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FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ECONOMY AND GENDER AND ECONOMIC EQUALITY
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Submission Cover sheet

Inquiry into Unpaid Work

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Dear Committee Secretary

The ACT Government thanks the Committee for the opportunity to make a submission to its *Inquiry into unpaid work*.

I note the inquiry's focus on opportunities to support and recognise the contribution of unpaid work by the ACT Government. With this in mind, I am pleased to provide the information below on behalf of the Government to assist the Committee's deliberations. The information covers the ACT's wellbeing framework, employment framework and the broader legislative landscape.

The ACT Wellbeing Framework

In 2020, the ACT Government introduced the [ACT Wellbeing Framework](#). Responsive to discussions with our community, it is intended to ensure that the work of government fosters positive wellbeing outcomes for all Canberrans.

The Wellbeing Framework provides high-level indicator outcomes for Canberra, with progress informed by a series of measures that use both subjective interpretations of qualities of life and quantifiable data.

The Framework helps to inform Government priorities, policies and investment decisions. Working in concert with existing strategic and operational frameworks in place in the ACT, including the

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[Aboriginal and Torres Strait Islander Agreement \(2019 – 2028\)](#) and the [ACT Women’s Plan 2016-26](#), policy setting will have an increased focus on outcomes across the range of domains for contributing to overall wellbeing outcomes.

Non-paid work is captured under the ACT Wellbeing Framework in two ways:

- through indicators within the Time and Social connection domains of the Framework, and
- through practical steps to implement wellbeing in policy development and decision-making, which can inform decisions that will impact non-paid work.

Framework indicators

Non-paid work is captured under the ‘Time’ domain of the Wellbeing Framework, which focuses on ‘having time to live life well’ and with the aspiration that ‘Canberrans have the time to do the things we want to do as well as the things we are required to do’. ‘Time’ is one of the 12 key areas (domains) of the Framework that the community told the Government contributed most to the overall quality of life of Canberrans.

The Time domain includes an indicator of wellbeing on *Unpaid work including caring*. This will help to better understand the value of everyone’s contributions to their community and the economy. This indicator links closely to another within the Time domain, being overall *Quality of time* use. Unpaid volunteering work is also captured under the *Levels of Volunteering* indicator within the ‘Social connection’ domain of the Framework.

The impacts of unpaid work on wellbeing will depend on personal circumstance and the value placed on that activity relative to other desired use of time. How a person is able, or is required, to spend their time will also bear on outcomes in other domains contributing to wellbeing (which could include areas such as participation in the economy, health, living standards and social connection). The ACT Wellbeing Data Dashboard seeks to provide data across the indicators of the Wellbeing Framework. Measure data relating to the Time, Social connection and several other domains draws on results from the University of Canberra’s *Living Well in the ACT and Region* survey, which seeks to provide a comprehensive understanding of the wellbeing of Canberrans.

Current reporting on the dashboard includes data on the wellbeing of unpaid carers across a range of domains. Carers report persistently lower rates of wellbeing than the overall population (including in terms of quality of time use and overall levels of personal wellbeing) and this is particularly the case for carers providing greater than 15 hours unpaid care per week.

Data reported on the dashboard also shows a decline in levels of volunteering since 2019. Volunteering activity was affected by the COVID-19 health emergency, but the data suggest that there has been an overall decline in participation in volunteering that is extending beyond the impact of the pandemic.

Implementing wellbeing in policy development and decision-making

When policy and investment decisions may impact non-paid work in a way that has flow-on impacts for wellbeing, this is able to be captured in policy development and decision-making processes

through Wellbeing Impact Assessments (WIAs), which are required for Cabinet Submissions and budget proposals.

The Wellbeing Framework supports capturing the impact of government decision-making on specific groups (identified in the Framework as those whose wellbeing outcomes may not be as strong as the broader population), including across gender.

WIAs ask drafters to identify when a proposal would disproportionately impact women (recognising that data shows a consistent gendered element to the unequal division of non-paid labour). This may capture instances where a proposal impacts a group that contributes significant non-paid work and in which women are overrepresented – for example, carers or volunteers. It may also capture instances where a proposal impacts non-paid work in other ways – for example, through reducing travel time needed to drop children at school, a task that is disproportionately carried out by women.

