categories provided by residential and community-based outlets (for details on the weighting approach used, see Mavromaras *et al.*, 2017: 168–172). These weighted data are used in the analyses reported in this paper.

There are some relevant limits to the 2016 NACWCS data-set. Firstly, while aged-care employer reliance on agency and brokered employment is increasing (Mavromaras *et al.*, 2017: 61, 127), the NACWCS includes only workers in a direct employment relationship with the facilities surveyed. Secondly, compared to the Census data in Table 1, the NACWCS sample has both a lower proportion of PCAs and HCWs born overseas and a lower proportion born in NESB countries (see Table 2). Finally, given our focus on underemployment, including its association to hours worked, the NACWCS data both overrepresents those PCAs working

Table 2. Comparison of socio demographic and occupational characteristics by country of birth: home care workers and personal care assistants

	Home care workers ¹			Personal care assistants ²		
	Australian	ESB	NESB	Australian	ESB	NESB
<i>Percentages</i>						
Total	70.3	11.3	18.4	60.0	8.3	31.7
Female ³	91.2	89.3***	87.2***	90.2	91.8***	80.3***
Age (mean) ³	50.36	52.77***	49.15***	45.39	48.51***	40.88***
Financial dependants: ³						
Partner and children	16.1	18.3***	17.9***	19.2	15.7***	22.3***
Partner only	14.4	9.8***	9.7***	12.6	14.5***	15.2***
Children only	18.7	15.6***	29.1***	14.7	14.5	21.1***
Others	0.8	0.1***	1.6***	0.8	0.6*	2.7***
None	50.0	56.2***	41.8***	52.7	54.8**	38.7***
Years in Australia (mean) ⁴	28.83	24.30***		26.44	13.49***	
Residency status: ⁴						
Permanent	99.3	94.2***		97.6	86.9***	
Temporary	0.7	5.8***		2.4	13.1***	
Highest post school qualification: ³						
None	16.3	11.9***	10.0***	13.8	11.9***	12.3***
Certificate	65.4	62.2***	44.9***	78.6	76.6***	52.0***
Diploma	11.5	12.4*	15.8***	4.5	7.2***	8.8***
Degree	6.8	13.5***	29.2***	3.1	4.4***	26.9***
Employment contract: ³						
Permanent/fixed term	75.0	74.9	70.0***	90.4	88.9***	90.2
Casual	25.0	25.1	30.0***	9.6	11.1***	9.8
Part time (<38 hours) ³	84.5	85.6**	89.1***	78.8	82.2***	80.4***
Paid hours worked per week (mean) ³	25.01	24.84	23.97***	30.72	31.28**	31.31***
Preferred hours: ³						
More hours	43.6	45.1*	55.7***	33.6	27.8***	49.6***
Less hours	11.4	7.6***	9.5***	10.3	7.3***	3.8***
Same hours	45.0	47.2***	34.8***	56.0	64.9***	46.6***
More than one job ³	15.6	11.6***	21.0***	6.7	5.9**	13.4***
Years in organisation (mean) ³	6.41	6.01***	5.83***	6.78	6.35***	5.82***

(Continued)

Table 2. (Continued.)

	Home care workers ¹			Personal care assistants ²		
	Australian	ESB	NESB	Australian	ESB	NESB
Type of employer:³						
Not for profit	68.8	77.7***	75.6***	64.8	54.8***	59.9***
For profit	11.2	6.1***	8.4***	30.0	39.9***	38.9***
Government	20.0	16.2***	16.0***	5.2	5.3	1.3***
Size of organisation:³						
Small (<20)	21.1	17.7***	16.7***	1.3	1.7*	0.6***
Medium (21-50)	19.8	16.5***	16.4***	10.7	12.2***	8.9***
Large (51-100)	23.3	32.1***	25.0**	31.9	29.4***	36.0***
Very large (>100)	35.7	33.7**	41.8***	56.1	56.7	54.5***

Notes: 1. N = 4,355. 2. N = 2,759. 3. Australia is the reference category. 4. English-speaking background (ESB) is the reference category. NESB: non-English-speaking background.

Significance levels: * p < 0.05, ** p < 0.01, *** p < 0.001.

longer weekly hours and underrepresents those working shorter hours compared to 2016 Census data (Eastman *et al.*, 2018b, 2018c).

Analysis approach

We draw on two key job quality indicators in the NACWCS employee survey. Firstly, we examine contract status (measured by the question: 'What best describes your form of employment?', with options of casual, permanent (full- or part-time), fixed-term contract); secondly, we examine underemployment as measured by a preference for more weekly hours of work in the current job (derived from the questions 'How many hours on average do you usually work each week in this job?' and 'How many hours (per week) would you like to work in this job?'). One solution to having insufficient hours of work is to pursue more hours in the current job. Another solution is to take on another job (Chalmers and Campbell, 2008: 493). We therefore also consider the relationship of wanting more hours of work to hours of work in the current aged-care job and also to multiple job-holding, which is strongly linked with underemployment (Wilkins and Lass, 2018).

Analyses were initially conducted to compare the socio-demographic and occupational characteristics of workers depending on their country of birth. Significance testing (using chi-square analysis and analysis of variance) was carried out on differences in respect to each of these characteristics for Australian-born, ESB and NESB workers (where the Australian-born were the reference category). In respect to characteristics which only pertain to overseas-born workers such as years in Australia and residency status, ESB is the reference category.

Logistic regression was then used to examine the impact of a number of predictors on the likelihood of casual employment and underemployment. Separate analyses were conducted for all HCWs and PCAs (including migrant and

Australian-born workers) and for migrant workers (from ESB and NESB countries). A range of variables identified in previous research as having an association with employment conditions in the care sector were used as predictor variables in the analyses. These included: socio-demographic variables (country of birth, sex, age, qualifications, financial dependants); job characteristics (tenure, usual paid hours, holding more than one job); and organisational characteristics (type of employer and size of agency). The logistic regression analyses were conducted using a direct entry method in IBM SPSS Statistics 24.0. This is because it could be assumed that over time workers would be more likely to move from casual to ongoing part-time work and also to increase their hours of work and thus be less likely to want more hours of work or have more than one job.

We also explore the extent to which time spent in Australia washes out any disadvantage for ESB and NESB workers and the association, if any, temporary migrant status has with casual status and underemployment. Thus, in the regression model for migrant workers only, we have additional variables relating to migrant status: temporary residency, years in Australia, and an interaction term for NESB status and years in Australia (NESB \times Years in Australia). We also examine tenure with the current employer as another likely mitigating factor over time to any disadvantage identified.

Findings

Socio-demographic and occupational characteristics

Table 2 sets out the key socio-demographic and employment characteristics of the HCW and the PCA respondents by country of birth. While our analyses of each group are separate, there are notable differences between the HCW and PCA respondents. On average, regardless of their country of birth, HCWs are older than PCAs and more likely to have a diploma or a degree. HCWs are also much more likely to be employed on casual contracts and to work fewer hours per week than PCAs. Perhaps as a consequence of this latter factor, HCWs are more likely to want more hours of work in their current job and to hold more than one job. Reflecting diverse aged-care sector ownership profiles, HCWs and PCAs are differently distributed across types of employer, with government and not-for-profit employment more important for HCWs and for-profit employment more important for PCAs. Finally, HCWs are also more likely than PCAs to be based in smaller aged-care organisations.

Inter-group differences were found with regards to both socio-demographic and occupational characteristics. For example, while all groups of aged-care workers are overwhelmingly female, NESB and ESB HCWs and NESB PCAs are significantly more likely to be male than Australian-born workers. HCWs and PCAs born in NESB countries were younger on average, with those born in ESB countries older than their Australian-born counterparts.

