

## IN THE FAIR WORK COMMISSION

Matter No: 2018/26

**Section 156 - Four Yearly Review of Modern Awards – *Social, Community, Home Care and Disability Services Industry Award 2010* – Substantive review**

### **SUBMISSION OF UNITED VOICE**

1. This submission is made pursuant to the Direction of the Fair Work Commission ('the Commission') on 11 June 2019 requiring '*interested parties*' to make a short submission based on the contents of the Report and the Survey results made in aid of the 4 yearly review of the Social, Community, Home Care and Disability Services Industry Award 2010 ('the Award').

#### **The survey**

2. The Survey was conducted as an open set of questions directed to employers engaged directly or indirectly in the review of the Award.
3. Participation in the Survey was limited to employer participants in the review of the Award. The capacity to participate in the Survey was controlled by employers or employer groups who as participants in the review were provided by the Commission with the means to participate or nominate others.<sup>1</sup> In total 854 employers completed a response and these responses are the material which is the basis of the Report.
4. It is not clear from the Report but 2,980 employers had an opportunity to participate but roughly only 30% of this group completed a survey.<sup>2</sup>
5. The sample for the Survey comprised employers participating in the review of the Award or employers known to participating employers. Nothing more is known of the sample.

#### **Methodological issues**

6. The Survey is not a census of the employers covered by the Award. A census would require close to all employers to have participated. Census data is generally considered the most accurate means to conduct empirical research. There is some census material that is filed in the proceedings and this is the statistical material found in the *Industry Profile* and

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<sup>1</sup> *Survey analysis of the Social, Community, Home Care and Disability Service Industry Award 2010* ('the Survey') at page 1.

<sup>2</sup> As above.

*Information Note* both filed on 12 April 2019 at the motion of the Commission. The information in these 2 documents is derived from the census data collected by the Australian Bureau of Statistics ('ABS'). It can be described as data with a high degree of integrity.

7. A survey 'refers to the selection of a relatively large sample of people from a pre-determined population (the 'population of interest'; this is the wider group of people in whom the researcher is interested in a particular study).'<sup>3</sup> The generally accepted purpose of a survey is to 'describe characteristics of a group or population... to describe their attitudes, opinions, behaviours, experiences, or other characteristic of the population.'<sup>4</sup> Broadly, if the sample group is representative of the entire population, selected randomly, then valid inferences can be drawn from the survey about the entire population.
8. A key aspect of quantitative sampling strategies is generalisability (also known as external validity): the best way to achieve results that can be generalised is through random selection of participants, and by including a large number of participants.<sup>5</sup>
9. A sample of participants (respondents) based on convenience is an example of sampling bias.<sup>6</sup>
10. The Survey appears to have inherent weakness in terms of any pretence to being a survey of the employers covered by the Award. At best this Survey is a survey of the participating employers and those in some way connected with participating employers. If this evident sampling bias is explicit it provides a context to the contents of the Report.
11. Due to the limitations on the manner in which the Survey was conducted, the Report is of limited use to the Commission in reviewing the Award.
12. While the ABS material noted above is census data, the ABS material does provide empirical material about employees with the caveat that some of the material is from 2016 and the data from the ABS may not perfectly match the industrial coverage of the Award.<sup>7</sup>
13. The ABS material is not limited to being useful in relation to employees and due to the independent and scientifically rigorous provenance of the data some inferences can be drawn about employers in the sector. The ABS data is person focussed.

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<sup>3</sup> Kelley, K., Clark, B., Brown, V., & Sitzia, J. (2003). Good practice in the conduct and reporting of survey research. *International Journal for Quality in health care*, 15(3), 261-266. pg. 261.

<sup>4</sup> Mertler, C. A. (2018). *Introduction to educational research*. Sage Publications.pg. 112.

<sup>5</sup> Mertler, C. A. (2018). *Introduction to educational research*. Sage Publications.pgs. 38, 109.

<sup>6</sup> Bhattacharjee, A. (2012). *Social science research: Principles, methods, and practices*. Pg. 22

<sup>7</sup> The Commission has made ostensibly rigorously attempts to apply proper social scientific methods to the ABS data to draw inferences concerning persons covered by modern awards; see: Preston, Pung, Leung, Casey, Dunn and Richter (2012), *Analysing modern award coverage using the Australian and New Zealand Industrial Classification 2006: Phase 1 report*, Research Report 2/2012, Fair Work Australia, this report is referenced in the Report.

## **The contents of the Report**

14. Due to the sampling bias, the Report provides at best background and may assist in assessing the veracity of some of the broad claims of participants but cannot be said to provide any secure information concerning the sector. The fundamental problem with the Survey is that conclusions that can be drawn from it cannot be said to be true of employers generally covered by the Award.
15. We note the following observations about the Report.
16. In relation to chart 1, respondents engaged in the disability sector are the main respondents.
17. In relation to chart 3, the level of award reliance is 63.3% of respondents.

## **Casual employees**

18. In relation to chart 6, 40.2% of the workforce of the respondents is engaged casually under the Award.
19. In relation to chart 7, 24.6% of respondent did not employ any casual employee between 4 to 31 March 2019. This would suggest that for the respondents who employ casual employees, the percentage of casual employees is likely higher than 40.2% of their workforce.
20. In relation to chart 8, over 25% of casual employees worked in excess of 38 hours a week.
21. We make no comment on charts 9 and 10.
22. The statement at paragraph 3.2 concerning chart 13 and 14 is striking. Enterprise agreement covered respondents appear to have higher utilisation rates for casual labour than award reliant respondents.
23. In relation to chart 15, the respondents' casual utilisation increases relative to the enterprise's size.
24. In relation to charts 16 and 17, the difference between casual utilisation on the basis of the respondents' source of income is slight.
25. There appears to be a high utilisation of causal labour by some respondents.

## **24 hour shifts**

26. In relation to chart 18, about 10% of respondents use the facility of 24 hour shifts. We can perhaps say 24 hour shifts are not commonly used.
27. In relation to chart 19 and 20, the respondents are more likely to roster a home care employee on a 24 hour shift if they are award reliant.
28. In relation to chart 21, larger award reliant respondents are more likely to roster homecare workers on 24 hour shifts.
29. In relation to chart 22 and 23, we make no comment.

30. Only about 10% of respondents utilise 24 shifts. In the context of the already discussed issues about sampling bias, the material on 24 hour shifts is problematic.

**United Voice**  
**3 July 2019**