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Chair

Standing Committee on Education, Employment and Youth Affairs

ACT Legislative Assembly

London Circuit

CANBERRA ACT 2601

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Dear Mr Pettersson

Michael

Thank you for the opportunity to provide a submission to the Standing Committee on Education, Employment and Youth Affairs *Inquiry into the extent, nature and consequence of insecure work in the ACT.*

On behalf of the ACT Government, I am pleased to provide the attached Submission. It incorporates input from directorates across the ACT Government.

The Inquiry is important to identify the impact of insecure work and any structural issues which could be addressed. The ACT Government Submission provides an overview of current arrangements regarding group training, labour hire and sham contracting, impacts on vulnerable workers and ACT Government procurement arrangements which aim to address these issues.

I look forward to reviewing the findings of the Standing Committee on this matter.

Yours sincerely

Meegan Fitzharris

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AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

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ACT Government Submission to the Inquiry into the extent, nature and consequences of insecure work in the ACT

1. INTRODUCTION

The ACT Government welcomes the inquiry into the extent, nature and consequences of insecure work in the ACT. The Government is committed to doing what it can to ensure that all workers are safe in their place of employment, are treated fairly, paid well and have their rights at work upheld. The Government is therefore concerned about prevalence of insecure work and appalled by examples of exploitation by some employers, particularly of young, vulnerable and migrant workers.

Inquiries into the labour hire industry in other jurisdictions, which are discussed further below, have identified significant non-compliance with workers' compensation, employment, tax and superannuation laws. This has led to the Queensland, Victorian and South Australian Governments undertaking to establish labour hire licensing regimes.

It is important that good evidence is gathered in the ACT to inform any regulatory response. Alongside this Assembly Committee inquiry, the Minister for Workplace Safety and Industrial Relations has asked the Work Safety Council to provide advice on issues associated with insecure work and labour hire industry compliance around safety and injury management.

The ACT Government is also committed to the introduction of a *Secure Local Jobs for Local Workers Package*, as announced by the Chief Minister in July 2016. These reforms will deliver better, more secure jobs for Canberrans by establishing clear principles to ensure worker safety, fair pay and conditions on public projects and contracts. Fundamental to this commitment is a recognition that the ACT Government can play an important role in delivering better outcomes for Canberra workers by using its purchasing power to set high standards for workplace safety and workers' rights alongside the delivery of quality goods and services to the people of the ACT.

This submission contains a number of sections that: provide background information on the definitions of the various terms in the Committee's terms of reference and their use in the ACT; summarise the findings of recent inquiries in other jurisdictions; describe the ACT's industrial relations and regulatory framework; discuss the ACT Government's procurement processes and how they are used to ensure companies contracted to the ACT Government are maintaining high standards in workplace safety and industrial relations; and consider the evidence regarding the impact of insecure work on particular groups of workers.

ACT Government officials will be available to provide evidence to the Committee on any of these matters, should the Committee wish to call them.

2. BACKGROUND

Define labour hire and roles and responsibilities with respect to regulating it within the Territory

Labour hire arrangements can be difficult to define with great certainty as they can encompass a broad range of arrangements. Typically, labour hire arrangements involve a ‘triangular relationship’ in which a labour hire business (the supplier) supplies the labour of a worker (the worker) to a third party (the host) in exchange for a fee. In a labour hire arrangement, there is no direct employment or contractual relationship between the host and the worker. Instead, the worker is engaged by the supplier, either as an employee, or alternatively as an independent contractor.¹

In the Territory, there are no special regulations that apply to labour hire businesses. For example there is no requirement for a labour hire business to be licensed.

Like all other Territory businesses labour hire businesses are subject to work health and safety and workers’ compensation laws. Generally, it would be the labour hire business, as the employer of the worker, that is responsible for payment of the worker’s entitlements and that bears the legal responsibilities and liabilities as an employer. This can be complicated by the form the relationship takes on as well as the relationship with the host.

WorkSafe ACT (within Access Canberra) is the responsible regulator for work health safety and workers’ compensation compliance (as outlined below).

Data providing scope with respect to the extent of labour hire in the Territory – including number of organisations and workers employed (noting limitations on data)

Information sourced from the ACT’s private sector workers’ compensation data system indicates there are currently eight employers identifying themselves as labour hire businesses. These eight businesses have approximately 4,320 workers and a combined wages bill of approximately \$36.74 million.

Note: There are likely to be additional businesses in the ACT that are conducting labour hire business but are declaring a different industry class on their workers’ compensation policies. The ACT Government is working with the workers’ compensation insurers to improve data.

Define sham contracting and roles and responsibilities with respect to regulating it within the Territory

Sham contracting is an illegal practice whereby an employer seeks to deliberately disguise an employment relationship as an independent contracting arrangement, rather than engaging the worker as an employee. The sham contract generally occurs when the employer directs the employee obtain an Australian Business Numbers (ABNs) and pays them as a contractor. This is generally done in order to avoid responsibility for employee entitlements such as workers’ compensation as well as minimum rates of pay and leave entitlements. This practice unfairly places

¹ Page 7, Victorian Inquiry into the Labour Hire Industry and Insecure Work – October 2015. Source: Adapted from Richard Johnstone, Shae McCrysal, Igor Nossar, Michael Quinlan, Michael Rawling, Joellen Riley, *Beyond Employment: The legal regulation of work relationships*, (Federation Press, 2012), 61 (Figure 3.5).

the onus on employees to manage their own employment costs for example; workers' compensation insurance, long service leave, payroll tax etc.

The primary piece of legislation for prosecuting this practice is the Commonwealth *Fair Work Act 2009*. Under the sham contracting provisions of the *Fair Work Act 2009*, an employer cannot:

- misrepresent an employment relationship or a proposed employment arrangement as an independent contracting arrangement;
- dismiss or threaten to dismiss an employee for the purpose of engaging them as an independent contractor;
- make a knowingly false statement to persuade or influence an employee to become an independent contractor.

The *Fair Work Act 2009* provides serious penalties for contraventions of these provisions. In its 2012-2013 compliance program, the Australian Taxation Office announced that it would focus on sham contracting. However, since this commitment, only one Canberra business has been prosecuted for sham contracting under the *Fair Work Act 2009* and this prosecution was ultimately unsuccessful.

Employees may be reluctant to report sham contracting because they have been pressured to become independent contractors and have been threatened with dismissal or have been misled about the effect of changing their working arrangements. In other cases employees may be complicit in the arrangement as they receive higher cash payments in place of entitlements.

With respect to Territory legislation, sham contracting may manifest as the avoidance of Territory legislation relating to employee entitlements such as under payment or non-payment of private sector workers' compensation insurance premiums or long service leave entitlements under the *Long Service Leave Act 1976*. There are penalties under the *Workers Compensation Act 1951* for employers who fail to hold a compulsory insurance policy or who under insure.