NESB migrant workers (and especially when working as a PCA) had been in Australia for a shorter period than ESB migrants. A larger proportion of NESB than ESB workers hold a temporary visa, particularly in the case of PCAs. Another distinguishing feature of the NESB workforce is the high level of formal qualifications held, both relative to the Australian-born and to the ESB aged-care

workforce. NESB HCWs are more than four times as likely to hold a degree and NESB PCAs almost nine times as likely to hold a degree than those born in Australia.

NESB HCWs and ESB PCAs were more likely to be on a casual contract of employment than their Australian-born peers. Most of the HCWs and PCAs worked less than full-time. However, workers from migrant backgrounds were more likely to work on a part-time basis. The lowest average paid weekly hours were worked by NESB HCWs (23.97 hours) while migrant PCAs worked slightly more hours on average than their Australian-born peers.

Underemployment is a marked feature of frontline aged-care work. Migrant HCWs were much more likely than their Australian-born peers to want more weekly hours of work than they currently had. Indeed, well over half of NESB HCWs wanted more hours of work (55.7%). While NESB PCAs were working almost one hour more a week on average than Australian-born PCAs, they were still significantly more likely to want more hours of work (49.6%) than their Australian-born peers (33.6%), while ESB PCAs were significantly less likely to do so (27.8%).

Underemployment in frontline aged-care work is also reflected in the high rate of multiple job-holding. The rate for NESB HCWs and PCAs was much higher than that of their Australian-born or ESB-born peers. While there are various assessments of multiple job-holding in Australia reflecting different methodologies, it is estimated that in 2016 around 8 per cent of workers held more than one job (Cassells *et al.*, 2018: 18). The rate for NESB HCWs (21%) is more than two and a half times that national average.

Migrant HCWs were less likely than Australian-born HCWs to work for for-profit employers, while migrant PCAs were more likely to do so. What is striking is the relatively low level of government employment for migrant HCWs and particularly for NESB PCAs. Finally, migrant HCWs and NESB PCAs were less likely to work for small or medium-sized employers.

Selected employment conditions of migrant workers: multivariate analyses

In the following multivariate analyses, we explore the factors associated with casual employment and underemployment separately for HCWs and PCAs, firstly for all workers (exploring the differences between ESB and non-ESB workers with their Australian-born peers) and then for our sample of migrant workers (identifying differences between ESB and NESB workers).

Casual employment

Table 3 sets out the factors associated with the likelihood of being on casual contract for both HCWs and PCAs.

One of the main factors associated with increased odds of HCWs being on a casual contract is being born in a NESB country. Controlling for all other factors in the model, NESB HCWs are 1.45 times more likely to be in casual employment than Australian-born workers. However, for ESB workers there is no significant difference in the likelihood of being on a casual contract.

When we look at outcomes for migrant HCWs, NESB workers are over five times more likely than their ESB counterparts to be casually employed. Time

Table 3. Casual employment: home care workers and personal care assistants

	Home care workers				Personal care assistants			
	All		Migrants		All		Migrants	
	OR	95% CI	OR	95% CI	OR	95% CI	OR	95% CI
Constant	1.78***		0.14***		0.69*		5.60***	
Country of birth:								
Australia	0		0		0		0	
ESB	1.00	0.91, 1.11	0		1.18**	1.06, 1.30	0	
NESB	1.45***	1.34, 1.56	5.09***	3.89, 6.67	0.70***	0.65, 0.75	0.40***	0.32, 0.50
Years in Australia			0.99*		0.99, 1.00		0.98***	
NESB × Years in Australia			0.96***		0.95, 0.96		1.02***	
Temporary resident			1.26		0.89, 1.79		1.98***	
Female	0.91	0.82, 1.01	1.04	0.87, 1.25	0.99	0.91, 1.07	1.80***	1.54, 2.10
Age	1.01***	1.01, 1.01	1.06**	1.05, 1.07	0.99***	0.99, 1.00	0.98***	0.97, 0.99
Highest post-school qualification:								
None	0		0		0		0	
Certificate	1.03	0.95, 1.11	0.66***	0.55, 0.79	1.10*	1.01, 1.20	0.88	0.71, 1.07
Diploma	0.59***	0.53, 0.67	0.45***	0.36, 0.56	1.29***	1.12, 1.47	0.67**	0.52, 0.87
Degree	0.52***	0.46, 0.58	0.15***	0.11, 0.18	1.49***	1.33, 1.67	0.82	0.66, 1.03
Financial dependants	1.10**	1.03, 1.17	2.01***	1.77, 2.28	0.62***	0.58, 0.66	0.49***	0.43, 0.55
Tenure in job	0.92***	0.91, 0.92	0.93***	0.91, 0.94	0.76***	0.75, 0.77	0.73***	0.71, 0.76
Usual paid hours	0.93***	0.93, 0.93	0.94***	0.93, 0.95	0.96***	0.96, 0.96	0.92***	0.92, 0.93
Prefer more hours	1.39***	1.31, 1.47	1.07	0.95, 1.20	1.59***	1.50, 1.69	1.95***	1.73, 2.19
More than one job	1.20***	1.11, 1.29	1.32***	1.14, 1.53	2.03***	1.87, 2.21	2.41***	2.09, 2.78
Type of employer:								
Not-for-profit	0		0		0		0	
For-profit	4.10***	3.76, 4.46	18.15***	14.70, 22.41	1.06	1.00, 1.12	1.19**	1.06, 1.34
Government	0.58***	0.53, 0.63	0.77**	0.65, 0.93	2.67***	2.31, 3.08	1.29	0.73, 2.29
Size of agency:								
Small	0		0		0		0	
Medium	0.91*	0.84, 1.00	0.76**	0.63, 0.91	1.34	0.97, 1.86	0.75	0.43, 1.30
Large	0.81***	0.75, 0.88	0.81**	0.69, 0.95	1.47*	1.07, 2.01	1.03	0.61, 1.75
Very large	0.43***	0.39, 0.46	0.32***	0.27, 0.39	1.50*	1.09, 2.06	0.70	0.41, 1.17
Nagelkerke R^2	0.259		0.388		0.237		0.379	

Notes: OR: odds ratio. CI: confidence interval. ESB: English-speaking background. NESB: non-English-speaking background.

Significance levels: * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

spent in the host country can lessen employment disadvantages for migrant workers. While overall, migrant HCWs are 0.99 times less likely to be on a casual contract with each additional year in Australia, this effect is stronger for NESB HCWs (odds ratio (OR) = 0.96) when compared to their ESB counterparts. Being a temporary resident was not found to impact significantly upon the likelihood of casual employment for migrant HCWs.

For migrant HCWs, in addition to NESB status the likelihood of being on a casual contract was most strongly associated with working in a for-profit organisation (OR = 18.15) and having financial dependants (OR = 2.01).

For PCAs, being an ESB migrant was significantly associated with being on a casual contract, with this group 1.18 times more likely to be casually employed than Australian-born workers. On the other hand, NESB PCAs are 0.70 times less likely to be casual than Australian-born workers.

When comparing the effect of country of birth on the casual status of migrant workers only, we found that NESB PCAs are 0.40 times less likely to be casual than ESB PCAs. At the same time, while overall length of time in Australia reduces the likelihood of a migrant worker being on a casual contract (OR = 0.98), NESB PCAs were 1.02 times more likely to be casual with each additional year in Australia when compared to ESB PCAs. For migrant PCAs, other factors most strongly associated with increased odds of being on a casual contract included being on a temporary visa (OR = 1.98), wanting more hours in their current job (OR = 1.95) or holding more than one job (OR = 2.41).

