

Above & beyond: Gendered austerity & comparative wage theft in aged care work

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*RESPONDING TO 'WAGE THEFT': DESCRIPTION,
EXPLANATION & POLICY*
AIRAANZ 2021 SYMPOSIUM

DECENT WORK GOOD CARE: INTERNATIONAL APPROACHES TO AGED CARE*

Investigates how **national policy, funding** ◦
employment regulation,
operationalised through
organisational practices & work design,
shapes **decent work & quality care**



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Background

- Chronically low wages & poor conditions in aged care
 - Growing recognition of impact on attraction/retention & (to some extent) care quality
- Recent /potential state interventions:
 - 2016 - Scotland: 'Real Living wage' mandatory in social care = £9.30ph for all hours inc travel & sleepovers cf UK NMW of £8.72 ph
 - 2017 - Zealand Equal Pay Settlement - ↑ hourly wages \$21-27ph over 4 level qual-based career structure cf NMW of \$18.90 ph; paid travel time; guaranteed hours mechanism
 - 2016 - Ontario: Provincial govt lifted home care workers wages to \$16.50ph above MW of \$14.00
 - ?? Australia:
 - Dec 2020 Council Assisting *Royal Commission into Aged Care Quality & Safety* recs: ↑ wages via FWC equal pay/work value case – via joint application by unions, employers & fed govt

What's wage theft got to do with it?

- *Wage theft* = more than unlawful non-payment/ underpayment of wages - also extends to legal underpayment/ non-payment of workers made possible by gaps in employment regulation & inadequate enforcement and, in the case of care work, the funding context (Macdonald et al 2018)
- We extend the concept of *wage theft* to cover:
 - Legal & illegal non/under-payment for work undertaken & time 'out of life' forgone (Murray & McCann 2014) AND
 - Institutionalised wage theft by the state
- Key conundrum: Why is endemic wage & time theft not addressed *even* where governments intervene to address low wages

→ Why is the work & time needed to do care work not fully costed & counted as 'work'

Gendered Austerity

- *Austerity* = cuts to public services/underfunding + neoliberal commitment to outsourcing & NPM techniques (Baines & Cunningham 2015); state shifts focus to accountability & reduces role in service provision (Daly et al. 2016)
- *Austerity in care systems* = reduction in govt funding to care services & employer profit taking reflects *both* systemic gendered undervaluing of care work & disregard for care quality
- *Austerity at provider level*: employer practices leading to wage theft strongly shaped by gendered norms of unpaid care work & design of public care systems (Macdonald et al 2018: 82)
- These gendered norms & public care systems sit within the *gender order* – politics of gender & larger patterns of G(I)E of contemporary society (Connell 1987, 2002)
- *Gendered austerity*: creates conditions within which undervaluation of care is produced including (but not only) thru not fully accounting for time taken to do work & for personal time 'time out of life' in standby work
- How does GA work in relation to wage theft? Erasure of relational & emotional labour (+time to care) increased with managerialism & marketisation (Aronson & Neysmith 2006) – this labour not erased from work of care but in costing /accounting for it – institutionalises the 'above & beyond' demanded of care workers

Impact of state interventions & wage theft ?

Forms of wage theft	Where	Case study sites	Legal/illegal	Regulation gaps/silences	Sector/org norms	State intervention?
Not freely able to refuse work outside contracted hours	Australia	Aus 1 & 2: NP resi & HC	Legal	Award silence & quantum unspecified in EBA silences for PT workers on standby/on call	Widespread industry norm uncosted in funding	None to date - <u>not</u> issue for RC, unions...
	Scotland	Scot 1 FP HC/ Scot 2 FP resi	Legal/illegal	WT regs only 20 mins uninterrupted	franchise norm Not inc in contracts	Not affected by SLW

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HCWs not paid at all or in full for travel time	Australia	Aus 2 HC	Legal	Award silence/basis allocation not in EBA	EBAs 'elastic'	Modern award review
	NZ	NZ 2 & 3 HC	Legal		Sector norm	Incomplete counting & costing of time
	Scotland	Scot 1 FP HC	Illegal	Funded but only paid at NMW for estimated time Travel time = work time - <u>must</u> be paid at NMW not funded by UK govt	Sector & org norm	Unfunded/ little action by HM Revenue & Customs

Concluding thoughts

- GA bigger than nation states but highlights institutionalized production of wage & time theft by state ie gendered austerity is at level of gender order tho may be differences in how time and wage theft produced in different systems
- State interventions to address low wages inadequate – assume:
 - ‘Hourly rate’ accounts for actual time taken to do the work
 - Being available/on standby & not freely able to not work, is not ‘work’ that should be remunerated
 - Work time in driving between clients is not fully ‘work’
 - Workers should bear the time and cost burden of inherent irregularities/scheduling demands of formal care
- Lessons from state interventions?
 - Increased hourly wage rates necessary but not sufficient – need to be attached to working time protections
 - State interventions (& claims for them) need to account for & cost all working time taken to provide high quality care
 - State interventions need to have built in evaluations over time (as in NZ) to fine tune and adjust funding + any new conditions proactively & strategically enforced