WorkSafe ACT (within Access Canberra) is the responsible regulator for private sector workers' compensation and long service leave compliance (as outlined below). Employees and independent contractors can request assistance from the Fair Work Ombudsman if they feel their rights have been contravened.

Define group training and roles and responsibilities with respect to regulating it within the Territory

Group Training Organisations (GTOs) (the supplier) employ apprentices and trainees (the worker) as either a full time or part time employee, put in place an Australian Apprenticeship Training Contract (Training Contract) and place them with host employers. GTOs undertake the employer responsibilities for the quality and continuity of the apprentices' and trainees' employment and training. They also manage the additional care and support necessary to facilitate the successful completion of the Training Contract.²

The *Training and Tertiary Education Act 2003* requires that both parties to a Training Contract (the employer and the apprentice/trainee) must comply with the *National Code of Good Practice for*

² https://www.australianapprenticeships.gov.au/sites/ausapps/files/publication-documents/national_standards_for_gtos_0.pdf

Australian Apprenticeships. This Code states that the employer will meet legal obligations, provide a safe working environment, support structured training, provide supervision and support, and advise Australian Apprentices of their rights and responsibilities³.

Skills Canberra (part of the Chief Minister, Treasury and Economic Development Directorate) has a regulatory role (based in the *Training and Tertiary Education Act 2003*) for the oversight of apprenticeships and traineeships in the ACT with regard to obligations under the Training Contract. Skills Canberra manages a Field Officer program which involves Field Officer visits to Australian Apprentices and Trainees, and their employers, in their workplace. These visits are generally proactive, but can also occur as a reaction to any issues raised, directly with Skills Canberra or through another agency. Field officers visit apprentices and trainees (including Australian School-based Apprentices) within the early stages of their Training Contract. Issues which Skills Canberra monitor include:

- the appropriateness of the qualification identified in the Training Contract,
- if the Apprentice/Trainee is being appropriately supervised;
- if the Apprentice/Trainee's supervisor is appropriately qualified to support training/learning under the qualification;
- if the Apprentice/Trainee is being released for training;
- if the registered training organisation is providing the appropriate training, additional support and actively engaging with the Apprentice/Trainee and employer.

The Field Officer program has been rolled out incrementally since its establishment in June 2015. Until 2017, field officers were not visiting apprentices and trainees engaged through a GTO. This was in line with the established schedule for the roll out of the program. Skills Canberra uses the ACT Vocational Education and Training Administration Records System to manage its regulatory role around Training Contracts. As the Training Contract is between the employer (GTO/supplier) and the apprentice or trainee there has been some complexity in identifying the host of the apprentice or trainee as these details are not commonly listed on the Training Contract.

As a means to address this issue and avoid duplication of services between Skills Canberra Field Officers and the GTOs' field officers, GTOs operating in the ACT were consulted prior to the implementation of field officer visits to apprentices and trainees engaged through a GTO. During this consultation period GTOs agreed to provide Skills Canberra with updated host details on a monthly basis for those apprentices/trainees due for a visit, acknowledging that host placements can be subject to frequent change.

A GTO Strategy is currently being finalised by Skills Canberra to document the agreed processes and approach for visits to apprentices and trainees employed by GTOs and will be implemented throughout 2017. The key objective of this strategy is to ensure that apprentices and trainees engaged through a GTO receive the same level of engagement with Skills Canberra as any other apprentice or trainee.

The existence of a Training Contract (in addition to an Employment Contract) provides specific provisions in terms of industrial relations and workplace health and safety, including paying an

³ http://skills.act.gov.au/documents/NationalCodeofGoodPracticeForAustralianApprenticeships_July2015.pdf

apprentice or trainee wage in accordance with the appropriate award, and the requirement for some trade apprentices to be under the direct supervision of a qualified worker when undertaking qualified work. Regulation of these matters remains the responsibility of the appropriate agency (ie. Fairwork Australia or WorkSafe ACT) as outlined below.

Skills Canberra refers any industrial relations or workplace health and safety matter raised or identified to the appropriate regulator. Skills Canberra and WorkSafeACT also maintain a continuing dialogue to determine how the agencies can work together and move toward a more integrated regulatory approach.

National Standards for Group Training Organisations

Compliance with the *National Standards for Group Training Organisations 2006* provides the basis for GTOs to be listed on the national register of GTOs. Registration of GTOs is voluntary, on a three year cycle, and is managed by each State and Territory for GTOs operating in their jurisdiction.

In the ACT the registration process for GTOs has involved an application including a self assessment against the Standards, an initial compliance audit, and an annual internal audit and submission of a *National Standards for Group Training Organisations Compliance Declaration*.

The National Standards were recently revised and endorsed by the COAG Industry Skills Council in December 2016. On implementation the new Standards will cover:

- recruitment, employment and induction;
- monitoring and supporting apprentices and trainees to completion; and
- GTO governance and administration.

Importantly, under the Standards, registered GTOs must "...provide clear and accurate advice to host employers to:

- take reasonable steps to ensure they understand the apprenticeship/traineeship system; and
- obtain their agreement, by means of a Host Employer Agreement, to their role and responsibilities in training and supporting the apprentice or trainee while in their workplace, in meeting their obligations to maintain a safe workplace and in working cooperatively with the GTO and RTO."⁴

Currently in the ACT there are six registered GTOs. However, Skills Canberra's records show that there are currently 23 different employers (including the six registered), who identify as GTOs, with active training contracts in the ACT⁵. All of the additional 17 GTO employers are registered in at least one other State.⁶

⁴ https://www.australianapprenticeships.gov.au/sites/ausapps/files/publication-documents/national_standards_for_gtos_0.pdf

⁵ As at 12 May 2017, ACT Vocational Education and Training Administration Records System (AVETARS)

⁶ <https://www.australianapprenticeships.gov.au/gto-listing>

The rationale for group training arrangements

In 2004, a study⁷ of group training organisations noted that:

The rationale for group training lies in a series of increasingly significant impediments to investment in training by individual employers, including reduced organisational size, competitive and budgetary pressures and fragmentation, specialisation of work processes and increased complexity of the training regime.

The study also suggests specifically, that one of the market failures leading to the emergence of GTOs is “the four-year term of most [traditional trade] apprenticeships result[s] in many apprentices being laid off before they complete their training due to cyclical downturns leading employers to shed labour.” That is, group training was established to provide employment security for apprentices and trainees in a market where small employers struggled to see out the duration of the Training Contract.

One of the key findings of this 2004 study is that:

The invaluable contribution of group training is demonstrated by the manner in which group training companies have been found, by this study and other research, to be meeting their foundation objective of redressing the impediments to private investment in vocational education.

The study also found that ‘group training appears to compliment other training investment rather than substitute for it (that is without group training less training would occur)’⁸. This is a particularly important point for workforce skilling in industries where the attainment of a qualification is the threshold for entry as a skilled worker. Without group training, the skilled workforce in these industries may atrophy.

