




Speech By
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MEMBER FOR NUDGE

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COMMUNITY SERVICES INDUSTRY (PORTABLE LONG SERVICE LEAVE) BILL

 **Ms LINARD** (Nudgee—ALP) (11.18 am): I rise to speak in support of the Community Services Industry (Portable Long Service Leave) Bill 2019, but before I turn to the substantive nature of the bill I want to set the record straight in respect to some comments made by the member for Kawana yesterday in his speech on the bill.

The member yesterday took issue with the four months the bill has taken to get to the floor of the House and also commented on the 51 pages of amendments tabled with the bill. We all know the member for Kawana likes a good record and luckily for him this one remains firmly his, because it was his bill—I understand the Directors' Liability Reform Amendment Bill 2012—which took 11 months to reach the floor of the House and had 108 pages of amendments tabled just before the debate.

Ms Howard: How many?

Ms LINARD: It was 108—I take that interjection—which is more than double what he raised yesterday, and of course there was no world health pandemic at that time. No-one could forget when the former member for Callide had to move 169 amendments during consideration in detail to fix the member for Kawana's unconstitutional IR laws around midnight—in the dead of night no less. The member for Kawana gets to keep this record, which is of course the record you do not want to have.

I move now to the substantive matters before us. At a time when our focus is so resolutely on job creation, job security and the nature of work in our state, it is timely to consider this bill which seeks to make provision for a sector in our community that is particularly vulnerable—that is, community services workers. The bill before us for debate establishes a portable long service leave scheme for the community services industry. The scheme covers workers performing community services work, including contract workers engaged in non-government, for-profit and not-for-profit organisations. It provides those workers with a portable long service leave entitlement after seven years service, with accrual at the rate of the existing statutory entitlement of 8.67 weeks after 10 years service as prescribed in the Industrial Relations Act.

How does what is proposed differ to the current provision and why is a variation justified? Currently, as members are aware, eligible workers are able to access long service leave at 10 years service with a single employer under the IR Act. However, this presents a particular challenge to many in the community services sector because of the nature of the sector itself.

The 2016 data from the ABS indicated employees in the healthcare and social assistance industry experienced a high prevalence of insecure work, with almost one in four workers not receiving any paid leave entitlements. Further, ABS data from the 2017 Participation, Job Search and Mobility survey found only 18 per cent of Queensland community services sector workers had been engaged with the same employer for over 10 years, below the Queensland average of 26 per cent.

This data was further borne out by a survey in 2017 of community services employees by the Services Union which found the following: 80 per cent identified as having worked for up to five different employers within 10 years of service in the industry; 72 per cent of respondents who had over 10 years

of service had never achieved long service to access the leave entitlement; and respondents who had over 10 years of service on average worked approximately 6.7 years per employer. Taking all respondents' answers, the average period of employment per employer was 3.25 years. As stated in the explanatory notes, taken together the data reveals high levels of structural labour mobility which impacts on workers accessing a long service leave entitlement in the sector.

The nature of the social and community services industry is such that employees are regularly working in high-stress, crisis and trauma environments, covering sectors of the industry such as child protection, community legal services, community and neighbourhood services, Aboriginal and Torres Strait Islander community services, health, alcohol and other drug services, disability and mental health, homelessness, as well as migrant and settlement services. Workers are providing care and expertise in areas of great need but equally areas of significant stress and trauma. These services are also provided in a sector that is largely funded by short-term contracts which must be retendered on expiry.

Whilst our government's commitment to fund pay equity rates and introduce longer term funding contracts has been acknowledged as already creating a more sustainable social and community services industry, the majority of both federal and state funding remains tied to these short-term contracts, contributing significantly to the insecure nature of the work. I appreciate that this problem is further exacerbated by the move to consumer driven funding with the introduction of the NDIS.

These structural characteristics have resulted in a workforce with short-term tenure, often with multiple employers but paradoxically long-term service within the industry—and they are not alone. In recent history, we have seen the introduction of portable long service leave schemes in other industry sectors where it is very difficult for workers to accrue sufficient service with the one employer to attract long service leave. This is no fault of the workers or employers in those industries but represents a structural issue in the industry itself that calls for, in my opinion, some substantive equalising to achieve greater equity, and that is what this bill does.

Similar reforms have seen portable schemes introduced for the building and construction industry and contract cleaning sectors. Proudly, both industries were provided with such schemes by Labor governments under former premiers Goss and Beattie, and we continue that tradition today, but we do not do so alone. As always, it has been done following consultation with workers, employers and the industry itself. Prior to the bill being introduced and referred to my committee, a consultation RIS was released by the department with over 300 submissions received indicating broad, in-principle support for a scheme. During our committee process, 23 submissions were received—again, with broad support indicated for the proposed scheme, of course particularly by workers themselves.

The key issues raised by submitters related to clarity around scope, practical issues for employers preparing for the scheme and provisioning concerns. While discussion around these issues is contained in the committee's report, I do want to make some brief comments in regard to the provisioning concerns or costs raised. The portable long service leave scheme will be funded by employer contributions, paid on the ordinary wages of their workers. Independent actuarial assessment has calculated the levy to be 1.35 per cent lower than both the ACT and Victorian schemes, and I know there has been a real focus on keeping the rate as low as possible for employers and the sector.

Employer concerns in respect of cost are very real. The short-term nature of contracts equally makes budgeting difficult for organisations, but I think it is important to note that the proposed levy to fund the scheme is less than the current rate required by employers to provision for long service leave entitlements for their employees. This scheme does not increase what employers are actually required to provision; it just changes the freedom they currently have in regard to how that provisioning occurs and fundamentally increases the number of employees who will be able to access those entitlements. This has benefits to the sector beyond the individual by helping to attract new entrants and retain skilled and experienced workers in the industry.

The community services industry is an industry of workers who have a passion for the work they do and the clients they support. I choose these words because they come from one of the strongest advocates of the sector—the Services Union. Their impassioned call for the introduction of portable long service leave for community workers has been consistent and long made. Their contribution to the inquiry in respect of both their detailed and evidence based submission and their appearance at the hearing was of great value and assistance. I am proud to be a member and am a great supporter of the work they do.

I thank all individuals and organisations who made written submissions on the bill and the officials from the Office of Industrial Relations in the Department of Education for their assistance. I also warmly acknowledge and thank the minister, Grace Grace, for her ongoing commitment to workers in this state and for bringing these reforms forward to provide for these workers who daily support our most vulnerable Queenslanders.

In closing, I would also like to acknowledge the advocacy of Mr David Schipp, whose case in the Industrial Relations Commission highlighted the need to clarify that, in cases of termination related to illness related incapacity, the entitlements should apply in all cases and not be dependent on whether it is the employer or the employee who terminates the employment. His advocacy highlighted the need for legislative change and will benefit workers into the future. I commend the bill to the House.