Underemployment

Table 4 sets out factors associated with the likelihood of wanting more hours of work in the current job for both HCWs and PCAs.

While NESB HCWs are almost twice as likely to be underemployed than Australian-born workers (OR = 1.94), ESB HCWs are less likely to be underemployed than their Australian peers (OR = 0.90).

For migrant HCWs, the strongest predictor associated with increased odds of underemployment is being born in a NESB country. NESB HCWs are around 13 times more likely to want more hours than ESB HCWs. Overall, the likelihood of underemployment for migrant HCWs increased slightly with each additional year living in Australia (OR = 1.01). At the same time for NESB HCWs, years in Australia has a comparatively beneficial effect, with this group 0.94 times less likely to be underemployed with each additional year in Australia than ESB HCWs. Being on a temporary visa almost doubled the likelihood of a migrant HCW wanting more hours (OR = 1.97). In addition, migrant HCWs working for a for-profit employer or in medium to very large organisations were around three times more likely to be underemployed.

For migrant PCAs, one of the key factors associated with increased odds of underemployment was being born in an NESB country. NESB PCAs were 2.57 times more likely to be underemployed than ESB PCAs. While, with each additional year in Australia migrant PCAs were 0.99 times less likely to be underemployed, no differences were found between NESB and ESB PCAs. Being a temporary resident also decreased the odds (OR = 0.61) of a migrant PCA wanting more paid hours. Other factors most strongly associated with underemployment for migrant PCAs included

Table 4. Underemployment: home care workers and personal care assistants

	Home care workers				Personal care assistants			
	All		Migrants		All		Migrants	
	OR	95% CI	OR	95% CI	OR	95% CI	OR	95% CI
Constant	6.03***		1.76**		0.97		0.58**	
Country of birth:								
Australia	0				0			
ESB	0.90**	0.84, 0.97	0		0.76***	0.71, 0.81	0	
NESB	1.94***	1.82, 2.06	13.04***	10.61, 16.01	1.91***	1.84, 1.99	2.57***	2.26, 2.92
Years in Australia			1.01***	1.01, 1.01			0.99**	0.99, 1.00
NESB × Years in Australia			0.94***	0.93, 0.94			1.00	0.99, 1.00
Temporary resident			1.97***	1.51, 2.58			0.61***	0.55, 0.68
Female	0.69***	0.64, 0.75	0.78**	0.68, 0.90	0.77***	0.73, 0.81	0.78***	0.72, 0.83
Age	0.98***	0.98, 0.98	0.98***	0.97, 0.98	0.99***	0.99, 1.00	0.99***	0.99, 1.00
Highest post-school qualification:								
None	0		0		0		0	
Certificate	1.24***	1.16, 1.32	0.53***	0.45, 0.62	1.20***	1.14, 1.26	1.89***	1.72, 2.08
Diploma	0.71***	0.65, 0.77	0.30***	0.25, 0.36	0.73***	0.67, 0.79	1.23**	1.08, 1.40
Degree	0.72***	0.66, 0.79	0.22***	0.18, 0.27	1.27***	1.19, 1.37	2.20***	2.00, 2.47
Financial dependants	1.01	0.96, 1.06	1.06	0.96, 1.17	0.88***	0.85, 0.91	0.86***	0.81, 0.91
Tenure in job	0.98***	0.98, 0.99	1.03***	1.02, 1.04	0.94***	0.93, 0.94	0.95***	0.94, 0.96
Casual contract	1.35***	1.27, 1.43	1.12	0.99, 1.26	1.77***	1.67, 1.88	2.18***	1.95, 2.44
Usual paid hours	0.96***	0.95, 0.96	0.98***	0.98, 0.99	0.99***	0.98, 0.99	0.99***	0.99, 0.99
More than one job	0.58***	0.54, 0.61	0.68***	0.60, 0.76	1.19***	1.12, 1.26	1.60***	1.47, 1.75
Type of employer:								
Not-for-profit	0		0		0		0	
For-profit	1.08*	1.00, 1.17	3.36***	2.76, 4.08	1.30***	1.26, 1.35	1.82***	1.72, 1.92
Government	1.45***	1.37, 1.54	1.17*	1.03, 1.32	1.12*	1.02, 1.22	0.42***	0.32, 0.54
Size of agency:								
Small	0		0		0		0	
Medium	1.50***	1.39, 1.62	3.10***	2.64, 3.63	1.37**	1.14, 1.64	0.61**	0.45, 0.83
Large	1.57***	1.46, 1.68	2.59***	2.25, 2.99	1.44***	1.20, 1.71	1.01	0.75, 1.36
Very large	1.73***	1.62, 1.85	3.41***	2.95, 3.94	1.41***	1.18, 1.69	1.08	0.81, 1.45
Nagelkerke R^2	0.141		0.275		0.129		0.195	

Notes: OR: odds ratio. CI: confidence interval. ESB: English-speaking background. NESB: non-English-speaking background.

Significance levels: * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

being on a casual contract (OR = 2.18), working for a for-profit employer (OR 1.82) and holding a post-school qualification (especially a degree; OR = 2.20).

Discussion

Our analysis points to some significant differences between migrant HCWs and PCAs and their Australian-born counterparts in respect of the two key dimensions of poor job quality we investigated. Secure contract status and having sufficient hours of work are crucial to economic security for workers and in aged care, more specifically, better quality jobs are related to lower rates of employee turnover and improved employee wellbeing (Burgess *et al.*, 2018).

There are significant differences between ESB and NESB workers within each occupation in respect of exposure to casual status and underemployment. This finding resonates with earlier studies that suggest it is particular groups of migrants – those who are the most ‘different’ from the local norm – who are most likely to experience such disadvantage (Doyle and Timonen, 2009; Stevens *et al.*, 2012; Jönson and Giertz, 2013). What is distinctive about our findings here, however, is that the migrant aged-care workers in Australia are overwhelmingly permanent residents, rather than temporary migrants as is the case in many of the European studies above. Nevertheless, it is striking that in our study, being on a temporary visa was associated for PCAs with being casually employed and for HCWs with underemployment, which points to the additional layer of vulnerability that temporary migrants experience (Howe and Owens, 2016).

Casual status

ESB PCAs and, to a greater degree, NESB HCWs were significantly more likely to be on a casual contract than other groups. Our findings contrast with the Swedish study outlined above that found that while non-Nordic migrant care workers, including both HCWs and residential workers, were more likely to be in temporary employment than native or Nordic migrants, these effects disappeared after controlling for variables such as gender, age, education and years in the occupation (Jönson and Giertz, 2013: 816). In our study these effects remained even after controlling for such characteristics.

Casual status in Australia, as in most countries, carries with it a range of disadvantages for workers, linked both to pay insecurity and to working time insecurity (Campbell and Burgess, 2018; Campbell *et al.*, 2019). The consequences, however, of casual employment are different for HCWs and PCAs. As Fudge (2012: 17) argues, the institutional setting in which work is performed shapes both the nature and the scope of labour regulation. The location of the work undertaken by HCWs in clients’ homes makes it very different from the institutional workplaces around which labour regulation and its enforcement have been built, including in residential aged care (Charlesworth, 2017: 143). The funding and organisation of work carried out in these two different locations also means that casual HCWs are far more likely to have short and episodic hours of work built around individual client visits, while casual PCAs in institutional settings are more likely to have shifts of several

consecutive hours. The relatively predictable organisation of working time in institutional workplaces provides the basis for better working time and pay security than is the case for HCWs (Charlesworth, 2017: 143–144).

