

BEFORE THE FAIR WORK COMMISSION

Fair Work Act 2009 (Cth)

Title of matter: 4 yearly review of modern awards – Social, Community, Home Care and Disability Services Industry Award 2010 – Survey

Section: s156

Matter Number: AM2018/26

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Introduction

1. These submissions are made pursuant to Directions of 11 June 2019 in matter AM2018/26, 4-yearly review of the Social, Community, Home Care and Disability Services Industry Award 2010.
2. AFEI makes the following submissions concerning the document published by the Fair Work Commission titled '*Survey analysis of the Social, Community, Home Care and Disability Services Industry Award 2010*', June 2019 ('the Report').

Survey response rate

3. The Report notes that the survey was sent to 2980 enterprises, these enterprises being members of one or more employer organisation parties to the award review proceedings. AFEI agrees with the comment that this figure includes enterprises that received the survey more than once. Due to duplication in survey distribution, and the consequence that less than 2980 discrete enterprises were provided the survey, the identified response figure of 854 enterprises is likely to be more than 30% of the enterprises surveyed.
4. According to the Productivity Commission,¹ there are as many as 5000 organisations that receive government funding to provide social and community services, although there are no details concerning the number of these organisations that are employers. Due to the approximation of the total number of enterprises surveyed, and the lack of available data concerning the number of employing enterprises nationally, it is unclear what proportion of the total number of employing enterprises nationally responded to the survey.
5. It is also unclear how representative the responses are for the various sub - sectors shown in Chart 1. The representation of respondents appears to have been skewed towards disability services, aged care and home care.
6. Notwithstanding that disability, aged care, and home care sectors may have been over-represented in the survey, the survey data is important as these sectors have been most affected by recent changes in client-centred funding and increased competition for services.

Survey results generally

7. Whilst the parties were consulted about the survey questions prior to their finalisation, any propositions to be tested with the survey data were not the subject of consultation. As a result, the survey results include information that is broad, and may be constrained in its utility for testing certain propositions, or drawing conclusions about causation/relationships between data sets.

¹ *Introducing Competition and Informed User Choice into Human Services: Reforms to Human Services Productivity Commission Inquiry Report Overview & Recommendations No. 85, 27 October 2017 page 21*

8. AFEI suggests exercising caution in drawing inferences of a causative relationship between separate data sets, particularly where the Report uses phrases like 'were more likely to' or 'were less likely to.'

Specific survey results

9. The survey establishes that a very high proportion of respondents employ casual employees, that overtime is worked by casuals for a significant proportion of respondents, and a very high proportion of respondents have casual employees working on Saturdays and Sundays.
10. While the Survey establishes that most respondents receive a major proportion of their revenue from government funding, it does not reflect the complexity of funding received from governments. This complexity includes the trend toward client centred funding through the NDIS and other Commonwealth funded programs in disability services, aged care and home care, compared to the state governments greater emphasis on block funding.
11. The Survey also establishes that 24 hour shifts continue to be used by employers covered by the SCHCDSI Award. Given that 24 hour shift provisions only apply to home care employees, the 11.2% of all respondents using 24 hour shifts could be as high as one third of all home care respondents.