Data providing scope with respect to the extent of group training in the Territory – including comparison of GTO and non-GTO Cancellation rates (by industry)

Currently in the ACT, GTOs make up approximately 9% of all employers of apprentices or trainees employing 554 apprentices and trainees. Industries with the highest proportion of GTO employers include electrotechnology, construction, horticulture, information technology, business and community services.⁹

In line with the objectives of GTOs outlined above, data from the ACT Vocational Education and Training Administration Records System (AVETARS) indicates that over the period 2012-15 (inclusive), GTOs had a cancellation rate 5 percentage points lower than non-GTO employers. However, the success of GTOs varies considerably between industries, as demonstrated in the table below.¹⁰

⁷ Toner, Macdonald, Croce, *Group Training in Australia: A study of group training organisations and host employers*, Australian National Training Authority, NCVET 2004

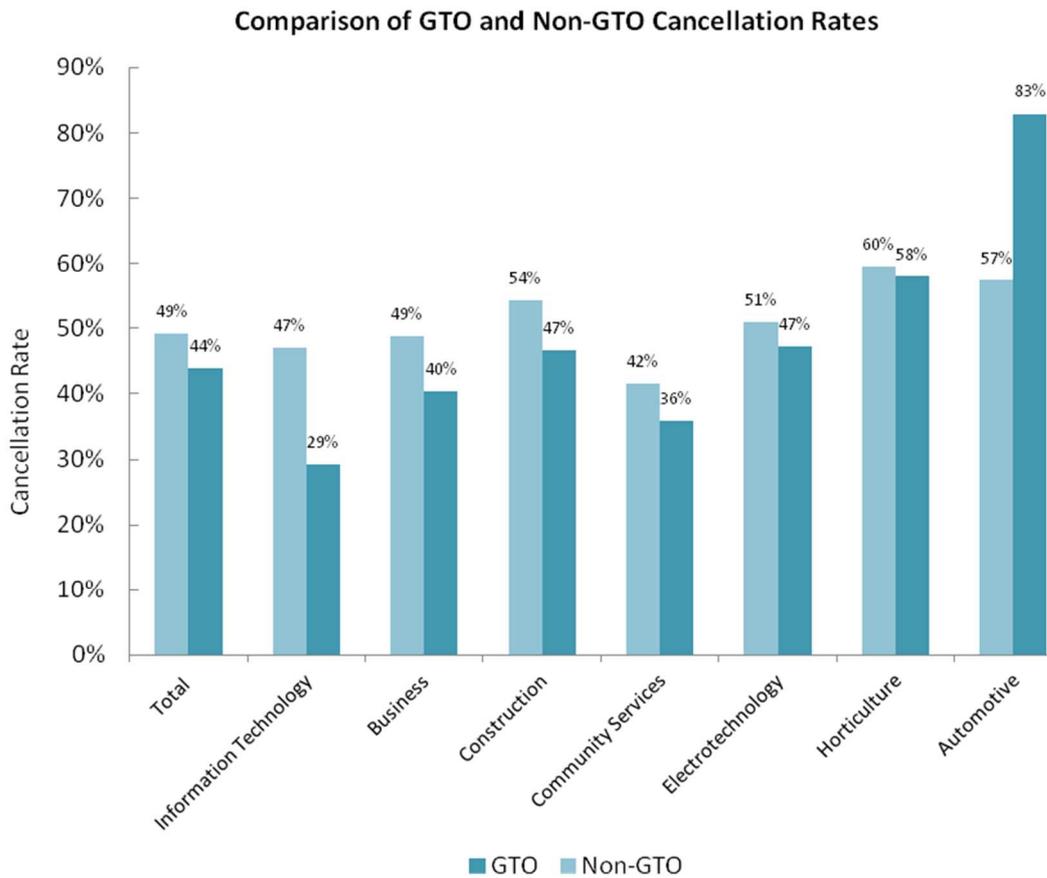
⁸ Ibid, p5.

⁹ Industries are identified based on the Training Package of the qualification listed on the Training Contract. Data source AVETARS 12 May 2017

¹⁰ Data source AVETARS 12 May 2017

The cancellation rate was calculated using the following methodology;

- Cancellation rate for enrolments between 2012-15 = (cancelled + expired) / (cancelled + expired + approved + completed)



Source: AVETARS 12/5/2017

Define vulnerable workers in the ACT

WorkSafe ACT identifies vulnerable workers in the ACT to include apprentices, students, unskilled/low skilled labourers, migrants/visa holders and sex workers.

Industries of particular interest include GTO, trades, building and construction, the sex industry, small business, food vendors, clothing manufacture/retail franchises and other franchises.

WorkSafe ACT provides health and safety tips for new and vulnerable workers including:

- young workers aged under 24 years;
- migrant or visa workers, particularly where English is not the first language;
- workers who are starting a new job;
- changing careers;
- re-entering the workforce after a break;
- taking on a new role or task for the same employer, or

- Excluding industries with a GTO representation of less than 60 enrolments over the period or with an insignificant proportional GTO representation.

- a person conducting a business or undertaking engaging workers who are new to a job or task and/or young or otherwise especially vulnerable due to age or cultural, linguistic and other potential barriers to experiencing health and safety at work.

'Workers' could be working permanently or casually, full or part time and include:

- contractors or subcontractors;
- an employee of a labour hire company;
- an apprentice or trainee;
- a student gaining work experience or as part of a structured workplace learning program;
- an outworker; or
- a volunteer.

In general, new and young workers may be more vulnerable to being injured at work. Impacting factors may include:

- the worker is unfamiliar with the job and working environment;
- new workers wishing to make a good impression may not want to be seen as unintelligent or difficult by asking questions or making requests; and
- language barriers for migrant and visa workers may make it necessary to modify the manner in which instructions are given and consultation sought.

3. RECENT INQUIRIES IN OTHER JURISDICTIONS

On 4 May 2015, an ABC *Four Corners* episode titled *Slaving Away: The dirty secrets behind Australia's fresh food* reported on the exploitation of workers in the agricultural and food processing industries – the report focused on labour hire. Shortly after the program aired the South Australian, Victorian and Queensland governments announced separate inquiries into labour hire practices.

Queensland Review

The Queensland Government published its *Final Report, Inquiry into the practices of the labour hire industry in Queensland* (the Qld Inquiry), in June 2016. The Committee considered evidence in relation to:

- a failure to comply with basic award wages and conditions, health and safety and accommodation requirements;
- systematic avoidance of income tax, payroll tax and superannuation obligations;
- sham contract arrangements, where a relationship of employment in all but name is used to avoid tax and employment requirements; and
- workers left without recourse when their employer company closes down, only to then recommence operations under another company name (phoenix companies).