Underemployment

We found that NESB HCWs and PCAs were significantly more likely than their Australian-born or ESB counterparts to want more hours of work in their current job than they currently had. This strong association may also be due to the relative lack of family networks and other economic supports for more recently arrived NESB migrants, particularly women (Ressia *et al.*, 2017), and the fact that the process of upward mobility takes longer for ‘visible’ skilled women migrants than for ‘non-visible’ skilled women (Webb, 2015: 42). Wanting more hours of work in the current job is a significant driver for holding a second job (Bamberry and Campbell, 2012) and, in the case of aged care, may also reflect relatively low rates of pay which combined with the lack of longer-hour part-time or full-time work, is particularly difficult for migrants without family and economic capital.

Time spent in Australia

One of the key issues we explored in this study is the extent to which increased exposure to casual status and underemployment decreased with time spent in Australia. The literature suggests that time spent in a host country has a mitigating effect on employment disadvantage (Demireva, 2011; Correa-Velez *et al.*, 2015). For example, a European study (Peracchi and Depalo, 2006) found that while initially migrants, particularly female migrants, had lower employment rates than locally born workers, these differences progressively diminished over time, particularly for non-EU migrants. Our analysis supports the general trend of such findings as generally time in Australia reduced the likelihood of being on a casual contract for migrant workers.

Some differences were identified depending on country of birth. NESB HCWs when compared to their ESB peers were less likely to be on a casual contract with each year in Australia. However, for NESB PCAs, the likelihood of being on a casual contract actually *increased* with each year spent in Australia. The differences in employer practice in the two sectors may provide at least a partial explanation. Typically, home care employers start workers off on casual contracts and are most likely to offer part-time status to workers who are willing to work additional hours which the comparatively higher underemployment of NESB HCWs suggests may be the case. In the residential care sector, where PCAs generally have a lower rate of casual employment, NESB PCAs have both a shorter tenure with their employer and are more likely to hold a second job than ESB PCAs, which may mean casual workers may not be offered or be available for regular part-time work.

In terms of underemployment, we found that for migrant HCWs the effect of time in terms of years in Australia was paradoxical. With each year in Australia, migrant HCWs were more likely to be underemployed (although compared to EBS workers, NESB HCWs experienced lower odds of underemployment with

more time in Australia). In contrast, migrant PCAs were less likely to be under-employed with increasing time spent in Australia, with no difference observed between ESB and NESB migrants. This may be because the institutional location of residential aged care provides more opportunities to access additional hours for workers with longer tenure, whether through increased regular hours of work or being able to access additional shifts when other staff are absent.

Further factors influencing the employment conditions of migrant workers

Consistent with the poorer job quality faced by migrant social care workers in for-profit employers in the UK (Hussein and Manthorpe, 2014; Hussein, 2017), we found that for-profit employment was associated with a higher likelihood of being on a casual contract and underemployment for NESB migrants, particularly HCWs. While much lower than in the UK (Marczak and Wistow, 2016), for-profit employment in Australia is increasing in both sectors, particularly when measured by numbers of clients or numbers of beds rather than size of organisation, as in Table 2. In 2017/18, 17 per cent of home care packages and 47 per cent of residential care places were delivered by for-profit providers (Department of Health, 2018a). Given our findings, a rise in casualisation with associated underemployment may well result for migrant frontline aged-care workers with further projected increases in for-profit employment (Davidson, 2018).

In addition, we found that for migrant PCAs the likelihood of underemployment increased with holding post-school qualifications. Why this might be the case is not entirely clear. Australian studies focused on those with permanent migrant status suggest that women with high levels of education may end up in care work because of perceived language difficulties, the lack of recognition of overseas qualifications, as well as wanting work that accommodates family responsibilities in a context where few other supportive networks exist (O'Dwyer and Colic-Peisker, 2016; Hamilton *et al.*, 2019). At the same time, the lack of such networks and economic resources can make migrant aged-care workers more dependent on obtaining sufficient hours of paid work to meet financial obligations.

Conclusion

Our study is important for two main reasons. Migrants, particularly NESB migrants, are a growing proportion of the Australian frontline aged-care workforce, and in their direct engagement with aged-care recipients make a substantial contribution to the quality of aged-care services, as in other countries (Walsh and Shutes, 2013). Thus, the extent to which job and working time insecurity are more prevalent for migrant aged-care workers risks undermining not only the wellbeing of migrant workers but also that of the older people with whom they work (Walsh and Shutes, 2013: 414).

Both casual status and underemployment have a material effect on low-paid workers in terms of having access to sufficient predictable income and also to on-the-job training, which is crucial in gaining any career progression (Chalmers *et al.*, 2005: 51). For migrant workers, such effects are exacerbated by the precarity inherent in the migrant experience, particularly for newer migrants and those on

temporary visas (Howe and Owens, 2016). Recent shifts in migration policy have emphasised temporary over permanent migration and have made it more difficult for those on temporary visas to transition to permanency, especially for those assessed as 'low skilled', such as frontline care workers (Howe *et al.*, 2019). A 2016 ABS survey of recent Australian migrants shows that frontline care workers who had arrived in the last five years were far more likely to be on temporary visas than those who had arrived a decade before. Moreover, migrant care workers born in India, the Philippines, Nepal, Sri Lanka and Bangladesh were three times as likely to enter on a temporary visa compared to care workers born in other countries (Eastman *et al.*, 2018a).

Our analysis shows that, despite having access to the same formal minimum labour standards as other locally born and ESB migrants, NESB frontline aged-care workers are more likely to be exposed to two key dimensions of poor job quality in casual status and underemployment. This suggests that there may be well be 'racialised hierarchies' in access to better or worse conditions in care work in Australia as elsewhere (Walsh and Shutes, 2013: 396). Relying on highly qualified migrants to undertake undervalued and relatively poorly paid work may also negatively impact on migrant worker wellbeing and ultimately care quality (Ngocha-Chaderopa and Boon, 2016: 42).

Further, the poorer outcomes documented in our study for migrant workers located in for-profit employers and for those on temporary visas may well be exacerbated with the increased marketisation of aged care in Australia and the policy shift towards 'permanent' temporary migration (Mares, 2016). The growing proportion of recent migrants in frontline aged-care work thus has implications not only for quality of the jobs held by frontline aged-care migrant workers but also for the quality of services. The relatively poorer conditions experienced by migrant aged-care workers, particularly those born in NESB countries, works not only to normalise inadequate conditions of work in the sector but also undercuts good-quality relationship-based care through increased staff turnover and poor continuity of care. Discontent with hours and shifts and with pay are two key reasons HCWs and PCAs cite for leaving their last aged-care employer (Mavromaras *et al.*, 2017: 35, 94).

Despite the projected demand for an increased number of workers in aged care (Productivity Commission, 2011; Department of Health, 2018b), employers in the sector have exhibited a strong preference to employ individual workers for less than full-time hours. Over recent years, there has also been employer lobbying for migrant workers to meet the demand for aged-care workers not currently filled by local workers (Adamson *et al.*, 2017). The persistence and extent of underemployment in aged care is perplexing and points to the need for strategies that would enhance attraction and retention through improvements in the wages and working conditions of all aged-care workers, regardless of whether they are Australian-born or a permanent or temporary migrant (Howe *et al.*, 2019: 241).

