



Fair Work
Commission

Modern Awards Review 2023-24 (AM2023/21)

Submission cover sheet

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(Please provide the name of the person lodging the submission)

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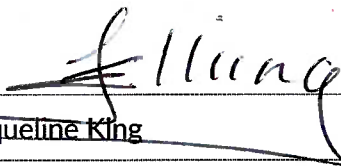
How to prepare a submission

Submissions should be emailed to awards@fwc.gov.au. Directions set out the due dates for submissions. Directions are issued by a Member of the Commission and will be published on the [Commission website](#).

Make sure you use numbered paragraphs and sign and date your submission.

Your submission. Provide a summary of your experience and any relevant issues. You may wish to refer to one or more of the issues outlined in the relevant discussion paper.

Signature:



Name:

Jacqueline King

Date:

5/02/2024



**Submission to the
Fair Work Commission**

**Modern Awards Review 2023–24
Discussion Paper—Job Security**

5 February 2024

Authorised by:

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Table of Contents

- Introduction..... 3
- The Queensland Context 3
- Response to Discussion Paper 4
 - Questions 1, 2 and 3..... 4
 - Questions 4 and 56
 - Question 66
 - Question 7 and 86
- Additional Comments6

Introduction

1. The Queensland Council of Unions (the QCU) is the peak union body in Queensland representing 25 affiliated unions and almost 400,000 Queensland workers. Our affiliates represent Queensland workers in a broad range of industries, including low paid and vulnerable workers who often find themselves in insecure work.
2. The issue of job security is of fundamental concern to the QCU. Regional Queensland workers are significantly impacted by insecure work,¹ and the casualisation of the Queensland workforce has been a longstanding concern of our affiliates who have long called for reforms to urgently address the matter.
3. The QCU have a proud history of advocating for industrial, political and social rights, and have played a leading role in improving the working lives of Queenslanders since 1885, and we welcome the opportunity to make this submission.
4. Our submission is made in support of the comprehensive submission made by the ACTU (as well as affiliates who have made their own submissions) and is intended to emphasise the key issues from a Queensland perspective. We therefore confirm our full support for the recommendations made by the ACTU.

The Queensland Context

5. The QCU is committed to the principle that every worker has the fundamental right to secure employment – decent pay and fair conditions, predictability of working hours to allow individuals and their families to plan their lives without their roster constantly changing, advance knowledge of when leave can be taken, and a reliable regular income that provides financial security.
6. The QCU is also committed to the principle that every worker has the fundamental right to be safe at work, but this is often undermined by insecure employment where workers in these circumstances are reluctant to speak up about safety issues for fear of losing their job.
7. Job insecurity remains a significant problem in Queensland, particularly in major regional centres, including Central Queensland, Wide Bay, Sunshine Coast, Townsville, and Cairns, where more than 30% of the workforce are casual.² The problem also disproportionately impacts young workers and women in Queensland (40% of casual workers in Queensland are under the age of 25 and 54% are women).³
8. Compared to other regions across the country, the casual workforce in regional centres in Far North Queensland such as Cairns and Townsville are more concentrated in low paid and casual work intensive industries, including accommodation and food services and retail trade.⁴ In places like Cairns and Townsville, where tourism is a major driver of the local economy, the problem is further aggravated by the seasonal nature of the work in these industries.

¹ QCU and ACTU, [Spotlight on Job Insecurity and Wages: CENTRAL QUEENSLAND](#), October 2021; QCU and ACTU, [Spotlight on Job Insecurity and Wages: FAR NORTH QUEENSLAND](#), September 2021.

² QCU and ACTU, [Spotlight on Job Insecurity and Wages: CENTRAL QUEENSLAND](#), October 2021.

³ Ibid.

⁴ QCU and ACTU, [Spotlight on Job Insecurity and Wages: FAR NORTH QUEENSLAND](#), September 2021.

9. Labour hire is widely used in the mining, manufacturing and meat processing industries in Queensland further contributing to job insecurity for workers in these industries.⁵
10. Further, almost one-third of all employed Queenslanders are working part-time hours (30.3%).⁶ This proportion is higher for women with 42.4% of all employed Queensland women working part-time hours.⁷
11. Variation in hours and pay are also frequently experienced by Queensland workers. For example, one-third of Queensland workers' income varies from one pay to the next, and almost one in four Queensland workers do not have a guarantee of minimum hours or any paid leave entitlements.⁸ These matters are indicative of the scale of insecure work in Queensland.

Response to Discussion Paper

12. The QCU relies principally on the comprehensive submissions of the ACTU in relation to these matters. However, we provide the following below to emphasis the QCU position on various matters.