Victorian Review

The Victorian Government published its *Final Report, Victorian Inquiry into the Labour Hire Industry and Insecure Work* (the Vic Inquiry) on 31 August 2016. The Committee conducting the Inquiry made wide ranging findings relating to:

- cross-jurisdictional data sharing;
- ensuring that labour hire workers have the protection of minimum hourly rates of pay, and certain other minimum conditions;
- workers paying a fee or commission to a labour hire agency in order to obtain work;
- how the *Fair Work Act 2009* operates, in practice, to limit substantially the protections from unfair dismissal for labour hire workers¹¹;
- the presence of ‘rogue’ labour-hire operators in Victoria; and
- evidence independent contracting arrangements are not beneficial to workers.

South Australian Review

The South Australian Government published its Final Report, *Inquiry into the Labour Hire Industry* (the SA Inquiry) on 18 October 2016. The Committee conducting the Inquiry made findings relating to:

- cross-jurisdictional data sharing;
- the standard of accommodation afforded to some workers as part of their contracts; and
- the exploitation of overseas workers.

In addition to the SA Inquiry the Government’s workers’ compensation regulator conducted forensic wage audits of 189 labour hire businesses that supplied workers to the SA food processing industry. The audits found that more than 80 per cent of the businesses were not meeting workers’ compensation obligations.

The audits also found that 96 of the businesses were not registered with the Regulator, while 57 of those businesses “appear to have significantly under-declared remuneration paid to their workers”.

Summary of key recommendations

Across the three jurisdictions the Vic Inquiry made 35 recommendations, the SA Inquiry seven recommendations and the Qld Inquiry agreed on one recommendation.

The Vic and SA inquiries recommended the establishment of a licensing regime for labour hire contractors (preferably at a national level). In doing so labour hire businesses would be required to meet and demonstrate compliance with all workplace, employment, tax and superannuation laws in order to gain a licence. SA and Vic also outlined similar criteria for obtaining and retaining a licence, this included:

- the business/company and its key personnel must pass an objective ‘fit and proper person’ test;

¹¹ This principally arises from the exclusions of most casuals, as well as fixed term/specified task employees and contractors, from being able to bring an unfair dismissal claim.

- the business/company demonstrate (e.g. through employment records) that it pays its employees in accordance with the minimum rates specified in applicable industrial instruments;
- the business/company must provide details of its systems for ensuring compliance with work health and safety legislation and ensuring the safety of workers provided to host organisations; and
- the business/company must demonstrate compliance with federal migration laws, including systems for ensuring that all employees have a right to work in Australia.

The recommendation from the Qld Inquiry was that:

The Minister progress this issue through COAG meetings to work together with the Federal Government to address the issuance of ABNs to employees as a way for labour hire companies to avoid their employer obligations.¹²

The Government members of the Qld Inquiry recommended the establishment of a register of labour hire businesses where only registered companies can contract for the provision of labour and ongoing registration is conditional on compliance with workplace health and safety, workers' compensation, employment and anti-discrimination laws – this was not supported by opposition committee members.

The Vic Inquiry recommended a voluntary code of practice for its labour hire industry and the adoption of procurement policies by the Victorian Government through which preference would be given in government contracting to businesses that adopt more secure forms of work.

Summary of government responses

Queensland

On 1 May 2017 the Queensland Government announced that it will introduce a mandatory labour hire licensing scheme.

The *Labour Hire Licensing Bill 2017* was introduced into the Queensland Parliament on 25 May 2017 and has been referred to the Finance and Administration Committee for review with the Committee due to report by 24 July 2017.

If enacted, the Bill will apply to all labour hire operations in Queensland, irrespective of where the employer is based. To obtain a labour hire licence, an organisation will need to pass a fit and proper person test, which seeks to establish that the provider is capable of providing labour hire services in compliance with all relevant laws, and that their business is financially viable, with regular reporting requirements imposed on the licence holder.

A failure of a labour hire business to hold a licence or enter into arrangements with unlicensed labour hire provider will attract penalties: the maximum penalty for individuals is 1,034 penalty units (\$126,044.60) or three years imprisonment, and for corporations, a penalty of 3,000 penalty units (\$365,700). If a person advertises or hold outs that they provide or are willing to provide labour hire services unless they hold a valid licence they will be face a maximum penalty of 200 penalty units (\$24,380).

¹² <http://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2016/5516T1028.pdf>

The Bill also intends to capture all types of labour hire arrangements of all descriptions, including group training activities and pyramid labour hire arrangements.

Victoria

The final report of the Victorian Inquiry into Labour Hire and Insecure Work was tabled in Parliament on Thursday 27 October 2016.

The key recommendations supported are that Victoria:

- set up a licensing scheme to regulate labour hire operators;
- develop a voluntary code of conduct for the labour hire industry;
- advocate for a national licensing scheme for labour hire operators; and
- use Government procurement to promote secure work practices and ethical employment.

The Victorian Department of Economic Development, Jobs, Transport and Resources is now consulting with stakeholders to develop the structure of such a licensing scheme and what industries should be regulated.

South Australia

On 26 June 2017 the South Australian Government announced that it will be drafting a Bill to establish a state-based labour hire licensing scheme in 2017. Key features include:

- a fit and proper person test on owners/directors of labour hire companies;
- a threshold capital requirement based on held assets, revenue and cash flow;
- annual reporting requirements;
- a compliance unit with government;
- a fee and bond structure which, at least partially, funds such a compliance unit; and
- making it unlawful for host employers to engage unlicensed labour hire companies.

4. ACT INDUSTRIAL RELATIONS FRAMEWORK

The Commonwealth *Fair Work Act 2009* is the main source of employment rights and conditions for workers in the Territory. The *Fair Work Act* covers the majority of rights and entitlements for Territory workers, while the ACT maintains control and responsibility over a number of specific areas including public holidays, long service leave, workplace health and safety and workers' compensation.

Fair Work Act 2009 – Commonwealth

The *Fair Work Act 2009* provides for minimum entitlements for employees through the National Employment Standards (NES) and awards. The NES provides ten minimum entitlements which relate to things such as maximum weekly hours, parental leave and related entitlements, annual leave,

notice of termination and redundancy pay. A registered agreement or employment contract can provide for other entitlements but they cannot be less than what is in the NES or relevant award.¹³

The Territory interacts with the Commonwealth on industrial relations regulation via the Inter-Governmental Agreement on the National Workplace Relations System (the IGA).

The IGA provides for consultation to take place between the Commonwealth and jurisdictions, including the ACT, in relation to proposed amendments to the *Fair Work Act*.

Long service leave and public holidays

The relevant Territory enactments in relation to long service leave and public holidays are the;

- *Long Service Leave Act 1976*;
- *Long Service Leave (Portable Schemes) Act 2009*; and
- *Holidays Act 1958*.

The ACT Long Service Leave Authority is responsible for administering the portable long service leave schemes for the construction, cleaning, community sector and security industries. The schemes allow workers to move from employer to employer (and even service as a self-employed worker is accrued) without losing credit for time worked (service) in the respective industry. Under the schemes employers pay money into the Long Service Leave Authority to cover long service leave entitlements for their workers.

Workers' compensation

The Territory has separate workers' compensation arrangements for its public sector and private sector workforces.

