Submission to the Select Committee on Job Security

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Introduction

This submission has been authored by a group of multi-disciplinary academic researchers currently preparing an Australian Research Council bid for a *Centre of Excellence for Sustainable Work Futures*.

Work is a central human activity, critical to social cohesion and social identity, future economic prospects and the fulfilment of human potential. Yet over successive decades, paid employment has become more precarious and insecure. Insecure work includes fixed-term contracts; seasonal work; marginal part-time, casual and on-call work; labour hire and temporary agency work; and 'dependent' or 'disguised' self-employment[1].

Our focus in this submission is on employment *and* work. This facilitates firstly, the inclusion of all forms of work that may not necessarily constitute a formal employment relationship, and secondly, considerations beyond the workplace, including social reproduction, autonomy and wellbeing and community welfare.

We conceptualise secure work and employment as *sustainable*. Sustainable work is intrinsically linked to the natural environment and offers opportunities for productive endeavour; a fair income; social protection and prospects for personal development; freedom to express concerns, organise and participate in decisions; and equality of opportunity and treatment for women and men[2]. Sustainable work offers significant economic benefits, leads to enhanced environmental outcomes, promotes health and social cohesion, supports long-term business investment and innovation, reduces reliance on social welfare, and increases tax revenue. Countries that can create and maintain productive, sustainable employment will benefit greatly from doing so.

In contrast, atypical, alternative, fragmented, peripheral, contingent or non-standard work may in some circumstances offer flexibility and autonomy, and in others lead to eroded work conditions and limited social benefits and statutory protections. Australian institutions, as in other countries[3], rest on assumptions of stable employment, full-time jobs in traditional organisations, and an exchange of labour and loyalty for steady pay and benefits. These assumptions are currently outdated. Rival interests and urgent questions are being raised in the academic literature and media, and in organisations and public policy debates, about how institutions should respond to the challenge of creating sustainable work.

There has never been a greater need to understand the extent, nature and experiences of work that is secure and sustainable, the policy context in which work is shaped, and the economic, environmental, and health impacts of work on individuals, families and communities. However, a significant and prolonged under-investment in work and employment research in Australia and internationally has impeded evidence-informed solutions and the ability of societies to ensure that those willing and able to work, have the opportunity to do so in sustainable ways.

This submission takes a thematic approach to addressing **Terms of Reference A** (the extent and nature of insecure and precarious employment in Australia), **B** (the risks of precarious work), **C** (workplace and employment trends in different areas of the economy), and **E** (the effectiveness, application and enforcement of existing regulation and policy). The submission presents a summary of the current and emerging challenges to sustainable work and employment in Australia.

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[1] ILO (2016). *Non-standard employment around the world. Understanding challenges, shaping prospects*. Geneva: ILO.

[2] ILO (2020). *Decent Work*. Available at: https://www.ilo.org/global/topics/decent-work/lang--en/index.htm

[3] Fudge, J. (2017). The Future of the Standard Employment Relationship: Labour Law, New Institutional Economics and Old Power Resource Theory. *Journal of Industrial Relations.*

Sustainable Work in Context

Disruptions in the world of work

Research has identified at least six interrelated and powerful forces, both current and historical, that are responsible for the disruption of work and employment. First, the increase in size and influence of financial institutions, known as *financialisation*, has re-shaped employer strategies under new competitive pressures beyond the labour market and encouraged the pursuit of shareholder value over other stakeholder interests[4]. Second, *economic globalisation* and offshoring has increased competition between workers in different countries and accelerated the movement of industrial capital and workers, resulting in a decline in employment quality in parts of the economy[5].

Third, *labour market reform* has undermined worker protections and given firms greater discretion to determine wages and adopt 'flexible' or non-standard arrangements. Fourth, *the digital revolution*, including AI, automation and the growing ubiquity of mobile devices, has reduced the reliance of organisations on labour, altered work-related tasks at the level of jobs and the labour market, enabled an unprecedented level of workplace surveillance, and fuelled the growth of 'freelancers' in the on-demand economy[6]. Fifth, the impacts of *climate change* have posed threats to jobs in farming, fishing, mining, traditional manufacturing and forestry, whilst also creating the potential for Australia to be a world leader in the creation of green jobs and industries as key planks in the transition to a low-carbon future[7].