Questions 1, 2 and 3

13. The QCU iterates the submission of the ACTU regarding the scope of this review. It should not be limited to the seven identified modern awards (as suggested in Question 1 of the discussion paper). Job insecurity is experienced by workers beyond those reliant on the seven identified modern awards and it is appropriate for this review to address the needs of all award reliant workers. Accordingly, this review should encompass all awards.
14. The QCU relies on the submissions of individual unions with respect to identifying issues and proposals relevant to specific awards as detailed in Questions 1-3 of the discussion paper. However, we provide a broad summary of the matters that will improve job security for award reliant workers:
 - a. Providing decent pay and fair conditions by:
 - i. Ensuring casual workers are fairly compensated and provided with appropriate safety net entitlements; and
 - ii. Ensuring part time workers are paid overtime for working outside agreed hours; and
 - iii. Ensuring workers receive payment during paid leave that is comparable to take home pay over the same period.
 - b. Improving predictability of working hours by:
 - i. Providing security around patterns of hours and work that have become regular; and
 - ii. Ensuring expectations about a worker's availability for work are appropriate.

Example 1:

Every worker should have a right to a guarantee of hours for each rostered shift, including a start and finish time, which cannot be shortened after presenting to work without compensating the worker appropriately based on their reasonable expectation of the work they

⁵ QCU and ACTU, Spotlight on Job Insecurity and Wages: CENTRAL QUEENSLAND, October 2021.

⁶ Adept Economics, *Statistical Report – 2023 Queensland State Wage Case*, chart 6.5 (source: ABS, Labour Force, Australia, May 2023).

⁷ Ibid.

⁸ Ibid, chart 12.4 (source: ABS, Tablebuilder, Characteristics of Employment, Australia, August 2022).

were to perform on the day. Rostering arrangements should also not impose an expectation on a worker to commence work without knowing the duration of their rostered shift. The review should identify the prevalence of these issues in particular industries and consider if any variations to existing award provisions, or additional award provisions, are required.

Example 2:

No worker should be required to be immediately available for work at short notice (i.e., "on call") without appropriate compensation. The review should identify the prevalence of "on call" arrangements in particular industries and consider if any variations to existing award provisions, or additional award provisions where they do not already exist, are required.

- c. Improving predictability of rosters by:
 - i. Limiting the circumstances where rosters can be changed, particularly at short notice; and
 - ii. Ensuring roster arrangements provide greater predictability of patterns of work.
 - d. Ensuring award reliant workers receive a reliable regular income that provides financial security by:
 - i. Ensuring minimum engagements are predictable and fair; and
 - ii. Restricting the use of monthly pay cycles.
15. With respect to types or modes of employment, the review should consider how relevant award provisions can better facilitate access to secure work. For example, this may be achieved by:
- a. Requiring the maximisation of permanent employment; and

Note:

This type of commitment currently exists in Queensland awards. For example, clause 8.4(a) of the Nurses and Midwives (Queensland Health) Award – State 2015 requires that "[e]ach employer covered by th[e] Award is committed to maximising permanent employment".

- b. Ensuring awards clearly prescribe detail about the appropriate use of each type or mode of employment; and

Note:

These types of provisions currently exist in Queensland awards. For example, clause 8.3(e)(iii) of the Queensland Fire and Emergency Service Employees Award – State 2016 prescribes that "casual employees should not be used where there is a continuous requirement for work to be performed for a set number of hours each week, when a part-time employee may be more appropriate".

- c. Requiring a periodic review of an employer's workforce to ensure a. and b. above are being satisfied.

Questions 4 and 5

16. In the view of the QCU, the exclusion of casual workers from accessing appropriate safety net entitlements is inconsistent with the new modern awards objective. For this reason, this review should ensure proper consideration is given to the extension of certain NES entitlements to casual workers, as well as any relevant award variations to supplement gaps in NES entitlements.
17. Ensuring that casual workers have a right to be absent from work due to injury or illness, without loss of pay, and relevant protections to prevent employers from taking adverse action against them for accessing the entitlement are of great importance.
18. Further, due consideration should be given to increasing the casual loading, providing paid leave (such as sick and carer's leave), and improving other award specific conditions to improve the job security of casual workers. However, we confirm our support for the ACTU's submission that these matters should be determined on an award-by-award basis to determine the relevant and necessary variations required in the context of each particular industry.

Question 6

19. The QCU confirms its support for the ACTU's call for legislative reform to remove individual flexibility provisions from modern awards.

Question 7 and 8

20. The QCU confirms its support for the comprehensive submissions of the ACTU regarding these matters.

Additional Comments

21. The QCU notes that the discussion questions do not specifically focus on addressing the relevant issues and proposals about the impact of non-standard forms of employment such as employee-like work on accessing secure work. However, given the growing prevalence of these forms of employment, including labour hire work and work in the gig economy,⁹ the review should also consider the impact of these forms of employment on secure work and how they may undermine job security and entitlements of directly employed workers in relevant industries.
22. In particular, the review should consider the prevalence of non-standard forms of employment such as employee like work in particular industries and how this may be inhibiting workers within those industries from accessing secure work.
23. The review would also benefit from considering how awards may be able to regulate the use of these types of employment or set minimum standards to ensure they do not undermine regulated forms of work in relevant industries. In the view of the QCU, these types of employment arrangements should not be used to perform jobs that could otherwise go to permanent or 'in house' employees, and awards could relevantly address the new modern awards objective by regulating this matter.

⁹ As detailed in the Senate Select Committee on Job Security, *Third interim report: labour hire and contracting*, November 2021.