The ACT Government's public sector workforce is insured for workers' compensation under the Commonwealth's Comcare Scheme. This covers around 22,000 ACT public sector employees. The relevant Commonwealth legislation is the *Safety, Rehabilitation and Compensation Act 1988*.

The ACT's private sector workers' compensation scheme provides work injury insurance coverage for around 16,500 ACT employers and medical, rehabilitation and compensation services for the Territory's private sector workers in the event that they are injured as a result of their work. The relevant Territory legislation is the *Workers Compensation Act 1951*.

WorkSafe ACT (within Access Canberra) is the responsible regulator (as outlined below).

Workplace health and safety

Workplace health and safety in the Territory is governed by the *Work Health and Safety Act 2011* and supporting regulations. The ACT's work health and safety laws, in the main, reflect the national model work health and safety laws negotiated and developed through the tripartite Safe Work Australia. The *Work Health and Safety Act 2011* applies to the ACT's private sector and ACT Government's public sector workforce.

WorkSafe ACT (within Access Canberra) is the responsible regulator (as outlined below).

¹³ <https://www.fairwork.gov.au/employee-entitlements>

ACT Work Safety Council's role and recent activities

The ACT Work Safety Council is established under the *Work Health and Safety Act 2011* to advise the Minister for Workplace Safety and Industrial Relations on matters relating to work safety, workers' compensation and workplace privacy matters. The Council meets quarterly and consists of representatives from government, industry and unions.

The Council's Strategic Business Plan 2017 lists a Strategic Priority (#3) which is to inquire and advise on issues identified by the Minister including insecure work, and labour hire industry compliance with safety and injury management. The Plan specifies the Council is to identify and advise on safety and injury management issues associated with insecure work arrangements, including consideration of the findings of inter-state inquiries into labour hire industry compliance and recommend appropriate regulatory responses.

The Council has also established a Transient Worker Advisory Committee. The Committee's focus is improving the work health and safety education of workers from migrant, transient and non-English speaking backgrounds in the Territory.

5. ROLES OF WORKSAFE ACT AND ACT REVENUE OFFICE

WorkSafe ACT exercises a wide range of regulatory responsibilities in relation to the following legislation and associated regulations:

- [*Work Health and Safety Act 2011*](#);
- [*Scaffolding and Lifts Act 1912*](#);
- [*Machinery Act 1949*](#);
- [*Dangerous Substances Act 2004*](#);
- [*Dangerous Goods \(Road Transport Act\) 2009*](#);
- [*Fuels Control Act 1979*](#);
- [*Workers Compensation Act 1951*](#); and
- [*Long Service Leave Act 1976*](#).

Work Health and Safety related matters

WorkSafe ACT is empowered under the *Work Health and Safety Act 2011* (the Act) to ensure that any person conducting a business or undertaking secures the health and safety of workers and workplaces in the ACT including in relation to group training and labour hire.

The *Work Health and Safety Act 2011* provides *WorkSafe ACT*'s inspectors with certain powers and functions in relation to WHS matters at workplaces in the ACT, including:

- entry to workplaces;
- inspecting, examining and making inquiries at workplaces;
- issuing improvement notices for non compliance with the act; and
- investigating contraventions of the Act.

WorkSafe ACT does not have specific procedures and policy in relation to insecure workers as all workplaces are covered by the Act.

Labour hire companies are required by law to ensure their employees are working in a safe environment at all times. With the same obligations as any Persons Conducting a Business or Undertaking, such companies are investigated by WorkSafe ACT in relation to workplace injuries to their workers.

Section 16 of the *Work Health and Safety Act 2011* is clear that more than one person can have a duty. If during an inspection the inspector is aware of insecure workers and that they do not have appropriate training, induction, comprehension and protective equipment to work safely, the inspector will enforce compliance on the host and the labour hire company.

Workers Compensation related matters

The workers compensation team manage and regulate through proactive campaigns targeting industries in specific areas at any given time. For example – the retail industry is currently of interest. These visits address policies in place and currency for businesses.

Labour hire companies are captured within this proactive environment as well as complaints received from individuals (or other parties).

The team ensures that insurance companies are complying with requirements of coverage and cost to injured workers, return to work programs and that insecure workers are able to report issues as they arise and complaints are directed accordingly.

Current regulatory activities

Current WorkSafe ACT scheduled proactive engagement and education campaigns include:

- transient worker sectors: ongoing scheduled campaigns for sectors where the staff and or management change regularly. *Example: the sex industry;*
- high risk tasks: directed at companies or industries where specific compliance warrants significant improvement. WorkSafe ACT gathers information from data collected during reactive inspections. *Examples: scaffolding, tower crane operations;*
- public exposure areas: WorkSafe ACT will routinely examine areas that have a greater need for education and reminders to procedures rather than taking enforcement action. The conditions that prompt this agenda are sectors where there are many small incidents that impact both the community and workforce. *Examples: retail sector compliance in major shopping centres and malls;*
- collaborative inspections: WorkSafe ACT is often invited to work with other agencies to attend sites to ensure safe work practices are also being observed. *Example: ACT Health Protection invites WorkSafe ACT when they are conducting food safety procedures in the hospitality sector;* and
- Government initiatives: when the Government initiates activities to benefit the community. WorkSafe ACT is involved to ensure workers involved comply with all relevant safe work operations. *Examples: the Regulation of Loose-Fill Asbestos Removal and Demolition Work and the Light Rail project.*

Apprentices in the construction industry

WorkSafe ACT is currently involved in a number of investigations involving apprentices sustaining injuries at the workplace (both in the construction industry). One of the common issues identified is the potential lack of control and review measures by GTOs that the apprentices are appropriately inducted onto a work site, conversant with all hazards and how to safely work within the construction site without injury.

While training is typically provided in White Card Induction for Construction and Asbestos Awareness, ongoing review of contractors and builders who have negotiated apprentice placements for the practical competence of their respective apprenticeships are not systemically conducted.

WorkSafe ACT is currently assisting some GTOs to introduce an audit process to review how contractors and builders are ensuring that apprentices are appropriately inducted and understand safety on the specific worksite. This is an ongoing process.

Sex Industry

WorkSafe ACT conducts numerous inspections of business premises involved in the sex industry. This proactive campaign has been conducted with other agencies such as the Commonwealth Department of Immigration and Border Protection and the Australian Federal Police. The workers can be exposed to abuse through non compliance with the Code of Practice for working in the sex industry and not being supplied appropriate forms of protection for transferrable diseases associated with the industry.

In most cases, where breaches are detected by WorkSafe ACT inspectors, notices are issued to ensure compliance with the Act and prosecution is considered where deemed appropriate. This is always dependant on the outcome of the investigation.

Payroll tax

Payroll tax compliance is monitored by the ACT Revenue Office. In the context of payroll tax compliance investigations, from time to time arrangements that could be categorised as labour hire arrangements and sham contracting have been identified. While these issues are of concern, given the size and composition of the ACT economy, the provisions under ACT tax legislation have generally proven adequate to date.