Sixth, challenges to sustainable work have been recently exacerbated by the *Covid-19 global pandemic*. Since the start of the pandemic, old cultures of rigid schedules and a requirement to be ever-present at a physical workplace have been exposed as artificial barriers to change[8]. However, a legacy of the pandemic is likely to be long-term unemployment that is higher than pre-pandemic levels, especially for young people. It is also becoming clear that some women re-entering the workforce after the pandemic are being offered lower paid roles. Further, the shift to self-employment, independent contracting or freelancing is gathering momentum in a post-COVID world of weak and uncertain demand.

Insecurity in the labour market presents profound and increasingly visible challenges. Predictions include prolonged labour market deterioration, wage suppression and detrimental impacts on workers, families and communities. The era of the Fordist employment regime – one that promised stable, secure employment with benefits – is eroding[9]. Some sociology of work scholars contend that a future of impermanence and income inequality is being created[10]. Others see a utopian-like shift in which automation and fluid hierarchies and organisations create increased discretionary time for leisure and new opportunities for mutuality and cooperation[11].

What is clear is that despite the ongoing normative influence of standard work, current and emerging trends are fundamentally challenging the economic, social, legal and environmental institutions on which Australia

[4] Cushen, J. and P. Thompson (2016), 'Financialization and Value: Why Labour and the Labour Process Still Matter', *Work, Employment and Society* 30, 2, pp.352–365.

[5] Lichenstein, N. (2009). *The retail revolution: How Wal-Mart created a brave new world of business*. New York: Picador.

[6] McDonald, P., Williams, P., Stewart, A., Mayes, R. & Oliver, D. (2020). Digital platform work in Australia: Prevalance, nature and impact. Melbourne: Victorian Government.

[7] ILO (2018). Greening with jobs. World Employment Social Outlook 2018. Available at: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_628654.pdf

[8] Murray, G., Lévesque, C., Morgan, G., & Roby, N. (2020). Disruption and re-regulation in work and employment: from organisational to institutional experimentation. Transfer: European Review of Labour and Research, 26,2, pp. 135-156.

[9] Kalleberg, A. & Vallas, S. (2018). Probing precarious work: Theory, research and politics. *Research in the Sociology of Work*, 31, pp.1-30.

[10] Standing, G. (2014). *A Precariat Charter: From Denizens to Citizens*. London: Bloomsbury.

[11] Dunlop, T. (2016). *Why the future is workless*. Sydney: NewSouth.

and other post-industrial societies have been built. Policy responses are required at multiple levels. At regional/state/national and international levels, this includes family and active labour market policies; the income support system; labour regulation and compliance regimes; industry innovation and investment; environmental regulation; and education, training and migration systems. At the industry/sectoral level, there are policy implications in relation to education/training priorities; the capacity to lobby government and influence public perception; and work arrangements characteristic of particular industries. At the organisational level, the policy sphere includes how business models engage workers either as contractors or employees; demands for workforce flexibility; the extent of remote working; and workplace surveillance mechanisms.

Outcomes of secure and insecure work

Sustainable work is integrally linked to economic security and health outcomes. For individuals, this includes physical and psychological health and stress/strain, and social identity and recognition which has been neglected in simplistic solutions offered to address precarious and insecure work[12]. Economic security and health and wellbeing are also important for relationships, including decisions about partnering and family formation, and the ability to form and maintain caring relationships. For communities, access to sustainable work affects housing security and autonomy, community integration and social cohesion[13] [14]. There is currently a lack of fine-grained data which clearly documents the extent, breadth and depth of secure and insecure work in Australia and its various impacts. This constrains the capacity to devise effective policy solutions.

Recommendation 1: Invest in longitudinal survey research that drills down from aggregate categories of employment such as 'casual', 'permanent' and 'self-employment' to detailed working time patterns across the working-age spectrum (14-70). Such data will inform future resource allocations and effective responses to transformative shifts in the labour market.

Dimensions of sustainable work

We conceptualise sustainable work as having three main dimensions, each of which denotes distinctive and fundamental transformations in the world of work which challenge sustainability.

The first dimension is **Work Continuity**. Achieving continuous participation in the formal economy can be challenging, especially at particular junctures. A lack of employment continuity makes it difficult to construct a rational life plan or career narrative which is a key source of subjective wellbeing[15]. It can result in unemployment (an absence of paid work) or under-employment, and skills that are lost to the labour market. Long-term joblessness can have scarring effects caused by lower lifetime earnings, poorer physical and mental health and greater risks of future periods of unemployment.