There are two possible limitations to our analysis. Firstly, NESB migrant frontline aged-care workers are not a homogenous group. While our paper does not analyse the intra-group differences between NESB migrants, such an analysis is a crucial one to take up in further research. A study drawing on the 2012 NACWCS data found distinct differences between Asian PCAs, with increased precariousness for those from Southern Asia, for whom casual work and underemployment

were higher (Isherwood and King, 2017: 203). In further research, it may be useful to examine intra-group differences between NESB HCWs as well as the extent to which disadvantage washes out over time for NESB workers from diverse birth-places. Surprisingly, in Australia there is little qualitative work on migrant aged-care workers. One recent Australian study found that many educated migrant women working in frontline care work found this work both 'meaningful' and 'accessible', notwithstanding the wider context of gendered and racialised discourses about migrant women being 'well suited' to the care sector (Hamilton *et al.*, 2019). Further qualitative research specifically investigating the employment experiences of migrant aged-care workers is also warranted. This would provide an important perspective on the findings in this paper, drawing out diverse lived experiences of NESB migrant worker disadvantage in Australian aged-care employment.

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The Production of Employment Conditions for Migrant Care Workers: Cross National Perspectives

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There is widespread scholarly recognition that migrant long-term care (LTC) workers experience relatively poorer work conditions than local LTC workers. We focus here on the ways in which migration and employment regulation intersect in formal LTC markets to produce working conditions for migrant workers. Drawing on cross-national comparisons between Australia, the Netherlands and the United Kingdom we explore: firstly, the forms of employment regulation that can protect migrant LTC workers or expose them to additional risks; and secondly, how migration regulation can work to amplify employment protection gaps for certain groups of migrant workers. We find that while historically there have been better employment protections in Australia and the Netherlands, the reshaping of work in all three LTC systems creates a context within which migration regulation can exacerbate the risks of precarious work for migrant workers and for those on temporary visas in particular.

Keywords: Long term care, migrant workers, working conditions, employment regulation, migration regulation.

Introduction

There is a rich scholarship focused on the ways in which the intersections of employment, care and migration regimes shape the experiences of migrant long term care (LTC) workers (Shutes and Chiatti, 2012; Williams, 2012; Da Roit, 2018). Concern about the conditions of these workers has grown with the increase in temporary labour migration across the OECD, with migrant women disproportionately experiencing the least favourable conditions in a sector characterised by low paid, poor quality work (King Dejardin, 2019). There has been, however, less focus on how employment regulation might work to protect migrant care workers in formal LTC, particularly in countries where there are no formal exemptions from employment minima based on citizenship status.

In this article, we highlight the ways in which migration and employment regulation intersect in the formal LTC context in Australia, the Netherlands and the United Kingdom (UK). We focus, in particular, on how these intersections can produce regulatory gaps that shape working conditions for migrant workers in different LTC systems. This cross national comparison provides a useful perspective on the diverse ways employment and migration

regulation intersect in different LTC contexts. As set out below, both Australia and the Netherlands have historically had more extensive employment protections, including in LTC, than in the UK. On the other hand, until Brexit, the migration pathways EU nationals have had to LTC employment in the Netherlands and the UK differ significantly from the historical and contemporary migration pathways of LTC workers in Australia. Further, while a number of comparative studies on migrant LTC workers have included both the Netherlands and the UK, such studies rarely focus on Australia, despite the significant presence of migrants in its LTC workforce (Brennan *et al.*, 2017).

The first section of our article sets out the main conceptual underpinnings for our analysis. We provide a brief overview of existing scholarship on the intersections of care, employment and migration regimes in LTC and through the lens of precarity and 'decent work' identify a range of factors linked to the production of regulatory protections and gaps for migrant workers. In the second section, we outline available data on migrant LTC workers and key features of LTC systems that structure their employment conditions. We then turn to employment protections in the LTC sector and to the key features of migration regulation in each country that shape migrant worker access to these protections.

We focus here on formal LTC systems and on the frontline workers working in institutional settings and in clients' homes. As in much of the literature, our reference to 'migrant' workers is to those who were born outside the host country in which they work. A major challenge in examining migrant LTC workers is the gendered paucity of adequate comparative data both on frontline LTC workers (Howe *et al.*, 2019) and their migration status. Nevertheless, we want to focus attention on what Anderson suggests is a more crucial question – how 'being a migrant' plays out in employment relations, in our case in LTC, and how those employment relations are shaped by migration controls (2014: 42).

Intersecting regimes in LTC and the production of precarity

Intersecting regimes

Researchers interested in the impact of employment, care and migration regimes on migrant care workers have focussed on the complex interplay of institutions, policies, national and global conditions and policy mechanisms that produce both the conditions of care and conditions of work for LTC workers (Cangiano *et al.*, 2009; Williams, 2012). Key aspects of LTC systems that shape workers' access to decent work have been considered in several cross national studies. Da Roit and Weicht (2013) point to the *interaction* of institutional variables such as LTC expenditure and the extent of public LTC provision, regulation of cash for care schemes, regulation of migration flows, and the extent of labour market regulation. Their analysis suggests that it is often the combination of at least two of these variables that shape how migrant workers are used in LTC. The marketisation of care and of migration regulation in influencing employment outcomes and the use of migrant workers has also been emphasised (Shutes and Chiatti, 2012), as has the organisation of LTC, including the level of government funding and the extent of non profit and for profit provision (King Dejardin, 2019). The shift to homecare and the further marketisation of homecare services have also been found to shape the organisation and quality of LTC work (Bessa *et al.*, 2013; Hussein and Manthorpe, 2014).

Employment regimes, which include labour market policies and employment regulation, can protect or create risks for migrant care workers. National care labour markets

have also been noted as a factor in producing conditions (rather than simply creating demand) for migrant care workers (Cangiano *et al.*, 2009). The persistence of poor wages and conditions in LTC, especially outside direct government employment, with the resulting problems of attraction and retention of locally born workers, can create incentives for providers to employ migrant workers (Cangiano *et al.*, 2009; Howe *et al.*, 2019). In the developed country context, studies show that migrant LTC workers have poorer conditions compared to native workers, particularly in being more exposed to temporary and insecure work, employer non compliance with employment regulation, under employment and long hours (OECD, 2020a; Charlesworth and Isherwood, 2021).

National migration regimes set the rules whereby people can enter a country to live and work and the temporary or permanent basis of residence, together with the employment, political and social protection rights that adhere to a particular migrant status, and contribute to the norms that govern the employment of migrants in different sectors (King Dejardin, 2019: 52). Migration regulation in many countries privileges those workers designated as 'skilled', providing them direct migration pathways and often permanent residence. In LTC, however, gendered norms about what constitutes skill intersect with the gendered norms that underpin the profound undervaluation of LTC work. Thus temporary migrant workers who end up in 'low skilled' LTC work have little prospect of permanent residence or citizenship (Howe *et al.*, 2019).

Precarity and decent work

The concept of precarious work highlights a range of vulnerabilities in employment, from those caused through ineffective or inadequate employment protection (reflected in a low degree of employer compliance and regulatory enforcement, casual or temporary status, specific exclusion from employment regulation) to low wages (Campbell and Price, 2016). Access to employment protections is shaped by employment status, such as being self employed or an employee; the form of employment (temporary or permanent, part time or full time); as well as by social context and social location (Noack and Vosko, 2011). The fact that women are more likely than men to be in precarious jobs and working in precarious sectors highlights the gendered nature of precarity (Vosko *et al.*, 2009). Further, migrant status intersects with employment precarity with recent migrants, in particular, overrepresented in temporary and part time jobs (Noack and Vosko, 2011). Thus gender and migration status can work to shape both the extent and nature of precarious employment and the types of regulatory gaps that underpin it.