6. ACT GOVERNMENT PROCUREMENT INITIATIVES

Procurement and Capital Works

The ACT Government works to support best practice industrial relations and employment compliance through government procurement arrangements, particularly on capital works projects, and for its own contract workforce through the implementation of the Contractor Central system.

Procurement and Capital Works (PCW) is the ACT Government's centralised point for undertaking procurement and has in place a number of enforceable initiatives designed to ensure industrial relations and employment compliance best practice in relation to ACT Government procurement contracts. These initiatives include respondent's meeting, and maintaining, all requirements of the Compliance with Industrial Relations and Employment Obligations Strategy for ACT Government Capital Works Projects (the Industrial Relations and Employment (IRE) Strategy), the Active Certification Policy (ACP), the Weighted Safety Criterion Assessment, the Canberra Region Local

Industry Participation Policy (LIPP) along with compliance with all relevant Acts or Regulations of the Commonwealth and the ACT and inter-governmental agreements.

The Territory engages firms to undertake a broad range of civil and commercial construction activity to meet the needs of the community. The construction industry is a major contributor to the ACT's economy. It encompasses a diverse range of activities and provides significant employment opportunities to people living in the Territory and the surrounding region.

For construction projects, the Territory engages a Head Contractor who is responsible for resourcing the project, which often includes the resourcing and engagement of labour hire workers. However, in order to be eligible to be awarded a construction tender, the Head Contractor must meet, and comply with, all industrial obligations as part of the tender process. Following receipt of respondents' bids a tender evaluation process is conducted which examines the response to the IRE Strategy and prequalification, LIPP, Workers Compensation Insurance, Public Liability Insurance, ACT Long Service Leave, superannuation and Payroll tax amongst other things.

Once the project commences, random IRE audits can be undertaken by independent auditors. Should an issue be raised with PCW, the partner agency is consulted and an IRE auditor may be deployed to investigate and work to improve mechanisms. In addition, the project is subject to ACP audits with the Head Contractors prequalification status in jeopardy should any work, health and safety breaches be identified.

Industrial Relations and Employment (IRE) Strategy

Implemented on 1 July 2011, the IRE Strategy forms part of a package of initiatives introduced to eliminate sham contracting and ensure industrial relations and employment compliance best practice is part of the culture of the construction industry, in respect to ACT Government contracts.

The IRE Strategy requires all contractors engaged to perform building work on ACT Government sites to hold, and maintain, an Industrial Relations and Employment Certificate (IRE Certificate) for the term of the relevant contract. IRE Certification is valid for 18 months and building entities must apply for re-certification. In addition, the IRE strategy consists of an assessment and certification process on building entities, as well as random project audits, and applies to all head contractors and subcontractors on ACT Government sites. Audits for the certification and random audits are both conducted by independent approved auditors, who are registered on the Procurement website.

Other initiatives of the IRE Strategy include the requirement for tenderers/contractors to:

- complete an Ethical Supplier's Declaration (in the form of Statutory Declarations);
- meet all insurance requirements; and
- comply with the applicable law and contractual remedies/sanctions for non-compliance.

The IRE Strategy forms part of the ACT Government's commitment to the *National Code of Practice for the Construction Industry 1997* (Construction Code), which aims to ensure, amongst other things, the highest ethical principles in tendering.

PCW is in the process of reviewing the IRE Strategy with a view to broadening the strategy to include other sectors such as cleaners and addressing job security for employees of code covered entities working on government projects. The review will also determine the IRE Strategy's effectiveness in ensuring IRE compliance best practice in the ACT Government construction industry.

PCW continues to consult with the ACT Government Solicitor to finalise the detail of the review of the IRE Strategy, including evaluation strategies. The IRE Strategy's effectiveness is being reviewed as well as the performance of independent auditors. Consideration is being given to removing from the register of approved auditors, those that have exhibited unsatisfactory performance.

In undertaking the review, PCW has engaged in industry consultation meetings with stakeholders including the Master Builders Association, Unions ACT, the Long Service Leave Authority and other organisations.

Preliminary review work has involved auditors being asked to complete a short questionnaire about both the certification and random audit streams of the IRE Strategy. Responses to the questionnaire have indicated that this group considered processes to be working well, with the associated documentation fit for purpose.

Currently, IRE certification is based around a desktop audit, which includes consideration of:

- an organisation's taxation records;
- whether the organisation is paying into the appropriate superannuation scheme(s) on its employees' behalf;
- whether the organisation has the appropriate Certificate of Currency with ACT Leave (ACT Long Service Leave Authority) or an interim card or advice from the organisation that they have not undertaken work in the Territory;
- whether the organisation has a valid Workers Compensation Insurance Certificate of Currency for the ACT;
- whether the organisation has a valid Public Liability Insurance Certificate of Currency; and
- payroll tax returns for the previous 12 months.

Active Certification Program

The ACT Work Health and Safety Active Certification Policy (ACP) was developed as part of the ACT Government's overall work health and safety response to the *Getting Home Safely* report published in 2012¹⁴. The implementation of the ACP endeavours to prevent fatal, permanent and serious debilitation injuries within the construction industry and improve work health and safety practices on sites where ACT Government construction projects are being delivered.

- The Active Certification Program commenced on 1 July 2013 with a three-month 'bedding down' period during which notional points were applied. Following this period, the ACP was reviewed in consultation with key stakeholders including the Master Builders' Association (MBA), Unions ACT, industry and agency representatives, and the six registered auditors. Following minor changes to the policy statement, the ACP became fully operational on 1 December 2013.

¹⁴<https://www.accesscanberra.act.gov.au/ci/fattach/get/116484/1480639491/redirect/1/filename/Getting%20Home%20Safely.pdf>

- The program was developed in line with recommendation 25 of the *Getting Home Safely* report, with the ultimate objective of improving the safety culture on sites where ACT Government construction projects are delivered.
- Under the ACP, Territory sites involving construction work by prequalified contractors (work valued at \$250,000 or above) are subject to a regular 13-week audit by independent contractors. A points penalty scheme applies.
- Where a contractor is found to be non-compliant with work health and safety requirements, a penalty is incurred. Accrual of sufficient points results in the loss of prequalification status, and therefore loss of eligibility to tender for ACT Government capital works projects.
- Contractors are given an opportunity to remedy issues of non-compliance detected in their first audit without incurring penalty points, but this does not apply to subsequent audits.
- Audits have no bearing on the independent findings or decisions of WorkSafe ACT.

Following a further review of ACP in 2016, the policy was updated to recognise the improvement in workplace safety that had taken place since the program was first introduced in 2013. The changes better reflect current business practices and make better use of ACT resources by diverting resources from audits of inactive or low risk worksites to new or high risk worksites.