The challenge of discontinuous work is particularly salient at times of transition, for example, following retrenchment, redundancy, industry downturn, natural disasters or the automation of jobs in particular industries such as mining, retail, transport and logistics. We are seeing an emphasis on skills and (re)training as industries and geographic regions are transformed or restructured.

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[12] Rayner, J. (2018). *Blue Collar Frayed: Working men in tomorrow's economy*. Victoria: Redback.

[13] Gousia, K., Baranowska-Rataj, A., Middleton, T. & Nizalova, O. (2020). The impact of unemployment and non-standard forms of employment on the housing autonomy of young adults. *Work, Employment and Society*, online 1-20.

[14] Kalleberg, A. & Vallas, S. (2018). Probing precarious work: Theory, research and politics. *Research in the Sociology of Work*, 31, pp.1-30.

[15] Kalleberg, A. & Vallas, S (2018) *ibid*

The experience of paid work and the navigation of transitions into and within employment cannot be understood without a consideration of choices and obligations regarding unpaid care, government investment in care infrastructure, and tax and income support systems. Despite long-term trends towards greater gender equality in domestic and parenting work, such changes are both incremental and complex. There are long-term economic risks of career breaks and lengthy periods of reduced-hours work[16] including lower representation in positions of leadership, gender pay gaps and lower retirement incomes. Australia is ranked 44th on a global index measuring workplace gender equality, slipping from a high point of 15th in 2006[17].

Work continuity is also a challenge for those on temporary visas and in the transition between formal education and the labour market. In 2019, close to 2 million temporary migrants were living in Australia on temporary visas[18], including those for a work purpose (e.g., Temporary Skilled, Seasonal Worker Programme) and those for a non-work purpose which allows work (e.g. Working Holiday Maker, Bridging, International Student). Young people disproportionately make up the ranks of the unemployed, underemployed (where an employed person desires and is available for more hours) and non-regular workforce[19]. Around 9% of young Australians experience involuntary part-time work[20].

Recommendation 2: Following the National Skills Commission (2020)[21], establish new research alliances between employers, government, worker organisations, and education/training institutions to establish a portfolio of strategies that will build a skilled, resilient and adaptable workforce and help smooth transitions between work and non-economic activities such as study and care.

Recommendation 3: Invest in research which maps temporary international labour flows in targeted regional locations across Australia.

Recommendation 4: Establish appropriate migration policies at national, regional and local levels that address the interconnected and circular dynamics of state regulation and industry practice and which prevent and redress the creation of a second class labour force of vulnerable workers, especially in regional destination communities.

Recommendation 5: Coordinate services provided by pre-employment and income support systems, foundational skills training providers, employment services and vocational institutions together with employers and individuals to redress unemployment and underemployment.

Recommendation 6: Develop creative and effective labour market policies which lead to demand-side job creation that supports young people to find meaningful and sustainable employment.

Recommendation 7: Develop more effective workplace actions and regulation which address persistent and pervasive gender inequality.

Recommendation 8: Support the effective reconciliation of work and care over the life cycle, considering gender norms and material practices that shape different groups/cohorts of women and men in terms of their access to paid work over time.

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[16] McDonald, P. K. (2018). How 'flexible'are careers in the anticipated life course of young people?. Human relations, 71,1, pp. 23-46.

[17] World Economic Forum (2020) *Global gender gap report*, p. 12.

[18] CEDA. (2019). *Effects of temporary migration: shaping Australia's society and economy.*

[19] Kalleberg, A. & Vallas, S. (2018). Probing precarious work: Theory, research and politics. *Research in the Sociology of Work*, 31, pp.1-30.

[20] ILO (2016). *Non-standard employment around the world. Understanding challenges, shaping prospects*. Geneva: ILO.

[21] National Skills Commission (2020*). Emerging occupations. How new skills are changing Australian jobs.* Canberra: National Skills.

The second dimension of sustainable work is **Work Time and Space.** The potentialities and challenges of work that is remote or distanced from the physical workplace is increasingly evident, especially in the Covid-19 era. The internet and mobile and digital technologies have destabilised notions of 'home', 'work' and 'away'[22] for many Australians, making work markedly more elastic and the physical character of the workplace less significant. A feature of this marked change is the proliferation of surveillance and monitoring technologies including CCTV; software that monitors emails, social media and the speed of key strokes; wearables that record activity and sleep patterns; and location tracking technologies which can pinpoint the whereabouts of an individual in a building or car at any given time[23].

