



# Submission to

## The Finance and Administration Committee

### *Labour Hire Licensing Bill 2017*

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submission

## Introduction

The Queensland Nurses and Midwives' Union (QNMU) thanks the Finance and Administration Committee (the Committee) for the opportunity to make a submission to the inquiry into the *Labour Hire Licensing Bill 2017* (the Bill).

Nursing and midwifery is the largest occupational group in Queensland Health (QH) and one of the largest across the Queensland government. The QNMU is the principal health union in Queensland covering all categories of workers that make up the nursing workforce including registered nurses (RN), registered midwives (RM), enrolled nurses (EN) and assistants in nursing (AIN) who are employed in the public, private and not-for-profit health sectors including aged care.

Our more than 57,000 members work across a variety of settings from single person operations to large health and non-health institutions, and in a full range of classifications from entry level trainees to senior management. The vast majority of nurses in Queensland are members of the QNMU.

Although labour hire arrangements have been a feature of the labour market for decades, it is now becoming a growth industry with many large employers preferring this form of engagement over traditional forms of direct employment. The QNMU has a significant interest in measures to protect our members from employment practices that seek to cut labour costs by undermining job security and conditions of employment. Nursing and midwifery are already registered professions (except for AINs).<sup>1</sup> It is consistent and reasonable that labour hire agencies engaging nurses and midwives are themselves effectively regulated.

In 2016, the QNU made a detailed submission to the Finance and Administration Committee (FAC) Inquiry into the practices of the labour hire industry in Queensland and appeared before this committee at a public hearing in Brisbane.

Here, we provide a brief response to the major provisions of the Bill as they relate to nursing and midwifery in Queensland.

The QNMU recommends:

The parliament passes the bill.

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<sup>1</sup> The QNU has consistently sought licensing of AINs by the Nursing and Midwifery Board Australia.

**Part 2 Prohibited conduct and exemptions**

The QNMU supports the prohibited conduct provisions including those that prohibit avoidance arrangements and the application of penalties for contraventions.

**Part 3 Licences**

The QNMU supports the application and grant provisions and the criteria against which the chief executive makes a decision.

**Renewal and restoration**

The QNMU supports the provisions that enable a licensee to apply for renewal before expiry and the criteria against which the chief executive makes a decision.

**Suspension, cancellation and surrender**

The QNMU supports the provisions enabling the chief executive to suspend a licence in certain circumstances.

**Division 4 Fit and proper persons**

The QNMU supports the fit and proper person provisions.

We need only look into recent cases of labour hire malpractice to support the need for a 'fit and proper person' test to applicants seeking to operate as a labour hirer.

**Division 1 Licence conditions**

The QNMU supports the requirement to comply with all relevant laws.

**Division 2 Reporting**

The QNMU supports mandatory public reporting and recommends s 32 - Prescribed Matters For Reports - should require regulation to prescribe reporting on the number of visa holders and the type of visa. We recognise this has been given as an example, however, this information should be a mandatory reporting requirement where relevant.

**Part 6 Monitoring and enforcement**

We support a dedicated compliance unit responsible for issuing licenses, entering premises for inspection, ensuring compliance with licence requirements, monitoring and auditing

labour hire providers, publishing annual reports and maintaining register of current licence holders.

### **Additional Requirements**

The QNMU recommends the following provisions should be articulated in regulation.

#### *Mandatory Information for Workers*

The licensing scheme should require all labour hire operators to provide mandatory information such as the Fair Work Information Statement and/or training to workers about their workplace rights and entitlements before or as soon as possible after, they start their new job. This should include the contacts for the relevant union and other agencies that may assist in providing information or representation.

Nursing and midwifery labour hire firms should be aware that nurses and midwives have professional obligations under the *Health Practitioner Regulation National Law Act 2009* (the national law), the *Aged Care Act 1997* (where appropriate) and other relevant health regulation. Nurses and midwives engaged in public sector facilities operating with mandatory minimum nurse/midwife-to-patient ratios should also be made aware of these workload parameters.

#### *Labour hire contracts*

Labour hire contracts should include specific provisions whereby:

- the payment of wages and conditions are in accordance with the requirements of employment laws;
- an employee unable to seek recovery of unpaid wages from the labour hire employer due to administration, liquidation or an inability to locate the labour hire employer, can recover unpaid wages from the host; and
- an employee can take legal action in respect to the terms of the contract.

### **Conclusion**

Employment regulation is complex for workers, employers and labour hire providers. Labour hire workers are particularly vulnerable in this environment. In our view, the new legislation will give greater security to these workers and more guidance to the industrial parties on their obligations under the law.