Updates to ACP included:

- commencing the 13-week audit cycle from the start of work rather than from the possession of site;
- delaying audits by up to four weeks to reflect changes in site possession, operations or other circumstances;
- allowing the government to waive an audit in the final four weeks of a project;
- allowing the government to waive a scheduled audit where a project has received non-adverse reports from the two previous audits; and
- allowing a single audit of multiple sites, subject to the discretion of the government, where a contractor has received non-adverse reports from the previous two audits of any of those sites. However, the first audit of any project, and the next scheduled audit of any particular site that has received an adverse report from the previous two audits, may not be waived.

Comparative Assessment Weighting

On 1 July 2013 the ACT Government implemented the policy of weighting safety at a default of 30% in the evaluation of tenders for construction.

The comparative assessment of contractors' safety record and capacity, as part of the tender selection process for ACT Government construction projects, is in line with recommendation 26 of the *Getting Home Safely* report.

The introduction of ACP and the comparative assessment weighting involved extensive work with the industry and, as part of the three month post-implementation review of ACP, consultation was conducted with key stakeholders including Unions ACT, industry and agency representatives and the registered auditors. All stakeholders consulted indicated their support for the ACP.

PCW continues to engage with key industry members and the Federal Safety Commissioner on ACP and the comparative assessment weighting.

In addition to ACP and Comparative Assessment Weighting, there is also the ACT Public Service Guidelines for Managing Work Health and Safety in Construction Projects with a Value of \$250,000 or More that apply to all government employees involved in the management or delivery of a construction project.

Local Industry Participation Policy

On 1 January 2017, the Canberra Region Local Industry Participation Policy (LIPP) commenced operation. LIPP is designed to ensure that competitive local businesses are given every opportunity to respond to procurement opportunities offered by the ACT Government. LIPP aims to promote the security and sustainability of local businesses and the local economy generally, but also includes criteria which address employment of local labour including, in some cases, apprentices and trainees.

LIPP applies to procurements covered by the *Government Procurement Act 2001* including procurement of works (infrastructure and construction), goods and services by Territory Entities, Public Private Partnership projects and federally-funded infrastructure and construction projects managed by PCW.

LIPP is implemented through a tiered structure based on procurement value thresholds.

For contracts valued \$25k-\$200k, where possible, directorates are required to seek quotations from one local business and one small to medium enterprise. No weighting is applied in the evaluation of these procurement.

For contracts valued between \$200,000 and \$5 million (GST inclusive), respondents are required to complete and lodge an Economic Contribution Test (ECT). A default minimum 10% weighting is applied to the completed ECT as a component of the overall evaluation criteria. The ECT requires the respondent to provide information on how its proposal and business contribute to the economic benefit of the Canberra Region through the following:

- current business presence in the Canberra Region, including relevant capital investment history and/or new commitments;
- how the respondent will identify and consider products and capabilities provided by local businesses;
- where appropriate, the estimated number of labour hours associated with the primary contract and the labour hours of local subcontractors within the primary contract;
- additional undertakings by the respondent to benefit the Canberra Region economy (e.g. partnerships with universities, region headquartering, training investments);
- approach to workforce skilling and local skills transfer (e.g. through supply chain or local subcontractors).

For contracts valued at \$5 million or more (GST inclusive), respondents are required to submit a Local Industry Participation (IP) Plan detailing the respondent's level of commitment to using local

content and/or local businesses and how the respondent's proposal and business contributes positively to the economic benefits of the Canberra Region.

Typically a Local IP Plan would include the following:

- current business presence in the Canberra region and/or and any new commitment including relevant capital investment history;
- the number of newly created and existing local jobs retained, including apprenticeships/traineeships directly linked to the contract;
- additional undertaking by the business that support economic growth in the Canberra region (e.g. partnerships with universities, region headquartering, training investments);
- approach to workforce skilling and local skills transfer (e.g. through supply chain or local subcontractors).

A key factor to enhancing local business participation in government procurement is through effective communication between potential respondents and Territory Entities. This is achieved in a number of ways including:

- the publishing on the Government's Tenders ACT section of the Procurement website (www.tenders.act.gov.au) Directorates' Annual Procurement Plans;
- early procurement planning by Territory Entities to identify opportunities to package procurement activities, thereby providing local supply chains time to organise and collaborate to provide end to end solutions;
- with the support of PCW, Territory Entities will communicate with peak industry groups such as the Canberra Business Chamber, MBA, Consult Australia and ACT Council of Social Services in relation to procurement planning;
- the advance notice by Territory Entities of future procurement opportunities wherever possible via the Call Tender Schedule on the Procurement website;
- the provision of pre-procurement briefings to respondents and timely feedback to respondents on unsuccessful procurement attempts.

Contractor Central

On 3 April 2017 the ACT Government launched its business solution, Contractor Central, to engage and manage the Territory's contract labour workforce sourced through recruitment agencies. The decision to use Contractor Central is one for agencies on an opt-in basis. Contractor Central has been implemented in Transport Canberra and City Services, Access Canberra and Shared Services, covering approximately 80 percent of the Territory's contract labour workforce. The vast majority of labour hire has been recruited for ICT and administrative roles. The solution will be available for all directorates from August 2017 to opt in if they choose to engage and manage labour hire through the solution.

Contractor Central is underpinned by the NSW Contingent Labour Workforce Scheme - SCM0007. Labour hire agencies seeking to provide services through Contractor Central must first prequalify via a thorough assessment process managed between NSW Procurement and ACT Government Procurement and Capital Works. The process includes completion of an Ethical Supplier Declaration

and provision of a current Workers Compensation certificate and IRE certification (when servicing industrial roles).

In prequalifying, suppliers agree to the NSW Contingent Workforce Scheme Conditions (https://www.procurepoint.nsw.gov.au/system/files/documents/scheme_conditions_0007_201703_21.pdf) which specify legal rights and responsibilities, e.g. insurance requirements, supplier fees, quality and qualifications of workers and performance reporting and management. There is also an annexure to the scheme rules that cover operation of additional ACT specific conditions, e.g. compliance with relevant ACT legislation such as freedom of information and privacy legislation.

Secure Local Jobs Package

In 2016, the Chief Minister committed to delivering a package of measures to strengthen the ACT Government's capacity to use its purchasing power to deliver better outcomes for Canberra workers and businesses. The Secure Local Jobs Package is currently under development and will deliver on the following objectives:

- award contracts for government goods and service provision only to companies that meet the highest ethical and labour standards;
- ensure that the creation of local jobs is a key consideration in procurement;
- introduce measures to promote job security and deliver ethical procurement outcomes;
- require providers of goods and services to the ACT Government, including government agencies and statutory authorities, to adhere to the standards of a Local Jobs Code;
- create an efficient, clear and transparent governance regime for resolution of disputes related to government procurement, and continually monitor the performance of contracts; and
- simplify the procurement process and reduce duplication by establishing standard contract terms for all procurement contracts, which include strong representative rights and protections for workers, to the maximum extent permitted.