Organisational factors implicated in transformations to work time and space, especially in industries at the forefront of embracing remote workforces, include downsizing office space, shifting approaches to recruitment, and altered managerial expectations of productivity and working time. For workers, there are impacts on work itself, including problem-solving, knowledge-sharing, mentoring, performance evaluation and data security[24]. Shifting boundaries have highlighted prospects for what is popularly defined as better 'work/life balance', as well as employment opportunities for some groups of workers such as people with disability, who have struggled to get a foothold in the labour market.

Yet there are also risk-shifts and dark sides of 'work flexibility' and the problem of the invisibility of work undertaken in the private sphere which occurs unevenly across gender[25]. Worker experiences of public/private space and time, and boundary changes vary, as do organisational and industry responses to workforce planning, hiring, and the management of remote, flexible or distanced workers. Hybrid work, teleworking and involuntary work from home can elicit stress.

A further feature of transformations in work time and space is on-demand or on-call work, which is where a worker agrees to be available for work and is called into work as and when they are needed by the employer. On-demand work may be casual or permanent/ongoing and it can involve zero[26] guaranteed hours of paid work, or a minimum number of guaranteed hours, both of which can be 'flexed up' to additional hours that are generally paid at ordinary time rates. In 2016, almost one million Australian employees were on-demand casuals[27].

The transition to a low-carbon, greener economy also pose risks and opportunities for employers and employees. If properly managed, however, climate change can lead to a reduction in dirty and dangerous jobs and the creation of new 'green jobs'. The concept of a just transition, which has been defined as 'a fair and equitable process of moving towards a post-carbon society'[28], has served as a mobilising term for promoting 'green jobs' as a necessary component of the transition away from fossil fuels, and now encompasses a range of interventions needed to secure the rights and livelihoods of workers and

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[22] Cohen, S. Duncan, T. & Thulemark, M. (2015). Lifestyle mobilities: The crossroads of travel, leisure & migration. *Mobilities* 15,1, pp.155-172.

[23] Kidwell, R & Sprague, R (2009) Electronic surveillance in the global workplace: Laws, ethics, research and practice. *New Technology, Work and Employment* 24,2, pp.194–208.

[24] Choudhury, P. (2020). Our work-from-anywhere future. Harvard Business Review, Nov-Dec. Available at: https://hbr.org/2020/11/our-work-from-anywhere-future

[25] Williams, C. (2018). The gender of layoffs in the oil and gas industry. In Kalleberg, A. & Vallas, S. (Eds.), *Precarious Work: Causes, characteristics and consequences*, volume 31, pp. 215-245. Bingley, UK: Emerald.

[26] Campbell, I., Macdonald, F. & Charlesworth, S. (2019). On-demand work in Australia. In O'Sullivan et al (eds.). *Zero hours and on-call work in Anglo-Saxon countries,* pp. 67-90. Singapore: Springer.

[27] ABS. (2017). *Characteristics of employment*. August, cat no. 6333.0.

[28] McCauley, D., & Heffron, R. (2018). Just transition: Integrating climate, energy and environmental justice. *Energy policy, 119*, pp.1-7. doi:https://doi.org/10.1016/j.enpol.2018.04.014

communities in the shift to cleaner forms of production. It has been adopted by the International Trade Union Confederation (ITUC) and supported by the International Labour Organisation.

> **Recommendation 9:** Invest in research which uncovers the extent, patterns or variability of on-demand work, including multiple job holding and fluctuations in work hours, the business imperatives which drive this phenomenon and the economic and health impacts on workers and families.
>
> **Recommendation 10:** Develop regulation and guidelines on the boundaries of workplace surveillance which are currently highly nascent.
>
> **Recommendation 11:** In the shift to a low-carbon economy, restorative solutions will be needed for a wide set of issues and injustices including the loss of jobs in declining industries, particularly in regional Australia.

The third dimension of sustainable work is **Work Regulation and Governance**. The standard employment relationship, which assumes an ongoing contract between a single employer and an employee, is often viewed as the lynchpin of labour market regulation, a critical foundation of the social safety net, and a functional device of capital. This standardised conception of employment remains embedded in the regulatory architecture of most industrialised economies[29]. In recent decades however, the dominance of this standard model has come under pressure with the rise of sub-contracting, labour hire, franchising, freelancing and digitally intermediated work.

