

Terms of reference

The Standing Committee on Education, Employment and Youth Affairs shall consider the following matters and report by 31 October 2017:

- (1) The extent, nature and consequence of insecure work in the ACT, including but not limited to:
 - i. the use of group training, labour hire and sham contracting in particular industries and in the supply chains of particular sectors;
 - ii. allegations that labour hire and sham contracting arrangements are being used to avoid workplace laws and other statutory obligations, such as underpayment of wages and entitlements and avoidance of payroll and income tax;
 - iii. allegations of exploitation, harassment and other mistreatment of workers employed by group training organisations and labour hire companies;
 - iv. the use of working visas, particularly in insecure, low paid, unskilled or semi-skilled jobs and trades;
 - v. allegations related to the exploitation of vulnerable classes of workers including working visa holders, young people, the under-employed and migrants;
 - vi. the impact of insecure work on workers, their families and relationships, and on the local community, including financial and housing stress; and
 - vii. the impact of insecure work arrangements on vulnerable workers including young people, the unemployed and under-employed, migrants and short term visa holders.
- (2) The nature and consequence of insecure work arrangements in the ACT, including but not limited to:
 - i. the legal rights and obligations of group training organisations, labour hire companies, host organisations and employees, along with any ambiguity that exists between these entities;
 - ii. the effectiveness of existing industrial relations laws and instruments and their enforcement in the group training and labour hire industries, including occupational health and safety laws and workers' compensation laws;
 - iii. the impact of poor practices, including but not limited to workplace health and safety practices, in group training, labour hire and other insecure employment arrangements on competing businesses; and
 - iv. the impact on long-term workforce needs of replacing permanent employees, apprentices and trainees with casualised labour hire workers.
- (3) In making recommendations, the Inquiry should have regard to matters including:
 - i. the limits on the ACT Government's legislative and regulatory powers in relation to industrial relations and related matters;

- ii. the extent to which the ACT Government's tendering and procurement arrangements are and could be used to encourage best practice in industries where insecure work arrangements have become common;
- iii. regulation in other Australian jurisdictions and in other countries, including how other jurisdictions regulate group training and labour hire;
- iv. regulatory mechanisms to meet the objective of protecting the rights of vulnerable workers, and the potential impact of any regulatory regime on ACT businesses;
- v. the powers of the Commonwealth as they extend to work visas;
- vi. the ability of any ACT regulatory arrangements to operate effectively in the absence of a national approach; and
- vii. Australia's obligations under international law, including International Human Rights Conventions and International Labour Organisation Conventions.