Research and survey data on the dynamics and challenges faced by unpaid workers

Survey data gathered from consultation to develop the Third Action Plan under the *ACT Women's Plan 2016-2026* provides respondent experience of the dynamic between paid and unpaid work. Respondents to the survey identified characteristics and challenges faced by unpaid workers:

- different unpaid workload affects time at work;
- women are usually the main unpaid carers and have to juggle workplace participation with other external responsibilities;
- insecure housing and homelessness impact women differently as women often participate in unpaid roles such as carers, require time off work due to childbirth/maternity leave etc., and therefore may not have as stable an income as men, impacting their ability to afford appropriate housing; and
- women continue to provide most domestic services unpaid, affecting women's ability to participate equally in the workforce.

ACT Wellbeing Data indicates that people from culturally and linguistically diverse communities (CALD) born in an English-speaking country are more likely to have volunteered than those born in non-English speaking countries.

Nationally available data suggests that Australians born overseas are less likely to have engaged in formal volunteering than the general population but are equally or more likely to have engaged in informal volunteering. The data also suggests recognition of overseas qualifications is impeding the employability of people from CALD backgrounds resulting in barriers to access meaningful employment.

People with disability are also disproportionately impacted by:

- unpaid work in caring roles; and

The 2021 ABS Census reported that in the ACT:

- more women do voluntary work (37,584) than men (30,896);
- 59,001 women provide unpaid childcare as compared to 46,109 men;
- women do a much higher number of hours of unpaid domestic work:
 - 18,823 women > 30 hrs (compared to 5,783 men);
 - 31,073 women 15-29hrs (compared to 15,943 men).

Volunteering itself is not a First Nations concept but is understood more along the lines of 'cultural obligation', 'reciprocity' and 'community giving'.

Cultural and psychological safety is a key barrier to volunteering for First Nations people. Concerns around the availability of culturally safe spaces and a fear of judgement by others in non-Indigenous organisations or in Western approaches to volunteering means that many First Nations people either prefer to or are already engaging in extensive voluntary activities within their own communities.

Another challenge to volunteering includes health and screening check requirements. First Nations people are more likely to report than non-Indigenous community members that they do not volunteer for health reasons.

Screening processes are also seen as a major deterrent for people without formal identification documents and/or a criminal record. Many First Nations people have difficulty obtaining official documents such as birth certificates and drivers' licences, and with a growing move toward digital ID they are likely to experience even more challenges.

Research shows that people in high income households are more likely to volunteer than those in middle and low-income households. This suggests that a certain level of financial freedom increases the likelihood of volunteering while financial stress is a key barrier to volunteering.

However, people in full-time employment were also significantly less likely to volunteer compared to those working part-time or not working at all. Volunteering can be a significant time commitment and, as such, it appears both level of income and employment status are intertwining factors that impact the likelihood of an individual volunteering.

The ACT Public Sector employment framework

The ACT Public Service (ACTPS) recognises that carer responsibilities vary considerably, depending on the level of care and assistance required and may be suddenly imposed, or may increase gradually.

The [ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2023-2026](#) (Agreement) provides the common terms and conditions that apply across the ACT Public Sector. These include measures to prevent and eliminate discrimination based on sex, sexuality, gender identity, relationship status, status as a parent or carer, pregnancy, breastfeeding, race, religious or

political conviction, disability, industrial activity, age, profession, trade, occupation or calling, association, or a spent conviction, in accordance with the ACT's *Discrimination Act 1991*.

The Agreement supports flexible working arrangements to allow employees to manage their work and personal commitments, this includes flexible working arrangements consistent with the *Fair Work Act 2009* (Cth) where:

- the employee has parental or other caring responsibilities for a child of school age or younger;
- the employee is experiencing family violence;
- the employee is providing personal care, support or assistance to an immediate family or household because they are experiencing family violence.

The ACT Government also supports employees by providing up to three days of paid voluntary community service leave within a twelve-month period to engage in a recognised voluntary community service activity.

A Whole of Government Volunteer Management Policy is planned to be introduced in late 2024 to assist in the co-ordination of those who volunteer and engage in unpaid work for the ACT Government.