The International Labour Organisation's 'decent work agenda' offers a benchmark to assess the impact of employment regulation on working conditions for migrant LTC workers. The goal of decent work is to achieve productive work for women and men, carried out in conditions of freedom, equality, security and human dignity (Hepple, 2001). The substantial scholarship on the gendered (de)valuation of paid care work (e.g. England, 2005) suggests that the working conditions in LTC have 'decent work deficits' across a number of key indicators of decent work – which include adequate earnings, opportunities for progression, job security, predictable hours of work, the promotion of gender equality as well as a safe working environment (ILO, 2008). These features are absent in much frontline LTC work (OECD, 2020a: 20–21).

The different spatial locations of LTC in institutional or domestic settings and in government, for profit or non profit sectors or in grey markets (Shutes and Chiatti, 2012;

Kraamwinkel, 2016; Charlesworth and Malone, 2017) are also crucially important, structuring the effective reach of, and compliance with, employment regulation. These locations, together with gender and migrant status, can work to lessen or amplify decent work deficits experienced by migrant LTC workers.

Grimshaw *et al.*'s (2016) framework of intersecting 'protective gaps' in employment rights, in social protection, in representation and in enforcement is also helpful in highlighting how diverse forms of precarity can be produced in different forms of standard/non standard employment in specific country contexts. For example, much part time, variable hours and temporary employment is low paid with poor progression and limits on employment rights in respect to job security and working time. However, in countries with more inclusive regulation, such as minimum hours contracts and limits on temporary agency work, the risks of precarity for part time and temporary workers can be lessened (Grimshaw *et al.*, 2016: 10–12).

In our analysis below we seek to integrate the broader concepts of precarity and decent work deficits to highlight the ways in which regulatory gaps can be created through inadequate employment regulation which interacts with aspects of migration regimes to produce the conditions of work for migrants in LTC. We draw on a range of literature including scholarly individual and comparative country studies, relevant government, regulatory and policy studies, available OECD and national level data, as well on the specific features of the relevant migration and employment regimes in our three countries.

National LTC systems and migrant workers

LTC systems in Australia, the Netherlands and the UK

Several trends characterise recent shifts in OECD LTC systems and among the most crucial have been the expansion of homecare, a shift to personal budgets and the marketisation of care. Table 1 provides available data on aspects of LTC provision and on migrant LTC workers in our three countries.

While LTC GDP expenditure provides a general indicator of the extent of publicly provided LTC and the size of the LTC market, it provides a limited picture. In 2018, as a percentage of GDP, the Netherlands outspent the other two countries in LTC. Yet the Australian LTC system covers a slightly larger proportion of older people than does the Netherlands and has only a slightly lower ratio of personal care workers for the population aged sixty five years and over. Conversely, despite the UK's slightly larger GDP spend, the ratio of personal care workers is much lower than in Australia. Nevertheless, in all three countries this ratio has fallen over the last decade (OECD, 2020a: 17).

While previously more dependent on institutional LTC, Australia has developed a more 'balanced' LTC system over the last decade. The Australian policy commitment to expand the use of homecare is based on a rhetoric of 'choice' rather than familiarisation (Chomik and Townley, 2019). In the Netherlands, Dutch cost containment policies have seen a strong shift to homecare together with an explicit emphasis on the responsibilities of family and other carers in providing support for the elderly (Da Roit and Van Bochove, 2017).

In the UK, historically a greater proportion of recipients have used homecare than institutional care. However, the proportion of the elderly population accessing formal LTC is well below that in the Netherlands and in Australia. Strict means testing limits eligibility

Table 1 Selected features of LTC systems and migrant LTC workers

Country	LTC public expenditure as % of GDP ¹	LTC users as % of pop \geq 65 years ²		Personal carers per 100 pop \geq 65 years ²		For profit 'ownership' as % of LTC providers		Migrant workers in LTC		Migrants' main region of origin
		Homecare	Institutional	Homecare	Institutional	Homecare	Institutional	Homecare	Institutional	
Australia (pop 25 mil) \geq 65years 15.9%	1.4% (2018)	7.7% (2017)	6.2% (2017)	2.0 (2016)	2.9 (2016)	36% ³ (2019)	39% ³ (2019)	37% (2016) ⁷	50% (2016) ⁷	Southern Asia; Maritime South East Asia; Africa (2016) ⁷
Netherlands (pop 17 mil) \geq 65years 19.6%	3.8% (2018)	8.0% (2017)	4.2% (2017)	2.3 (2016)	3.5 (2016)	20% ⁴ (2015)	12% ⁵ (2019)	8% (2015) ⁸		America and Oceania; EU; Africa (2015) ⁸
United Kingdom (pop 67 mil) \geq 65years 18.5%	2.3% (2018)	NA	NA		1.2 (2017)		78% ⁶ (2018)		20% ⁸ (2015)	Africa; Asia and Middle East; EU (2015) ⁸

Sources. ¹OECD, 2020b; ²OECD Long Term Care Resources and Utilisation Statistics; ³Australian Aged Care Financing Authority (AACFA) (2020). Homecare data for personalised 'consumer directed care' only; ⁴Marczak and Wistow, 2015; ⁵Bos *et al.*, 2020; ⁶Skills for Care, 2018. Data for England only; ⁷Eastman *et al.*, 2018; ⁸OECD, 2020a.

for publicly funded LTC and progressive austerity cuts have led to an overall decline in LTC recipients in England despite growing numbers of elderly people (Kings Fund, 2020). The limited reach of the UK LTC system is also reflected in the comparatively low ratio of LTC workers in Table 1.

The steady withdrawal of government from LTC service provision with the creation of LTC markets is reflected in growing for profit provision. The vast majority of LTC in England is provided by the for profit sector, with local authorities, once the main provider, accounting for only seven per cent of LTC jobs (Skills for Care, 2018). In Australia, for profit LTC is growing rapidly, although off a lower historical base than the UK, and is a direct outcome of a shift towards marketisation in the late 1990s as a cost containment measure (Macdonald and Charlesworth, 2016). In the Netherlands, LTC provision has been overwhelmingly provided via non profit providers and local authorities. However, access to formal LTC services is becoming more targeted with the re familiarisation of LTC. Personal budgets are available to those who want to organise their own care and, if they choose, they can employ their own caregivers (da Roit, 2018). In Australia, LTC personal budgets are limited to homecare services and service users cannot directly hire workers but must go through providers.

Migrant LTC workers in Australia, the Netherlands and the UK

In Australia the proportion of migrants in LTC far exceeds that in either the UK or the Netherlands. Reflecting Australia's post WW2 policy of permanent white settler migration, migrants in LTC were historically more likely to come from the UK, New Zealand and North Western Europe (Brennan et al., 2017). However today LTC workers are more likely to come from developing South East Asian countries, such as the Philippines, and Southern and Central Asian countries, such as India, Nepal and Sri Lanka (Eastman et al., 2018).

In the UK, in contrast, only nine per cent of the labour force are migrants with 2015 OECD data indicating that around 20 per cent of LTC workers are migrants (OECD, 2020a). Recent estimates suggest that in 2020, 16 per cent of LTC workers were born outside Britain; with eight per cent holding EU nationality and nine per cent from non EEA countries. The main countries the non British workforce comes from include Romania, Poland, Nigeria and the Philippines (Skills for Care, 2020). According to the OECD, in the Netherlands around 15 per cent of the labour force was foreign born, as is the case for less than 10 per cent of those in LTC. While there is limited data on the nationality of migrant LTC workers, around a third come from other EU countries (OECD, 2020a). Live in migrant carers mainly come from EU countries, such as Slovakia, Hungary, Poland and Romania (da Roit and van Bochove, 2017).