The implementation of the Secure Local Jobs Package will streamline existing requirements, enhance compliance and enforcement measures and deliver on the Canberra community's expectation that the Government upholds the highest ethical standards in its procurement of goods and services.

7. IMPACT OF INSECURE WORK ON VULNERABLE PEOPLE

Young People

The impact of insecure work arrangements on young people creates an inequality and insecure social grouping that can permeate throughout the life course, with a higher incidence of mortality and morbidity rates. The implications of insecure employment status for young people include: unstable and often unsafe housing arrangements, high dependence on family, reduced autonomy, and a reduction in social inclusion activities, access to health services, transport and education.

A report by the Youth Coalition of the ACT (2016) stated 43.5% of respondents between 16-21 years held casual employment roles, with 69% of those positions held in retail, sales/hospitality and tourism. The highest percentage of respondents (19%) had a weekly income of \$100-\$250.

A key action being delivered to improve youth employment in the ACT is a funded workshop regarding work rights for young people as a joint project between the ACT Government, the ACT Youth Advisory Council and Unions ACT. Additionally, the ACT Youth Advisory Council has 'employment status and equity' as a key focus area in their 2017-18 Work Plan.

Culturally and Linguistically Diverse people

The main barriers that people from culturally and linguistically diverse backgrounds face in finding employment are;

- communicating effectively in English;
- knowing how to go about job hunting;
- knowing who to contact; and
- knowing how to prepare themselves for a job.

The ACT Government is working in partnership with providers of migrant services, community organisations, recruitment agencies and employer associations to initiate programs and services that target and engage more employers in supporting the employment of candidates from culturally and linguistically diverse backgrounds and, specifically, refugee and asylum seeker backgrounds.

In September 2016, the inaugural Refugee Employment Community of Practice was conducted with a view to sharing and developing ideas about ways to help people from refugee backgrounds in the ACT access sustainable employment pathways. The session included representatives from government, business, employers, recruitment agencies and the community sector.

In November 2016, the ACT Government collaborated with Migrant and Refugee Settlement Services to present an Employment Pathways Forum and Expo, as part of continuing efforts to support migrants and refugees in Canberra to access and secure meaningful employment.

The expo included prospective employers, employment service providers, small business entrepreneurs and government agencies, who collectively demonstrated their willingness in providing pathways to employment opportunities.

In the 2017-18 Budget the ACT Government committed \$1.4 million for refugees and asylum seekers to improve their English language skills through expanding English language programs, and to enter the workforce with the assistance of a job brokerage service.

The ACT Government has also provided funding to Multicultural Youth Services to develop the Employment Pathways program which is being developed under the Multicultural Employment Services. The service will provide a range of employment services to clients in multicultural communities of all ages.

Multicultural Employment Services is working in partnership with a comprehensive range of local businesses, Job Active employment services providers, community services and has consulted the Canberra Business Chamber on the best approaches to employment service delivery.

The ACT Government is directly supporting people from culturally diverse backgrounds into work in a number of ways, including the bi-annual Work Experience and Support Program (WESP), which has been successfully changing lives through employment, for almost two decades.

WESP is designed to support Canberrans from culturally and linguistically diverse backgrounds to enter the workforce by providing them with an opportunity to undertake on-the-job training placements to improve office skills and confidence, as well as develop important networks within the ACT Public Service.

Two intakes of the program are offered each financial year, with 20 work placements per intake. Participants undertake four weeks of full-time formal office skills training, followed by eight weeks of full-time work experience placement within the ACT Public Service. On successful completion of the initial course, graduates receive a Certificate II in Business.

Skills Canberra has also been working in collaboration with the Community Participation Group of the Community Services Directorate to identify and provide pathways to traineeship opportunities for graduates of the Work Experience and Support Program (WESP) from South Sudanese backgrounds with a view to strengthening this pathway to all WESP graduates.

Women

As reported by the Workplace Gender Equality Agency in February 2017¹⁵, women constitute 68.4% of all part-time employees, 36.2% of all full-time employees and 54.4% of all casual employees. Women may take on insecure work to allow them the flexibility to balance caring responsibilities such as raising children. However, women need employment that is both flexible and secure.

Insecure work compounds the gender inequity already experienced by women. For example, the gender pay gap sees women earning 16% less than men nationally and 11.5% less than men in the ACT. The reduced earnings mean that women retire with less life savings and less superannuation, and are particularly vulnerable to poverty and homelessness later in life.

Insecure work needs to be considered in the context of gender equality. The ACT Government is committed to gender equality, and has articulated this commitment through the ACT Women's Plan 2016-26 (The Women's Plan). The Women's Plan sets out the ACT Government's ongoing commitment to working in partnership with non-government organisations, businesses and the broader community towards gender equality. It outlines priority areas for action and a structure for how work will be progressed to enhance the economic status, social inclusion, safety and wellbeing of ACT women, particularly groups of women subject to multiple layers of discrimination.

The priority areas identified in the Women's Plan are:

- health and wellbeing;
- housing and homelessness;
- safety;
- economic security; and
- leadership.

Further, the ACT Government supports women through the Return to Work Grants program. Each grant provides \$1000 to individual women on low incomes who have been out of the workforce for more than 12 months due to caring responsibilities. The money can be used by eligible women to

¹⁵ <https://www.wgea.gov.au/sites/default/files/Stats%20at%20a%20Glance%20FEB2017.pdf>

assist them to return to the workforce, including, to attend short courses, formal training and education, or to pay for child care to attend interviews. It may also provide support for the purchase of equipment or clothing directly related to returning to work.

Seniors

In relation to seniors, the ACT Active Ageing Framework 2015-2018 identifies Guiding Principles for the ACT based on the Checklist of Essential Features of Age-friendly Cities issued by the World Health Organisation. The first principle, Civic Participation and Employment, relates to social and economic participation, equity, social inclusion and respect and safety. The ACT Government is committed to providing a range of employment and volunteering options for seniors including promoting training and/or re-skilling options for mature aged workers.

The ACT Government is committed to developing and implementing ways to meet the needs and opportunities of an ageing population. The ACT Mature Age Workforce Strategy had its genesis from the concern about reported age-discrimination in the workforce, and the need for special consideration for workers who are approaching retirement.

The ACT Mature Age Workforce Strategy Statement of Intent was signed by the ACT Government, the Illawarra Retirement Trust Foundation and the Australian Human Rights Commission on 16 March 2016. It works towards collaboratively creating an age-friendly work environment that actively engages mature workers in employment across the ACT.

Veterans

A growing area of concern is developing around the employment needs of veterans and their spouses. The ACT Veterans Advisory Council provides advice to the ACT Government on the needs and issues faced by veterans and their families and have provided critical advice in this area.

The ACT Government acknowledges that as veterans transition from service, they bring with them a wealth of experience and transferrable skills that would benefit public and private enterprise.

However, veterans can face difficulties in translating their skills into the language of both public and private sectors which impacts on employment prospects. In addition, spouses of veterans can be required to resettle post deployment, which can also require leaving employment where they have been located.