The legislative, anti-discrimination and workplace environment

National Fair Work legislation⁷ governs employment terms and conditions for all employees in the ACT.

Additionally, the ACT has a range of legislative measures to complement the Commonwealth's national framework on non-discrimination and maternity protection, including:

- *Human Rights Act 2004 (ACT)* (HRA)

This HRA recognises, among other things, the rights of a person to enjoy their human rights without distinction or discrimination of any kind, to be treated as equal before the law, and to the equal protection of the law without discrimination (section 8).

The *Human Rights Act 2004* (ACT) also recognises the right to work, to choose their occupation freely, to enjoy just and favourable conditions of work, to join a work-related organisation or union, to be free from anti-union discrimination, and that these rights should be enjoyed without discrimination (section 27B).

- *Discrimination Act 1991* (ACT)

This Act makes it unlawful to discriminate against a person in employment and occupation on the ground of protected attributes, to sexually harass a person, to vilify a person, and to victimise a person for making a complaint under the Act. The Act applies to all workers in the ACT, whether in the public or private sector.

⁷ [Federal Register of Legislation - Fair Work Act 2009](#)

In addition, workers in the ACT may also be covered by Federal anti-discrimination and workplace laws which prohibit and address sex discrimination and sexual harassment, including the *Sex Discrimination Act 1984* (Cth) and the *Fair Work Act 2009* (Cth).

- *Human Rights Commission Act 2005* (ACT)

Under this Act a person who has experienced discrimination or sexual harassment (or their representative) may make a complaint to the ACT Human Rights Commission (Commission). The Commission is required by law to deal with complaints promptly and efficiently, usually doing so through voluntary conciliation. If an applicant is unsatisfied with the outcome of their complaint, they may make a complaint to the ACT Civil and Administrative Tribunal. The Tribunal may determine whether unlawful conduct has occurred and make binding orders.

The ACT Government consistently supports the measures of the International Labour Organization's *Workers with Family Responsibilities Convention, C156* as ratified by the Australian Government with a view to creating effective equality of opportunity and treatment for workers with family responsibilities. This includes, to the extent possible, support for those workers to be engaged in employment without conflict between their employment and family responsibilities.

The ACT has established a labour hire licensing scheme to protect vulnerable workers and promote responsible practices in the sector under the *Labour Hire Licensing Act 2020* (LHL). Under the scheme, an applicant for a labour hire provider licence within the ACT must prove that they are a suitable person. A suitable person will include consideration of:

- the applicant's character, honesty, integrity and professionalism;
- whether the applicant has a history of compliance with workplace laws or standards; and
- whether the applicant can demonstrate an ability to comply with workplace laws and standards amongst other criteria.

Discrimination laws are a workplace law or standard for the purposes of the LHL Act 2020.

The ACT has also introduced a [Charter of Procurement of Values \(Direction\)](#) and the [Government Procurement \(Ethical Treatment of Workers Evaluation\) Direction 2023](#). Together, these Directions outline key values the ACT Government seeks to embed within its procurement processes.

The Directions provide ethical and economical values for entities managing their procurement activities with the Territory, including providing safe and fair workplaces. The Directions are supported by the Procurement Values Guide, under the [Government Procurement Act 2001](#) (ACT) which provides guidance on the application of the procurement values for officers.

The ACT has also introduced the [Government Procurement \(Secure Local Jobs\) Code 2020](#), under the *Government Procurement Act 2001* (ACT), which aims to support the awarding of territory funded works to businesses that meet the highest ethical and labour standards. The Code requires that organisations tendering with the ACT Government under the Act hold a valid Secure Local Jobs Certificate and comply with labour practices and ethical standards set out in the Act.

The Code also requires that organisations tendering with the ACT Government under the Act hold a valid Secure Local Jobs Certificate and comply with labour practices and ethical standards set out in the Act. In granting a Secure Local Jobs Certificate, consideration is given to compliance with applicable industrial laws including work health and safety laws and assurances about the fair treatment of workers and upholding their workplace rights and safety, which includes non-discrimination in employment laws.

I hope this information is of assistance to the Committee.

Yours sincerely



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