Employment regulation and migrant LTC workers

In terms of decent work outcomes, the Netherlands outranks Australia in terms of earnings quality and particularly labour market security, with the UK well behind both countries, especially in labour market security (OECD, 2016). Further, Australia rates more highly than the UK on the protective strength of employment regulation, although not as highly as the Netherlands (Schröder, 2009). This is hardly surprising. The UK has relatively poorer employment standards with basic working time minima only put in place after the EU

Working Time Directive was implemented in 1998, and enforcement is poor. Such differences shape the nature and extent of national decent work deficits in LTC, and when combined with less secure forms of employment, working in the for profit sector and in homecare, can shape employment conditions for migrant workers.

In England migrant LTC workers are over represented in for profit employment and homecare (Skills for Care, 2018). In both sectors employment conditions are generally least favourable and distanced from protections offered in employment regulation. In Australia, migrant LTC workers are more likely to be found in residential care than in homecare, but migrant homecare workers are much more likely to work for profit employers than locally born workers (Charlesworth and Isherwood, 2021). In the Netherlands, while residential workers are typically covered by collective sectoral agreements, municipal homecare employment is becoming more de professionalised and fragmented, with workers increasingly on fixed term rather than permanent contracts (da Roit, 2018). While it is unclear the extent to which migrants work in municipal employment, available evidence suggests they are more likely to be self employed; in direct employment with families via personal budgets; in cleaning and personal household services; and, most recently, in the emerging live in LTC sector (da Roit, 2018). Unlike the self employed in the UK and Australia, who are excluded from employment protections such as a minimum wage, in the Netherlands some groups of self employed LTC workers do have contracts with minimum pay rates and entitlements to paid leave as set out below.

There are few formal distinctions between employment protections for locally engaged and (documented) migrant care workers in any of our three countries. All three countries have a National Minimum Wage (NMW). In both the Netherlands and Australia most LTC workers who are employees are also covered by sectoral agreements or 'awards' that include pay rates and some working time protections (Charlesworth and Malone, 2017; Da Roit, 2018). In Australia, for example, working time protections for workers on part time work contracts – still the most typical contract type for LTC workers – cover the maximum and minimum hours of work and the scheduling of hours. However, those working time protections are weaker than those that adhere in male dominated sectors, which have stronger limits on employer orientated flexibility in rostering part time workers (Charlesworth and Malone, 2017).

In the UK the NMW is not only a floor but also a ceiling for LTC workers, who rarely earn above it (Skills for Care, 2020). While compliance in the UK with the obligation the NMW be paid for travel time between clients is poor (Bessa *et al.*, 2013), Australian employment regulation does not yet recognise this travel time as 'work' (Charlesworth and Malone, 2017). There is little evidence in formal LTC that migrants are paid less per hour than their locally born counterparts in Australia or the Netherlands. However, in the UK non British homecare workers are more likely to be paid at or below the NMW (Bessa *et al.*, 2013).

The form of employment, that is whether LTC workers are engaged as an employee, a worker or are 'self employed', and/or whether they are deemed temporary or ongoing, also affects access to key employment protections of working time and job security. Weaker regulatory employee protection in the UK is reflected in increasing use of 'zero hours' contracts in LTC, especially in homecare. In England, while 34 per cent of all adult social care workers have zero hours contracts, this is the case for 56 per cent of homecare workers (Skills for Care, 2020). In 2013, the Low Pay Commission (LPC) reported that 80 per cent of homecare workers employed with private providers were on zero hours

contracts, and that there was a correlation between zero hours contracts and NMW underpayments (LPC, 2013).

In Australia working in homecare is also more precarious with higher rates of casualisation than in residential care. Migrant homecare workers from non English speaking background (NESB) countries are much more likely to be in casual employment and to be underemployed than locally born workers. NESB migrant homecare and residential workers in for profit employment are also more likely to be casual and underemployed (Charlesworth and Isherwood, 2021). While the majority of LTC workers, including migrant workers, are on more protective part time contracts, personalisation in homecare has led to a fragmentation of working time made possible by the relatively weaker employment regulation of homecare (Charlesworth and Malone, 2017) with employer demands for additional 'flexibility' leading to the further undermining of existing protections (Macdonald and Charlesworth, 2016).

In all three countries, evidence indicates self employment is growing with shifts to cash for care schemes and direct employment by LTC users which can disguise the role and responsibilities of employers (Christensen and Manthorpe, 2016). In the UK, over 31 per cent of direct payment recipients directly employ their own workers, estimated to be some 70,000 workers (Skills for Care, 2020). A study of migrant workers in direct employment found heightened risks of employment informality and insecurity (Christensen and Manthorpe, 2016), while an earlier study found examples of direct employers not paying tax and required national insurance contributions or creating a false self employment status for migrant workers in order to avoid these responsibilities (Cangiano et al., 2009). This has direct consequences for the 'self employed' in LTC as these workers have no entitlement to employment protections beyond some limited health and safety and anti discrimination rights (ACAS, 2021).

In Australia, there is some evidence of the increasing use of temporary agency or brokered workers by providers (Mavromaras et al., 2017) and a growth of LTC 'self employment' including through care platforms that match care and support users directly with workers (Macdonald and Charlesworth, 2016). It is noteworthy that one such platform has been used by the Australian government to provide surge LTC workforce capacity during COVID lockdowns (Skatssoon, 2020). While workers who work through labour hire agencies, are much more likely to be casual and thus have more limited working time protections than part time workers Australian self employed workers are excluded from any employment protections although, as in the UK, they may have some formal health and safety and anti discrimination protections. What is known as 'sham contracting' is a growing phenomenon in the Australian LTC sector, particularly in home care and there has been some limited enforcement action taken against home care providers who have misclassified their employees as contractors (Skatssoon, 2019).

In the Netherlands, self employed LTC workers are excluded from the more protective sector collective agreements. However, where they are employed via personal budgets specific employment regulation provides that they must have contracts with minimum pay rates and some entitlements to paid leave (da Roit, 2018). But because these workers have to pay their own social insurance and taxes (King Dejardin 2019: 100), they effectively miss out on social protection benefits including unemployment, disability and pensions (van Hooren, 2018). The specific employment regulation that directly excludes domestic workers, many of whom provide LTC services, from much of the social and employment protection that covers other workers is an example of gendered

exceptionalism in a country where the employment and social rights of part time workers have historically been well protected (van Hooren, 2018). Nevertheless, the regulation and relatively strict monitoring of personal budgets have discouraged a low paid unregulated LTC workforce, unlike in the UK where the price of services can be negotiated between user and worker favouring a 'grey market' (Da Roit *et al.*, 2015). Because of the ongoing restructuring of homecare services in the Netherlands, a small market for live in migrant carers supported by personal budgets has grown as well as a market for commercial cleaning companies providing both domestic and personal care support outside the formal LTC system (da Roit and van Bochove, 2017). However undeclared work, particularly where migrant workers lack a residence permit, creates significant employment risks for these migrant LTC workers (Kraamwinkel, 2016).

Employer compliance with employment regulation is critical, but patchy, in LTC (e.g. Charlesworth and Howe, 2018). This is especially the case for migrants, who may be even less likely to complain about their employment conditions or shift employers, which is more likely where employers are also care recipients (Shutes, 2013). Given their increasing importance in LTC and additional vulnerability in the less visible homecare sector, a specific decent work deficit for migrant homecare workers who have some rights to employment protections is the reluctance of employment regulators – particularly in the UK and Australia – to monitor and enforce labour standards in private homes: particularly where the household is the employer (Charlesworth and Malone, 2017).