Offloading employer responsibilities to smaller, subordinate units enables lead firms to create a competitive market for services, driving down the costs of production and delivering consumer benefits. However, there is also evidence that such business models can result in systemic non-compliance, reduced innovation and earnings inequality. What is not well understood is the level of alignment between firm disaggregation and investor and worker interests, wage suppression[30], avoidance behaviours and inequality[31].

Increased participation in these forms of work has been fuelled by stronger alliances between consumers and shareholders which places downward pressures on business costs and promotes reliance on flexible employment and outsourcing. The shifting boundaries of work organisation, and the recent health and economic crisis arising from Covid-19, have further highlighted the limits of the individualised employment contract as a regulatory pivot and a redistributive mechanism.

Digital platforms exist across locations and scales and they are heterogenous in terms of their organisation and regulation. Many are situated in specific places whilst others operate across national and geographic boundaries, challenging the application of laws based in specific jurisdictions[32]. A 2019 Australian survey found that 13.1% of internet users had participated in digital platform work and 7.1% were currently working or offering to work through a digital platform (or had done so in the 12 months prior)[33] Digitally intermediated work offers opportunities for income generation and flexible labour market participation, but it also poses key economic and psychosocial challenges faced by platform workers including physical and social

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[29] Fudge, J. (2017). The Future of the Standard Employment Relationship: Labour Law, New Institutional Economics and Old Power Resource Theory. *Journal of Industrial Relations.*

[30] Weil, D. (2017). Income Inequality, Wage Determination, and the Fissured Workplace' in Boushey, H., Bradford Delong, J. and Steinbaum, M. (eds) *After Piketty: The Agenda for Economics and Inequality*, pp.209-231. Cambridge: Harvard University Press

[31] Hardy, T. & Stewart, A. (2018) What's Causing the Wages Slowdown. In Stewart, A., Stanford, J. and Hardy, T. *The Wages Crisis in Australia: What It Is and What To Do About It*. Adelaide: University of Adelaide Press.

[32] Cherry, M. (2019). *Regulatory options for conflicts of law and jurisdictional issues in the on-demand economy*, Geneva: ILO.

[33] McDonald, P., Williams, P., Stewart, A., Mayes, R. & Oliver, D. (2020). *Digital platform work in Australia: Prevalance, nature and impact.* Melbourne: Victorian Government.

connections, the pace of work, opportunities for voice, and experiences of job insecurity and emotional labour to preserve employability[34].

A 2016 ILO report suggested contractors make up 8.5% of the total Australian workforce, with 38% of contractors reporting they do not have authority over their work[35]. Gaping differences are emerging between the protections afforded to waged workers with an employment contract and those who are self-employed. However, the phenomenon of self-employment is complex and ambiguous[36]. In most countries, including Australia, statistics go little further than counting whether individuals identify as 'self-employed', obfuscating distinctions such as owner-managers, autonomous craft workers, dependent contractors, categories of family workers, and jobs which have features of both paid employment and self-employment, such as self-employed franchisees.

Recommendation 12: Approach self-employment as a complex and ambiguous construct that can be associated with on the one hand, entrepreneurship, autonomy and independence and on the other hand, precarity, low earnings and exclusion from social protection. Consider options for strengthening the capacity for self-employed workers to exercise voice, negotiate terms and conditions of work, address health and safety concerns and pursue legal rights where these have been contravened.

Recommendation 13: Develop evidence-informed regulatory and policy responses to new and emerging forms of platform work and work in other types of fragmented business networks to better understand the drivers behind adoption of these business models, and to better tailor the relevant regulatory solution. This may include harnessing the resources and influence of lead firms and other powerful actors, such as investors and the state.

Recommendation 14: Strengthen regulatory protections and appropriately resource enforcement initiatives that address exploitative work arrangements, promote economic security and ensure the health and wellbeing of workers, families and the community in which they work and live.

Recommendation 15: Fund research that examines the incidence of digital platform work, and other forms of insecure, temporary or precarious work, in growth industries, such as care services. Consider the relevant forces at play, including financialisation, off shoring and globalisation, and the effects of these external shifts on the security and sustainability of local labour markets.

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[34] Berastegui, P. (2021). Exposure to psychosocial risk factors in the gig economy: a systematic review. Brussels: European Trade Union Institute.

[35] ILO (2016). *Non-standard employment around the world. Understanding challenges, shaping prospects*. Geneva: ILO.

[36] Meager, N. (2016). Forward: JMO special issue on self-employment/freelancing. *Journal of Management & Organization*, 22,6, pp.756-763.

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