



Submission to the

Queensland Parliament

Education, Employment and Small Business Committee

*Community Services Industry  
(Portable Long Service Leave) Bill 2019*

16 December 2019

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## INTRODUCTION

PeakCare Queensland Incorporated (PeakCare) welcomes the opportunity to provide information in response to the Queensland Parliament's Education, Employment and Small Business Committee's invitation calling for submissions in response to the *Community Services Industry (Portable Long Service Leave) Bill 2019*.

## ABOUT PEAKCARE

PeakCare is a not for profit peak body for child protection and related family support services in Queensland, providing an independent and impartial voice representing and promoting matters of interest to the non-government sector.

Across Queensland, PeakCare has around 60 members which are a mix of small, medium and large, local and statewide, mainstream and community controlled Aboriginal and Torres Strait Islander non-government organisations that provide prevention and early intervention, generic, targeted and intensive family support to children, young people, adults and families. Member organisations also provide specific child protection services, foster and kinship care and residential care services for children and young people and their families who are at risk of entry to, or who are in the statutory child protection system.

A network of registered supporters made up of individuals and other entities with an interest in child protection and related services and who are supportive of PeakCare's policy platform around the safety, wellbeing and connection of children and young people, also subscribe to PeakCare.

## ABOUT PEAKCARE'S SUBMISSION

PeakCare's primary concern is child protection and related services and as such, PeakCare has an interest in reforms relating to the social and community services sector workforce.

Overall, PeakCare welcomes the proposed legislation to establish a portable long service leave scheme for employees in the non-government social and community services sector.

## PEAKCARE'S RESPONSES TO THE DRAFT BILL

As outlined in the Queensland Government's Office of Industrial Relations' *Decision Regulatory Impact Statement October 2019*, workers in the social and community services sector typically provide critical support services for vulnerable people in the community, which is often physically and emotionally demanding work, and can incur a significant personal toll, in a sector characterised by high mobility and unstable funding arrangements. In addition the workforce has a significantly

higher proportion of female employees and women who become parents are more likely than male parents to take extended leave from their careers for child rearing. This context creates a lower likelihood of social and community services sector workers qualifying for the benefits of a sustained break for rejuvenation through long service leave entitlements.

PeakCare is of the view that employees, employers and the wider sector and community as a whole will benefit from allowing workers to accumulate long service leave entitlements through continuous service in the sector rather than with one employer. Benefits include attraction and retention of skilled and experienced employees, reduced recruitment and training costs over time, and the flow on benefits expected for service users from a stronger social and community services workforce.

The Bill and its apparent intentions in introducing portable long service leave for the sector is a long anticipated and supported reform. Peakcare has some caution about ensuring implementation or operational policy issues, particularly through the transition process, are well planned and thought through in collaboration with stakeholders to minimise unintended consequences. Some concerns that have come to PeakCare's attention as potential matters to be considered and resolved are outlined below.

### **Additional costs for organisations**

The most frequently raised concern is about additional unfunded costs to organisations. It is anticipated that there will be an initial financial impact for organisations during the transition from existing long service leave provisioning practices to the payment of the proposed portable long service leave levy, given that the scheme is intended to increase the likelihood that workers will access portable long service leave entitlements.

There appear to be some scenarios where organisations may be required to undertake two sets of provisioning to cover costs, for example:

- Staff may have been employed, for example, for six years at the time of implementation, and will be eligible for long service leave after a year but the scheme, in not being retrospective, will only fund one year;
- Organisations may have an existing enterprise agreement which may provide entitlements above those provided in the Bill, for example, long service leave after five years or different cash out conditions; and
- Organisations may not have been already provisioning appropriately for long service leave due to a mostly casual workforce, low risk of employees accessing qualifying for long service leave or being a very small organisation.

Many organisations in the social and community services sector, particularly smaller organisations, are reliant on government funding without access to other sources of income and experience significant financial strain. Additional unfunded cost pressures pose a real risk to viability.

## Scope/inclusion and alignment with existing awards

Some larger organisations may provide a broad suite of services across different parts of the sector, and staff may be employed under a range of different awards. While some of these issues are considered in the *Decision Regulatory Impact Statement*, there may potentially still be some concern and confusion to clarify around the scope and inclusion/exclusion of aged care, health care, child care and potentially other disciplines who may be employed by social and community services organisations, to ensure staff who should benefit from the portable long service leave scheme are not excluded.

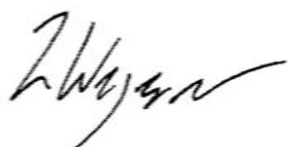
## Services working across borders

There is a need for clarity about the eligibility for staff in organisations who work in Queensland and also work across borders into other states and territories. Similarly, for workers who hold national roles in their organisations but are based in Queensland.

PeakCare commends the government's commitment to the social and community services sector by recognising and rewarding the dedication of workers to this most challenging, demanding and important work context, by improving access to long service leave entitlements.

Thank you for the opportunity to provide information in response to Queensland Parliament's *Community Services Industry (Portable Long Service Leave) Bill 2019*.

Yours sincerely



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PeakCare Queensland