Migration regulation and LTC workers

There are no designated migration pathways for frontline LTC workers in any of our three countries, which all have strict migration regimes that privilege skilled entrants. In both Australia and the UK, the employment of professional migrant nurses working in LTC is facilitated by migration regulation. However, non professional or frontline LTC work is classified as 'low skilled' and, as a consequence, those wishing to migrate to work in LTC are unable to access skilled permanent or even skilled temporary visa pathways (Howe *et al.*, 2019). However, LTC migrant workers have entered variously over time as permanent migrants, refugees, family members, students and, importantly, in the Netherlands and the UK, as EU citizens. EU freedom of movement provisions provide EU nationals with residence, work and social protection rights, which, while of temporary duration, can be renewed almost indefinitely (King Dejardin, 2019: 13).

Nevertheless, Dutch migration regulation has not encouraged the migration of EU migrant workers as in the UK and until 2007 limited the work rights of nationals from newer EU member states (King Dejardin, 2019: 99). Non EU nationals have limited work rights under the Dutch work permit system, which requires a residence permit, and it is generally difficult for those classified as 'low skilled' to obtain work permits (van Hooren, 2012). There is also some evidence in the broader LTC sector that low skilled migrants who enter on a temporary basis may overstay their residence visas and end up as undocumented migrants working in domestic work or home based care work (Kraamwinkel, 2016).

Migration regulation creates a number of employment risks for migrant LTC workers including via specific exemptions, temporary visa status and limited access to permanency. In Australia migration regulation can trump employment protections for migrants as visa breaches 'undo' the enforceability of employee employment protections

(Tham *et al.*, 2016). This legislative exemption has been at issue where international students, who make up an important share of migrants in residential LTC (Howe *et al.*, 2019), have been found to have breached visa limits on working hours. While there is international concern about undocumented migrants in informal LTC and their inherent vulnerability to employer exploitation (King Dejardin, 2019), studies suggest that income requirements for residency can force temporary migrants into low paid sectors and the informal LTC market (Anderson *et al.*, 2014), including non EU nationals as in the Netherlands (Kraamwinkel, 2016). Indeed there is a stratification of migrant workers across migration status, sex and race in non state subsidised areas of household work (King Dejardin, 2019: 101).

Temporary visa status creates a fundamentally precarious environment for many migrant LTC workers, something that will become sharply apparent for many EU nationals in the UK post Brexit context (Skills for Care, 2020). In LTC work, temporary migrant workers can easily become trapped in sectors where employment standards may be more likely to be breached such as in for profit employment. Further, migrant LTC workers, who may have temporary migration status and/or more limited work rights, often have constrained powers of exit or voice in relation to their employment (Shutes, 2013). In Australia, the labour market vulnerability of temporary migrants is intensified with no access to social protection to buffer periods of unemployment or illness, while in the UK this has also been the case for non EU migrants (Anderson *et al.*, 2014)

One of the most direct ways in which migration regulation shapes employment outcomes for migrant workers is by restricting access to residency and citizenship, where pathways to better quality work may lie, particularly outside the LTC sector. LTC work continues to be designated as low skilled work in all three countries which makes it difficult for those temporary LTC workers to gain the security and visibility to labour law that comes with rights to residency. While most migrants currently working in Australian LTC are on permanent visas, including family and humanitarian visas, growing numbers of recent migrants working in LTC are on temporary visas. Given the tightening of Australia's migration regulation these migrants are increasingly unlikely to transition to permanent residence (Howe *et al.*, 2019). The Dutch regulation, which limits employment protections for self employed LTC and domestic workers, interacts directly with the Dutch migration regime. Those migrant women who find themselves in this less formal form of work are unable to access a residence visa, as their work is not considered 'work' (Kraamwinkel, 2016: 360). Their location 'in the shadows' of both employment and migration regulation, as Kraamwinkel characterises it, also makes employer compliance and any enforcement of their more limited employment rights much more fraught.

Finally in each country, there is a growing dependence on temporary migrant workers to plug gaps in the LTC labour market. While in the UK new skills based migration regulation post Brexit will lead to LTC labour shortages (Skills for Care, 2020), in Australia there are now skilled visa exemptions in migration regulation that allow designated employers access to 'low skilled' temporary migrants from the Pacific Islands to meet demands for work in LTC (Howe *et al.*, 2019).

Conclusion

Cross national comparisons highlight the importance of national context in specific LTC regimes. In this article we have highlighted ways in which decent work deficits are created

for migrant LTC workers in each country. The UK is arguably the 'worst' case, offering little employment protection in an essentially privatised LTC regime. This leaves migrant workers open to vagaries of the increasingly precarious work in the sector, underpinned by the withdrawal of the state from LTC via austerity cuts, and very meagre labour standards beyond the minimum wage even for employees. More robust employment regulation such as in Australia and the Netherlands, in respect of access to wages that sit just above the NMW and a framework of working time rights, does buffer many LTC workers, including migrant workers, by providing access to a 'safety net' of labour standards.

Our analysis also suggests that while current regulation in different regimes can be protective or not, *historical* regulatory settings and cultural norms are also important. In both the Netherlands and Australia there has been longstanding community and institutional support for a decent NMW and other employment protections, including through sectoral agreements and, in the case of Australia, annual wage cases. These standards now protect a smaller proportion of LTC workers with the growing trend towards self employment in the Netherlands and in Australia. However, this history of (relatively) decent labour minima in the context of lower rates of privatisation than in the UK arguably has some continuing normative effect on employment in LTC, including for migrant workers. In the Netherlands in particular, cultural support for strong employment protections and workers' rights together with a relatively well regulated formal LTC system has been important in both limiting the extent of privatisation and, until recently, limiting the shift to informal care (da Roit, 2018). However, with the ongoing retreat of the state from LTC provision in the Netherlands and the rapid marketisation of LTC in Australia, the protective effect of these historical employment norms for migrant workers may wane over time in both countries.

In Australia, the UK and the Netherlands there are also shared employment protection gaps experienced by many migrant LTC workers. In the growing homecare sector, migrant LTC workers are located outside traditional and visible institutional workplaces with less effective access to any formal employment protections. Further, with the expansion of for profit provision and self employment, including through direct employment by clients, many migrant workers are effectively placed in more precarious forms of employment, often outside the reach of employment regulation. Despite the increased reliance of LTC markets on temporary migrant workers, these workers have limited or no access to citizenship rights and to better pathways to decent work.

Migration regulation can thus further erode labour protections for migrant workers and alter the balance of power between employer and worker. As Fudge argues, migration regulation has a *constitutive* role in institutionalising precarious work for migrant workers (2012). It does this via the creation of specific exemptions from employment regulation; limiting the pathway to permanency for temporary migrants in low skilled work, such as in LTC; and by limiting access to social protection. In other words, the precarity created through migration regulation amplifies decent work deficits in LTC for many migrant workers.

There is an important role for robust employment regulation in protecting migrants and indeed all LTC workers from precarious working conditions. However, the reshaping of work and funding in the LTC sector, and the national contexts in which migration regulation indirectly or directly trumps employment regulation significantly exacerbate the risks of decent work deficits for migrant LTC workers despite any employment

standards and protections to which they may be formally entitled. The increasing demand for a highly flexible LTC workforce in Australia, the UK and the Netherlands has an alarming compatibility with the proliferation of a temporary and thus disposable migrant workforce. Until *all* work in state subsidised LTC is fully recognised in employment regulation as 'work', to which full employment protections adhere, migrant LTC workers will continue to experience decent work deficits, whatever their employment contract or migration status.

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