INQUIRY INTO IMPACT OF TECHNOLOGICAL AND OTHER CHANGE ON THE FUTURE OF WORK AND WORKERS IN NEW SOUTH WALES

Organisation: QUT Centre for Decent Work and Industry

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Submission to the Inquiry into the impact of technological and other change on the future of work and workers in New South Wales.

Contributors
Dr Penny Williams, QUT
Professor Paula McDonald, QUT
Professor Andrew Stewart, University of Adelaide
Associate Professor Robyn Mayes, QUT
Maria Hameed Khan, QUT

Executive Summary

This submission has been prepared by Professor Andrew Stewart from the *University of Adelaide*, Dr Penny Williams, Professor Paula McDonald, Associate Professor Robyn Mayes, and Maria Khan, from the *QUT Centre for Decent Work & Industry*.

Technology is rapidly changing the way we access and participate in work in new and unexpected ways, raising complex challenges for the future of work. New forms of work are complicating what constitutes employment, the definition of employee, and the regulatory framework within which labour is engaged. Digital platforms, gig work and automation present both opportunities and challenges for workers and the Australian economy, and the impact may vary significantly by urban/regional location, and by socio-economic and demographic factors. Research is only now emerging that addresses the unique challenges of the Australian context.

The authors of this submission directly address these complex challenges through theoretically informed and evidence-based research.1 Our research is characterised by longstanding experience in conducting highimpact workplace and organisational studies; and substantial expertise in fields including employment relations, labour regulation, technology and work, labour geography, and qualitative and quantitative research design and methods. The authors comprise a project team, undertaking research on digital platform work, funded by an Australian Research Council Discovery Grant 2018-2020 (Research ID: DP180101191). In addition to this program of research, the authors, with funding support from the Victorian Department of Premier and Cabinet, conducted the first National survey into digital platform work in Australia; Digital Platform available nature and impact. at: https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/7315/9254/1260/Digital_Platform_Work_in_Australia_-Prevalence Nature and Impact - November 2019.pdf. This study informed the Inquiry into the Victorian On-Demand Workforce.

In addressing the terms of reference, this submission focusses issues and recommendations related primarily to the 'on-demand' or 'gig economy' and accordingly provides responses to select terms of reference (b) and (e). Our recommendations support the need for regulatory changes and reforms to existing laws and instruments, and thus address terms of reference (l). In support of our claims, we summarise relevant published evidence-based research, including our own. The submission presents the following recommendations as they relate to the terms of reference;

Recommendation 1: Develop a system to monitor, over time, new and emerging forms of platform work and their impacts on the pay and conditions of workers in Australia.

Recommendation 2: Develop evidence-informed regulatory and policy responses to new and emerging forms of platform work.

Recommendation 3: Support longitudinal research that tracks changes in the extent of participation and in digital platform work and who is participating.

Recommendation 4: Invest in publicly funded post-secondary education and training systems, study and training allowances that provide a living wage, increased demand for entry level positions, and employment services that direct young workers towards skill shortages.

Recommendation 5: Review and adopt the recommendations for regulatory change outlined in the Report of the Inquiry into the Victorian On-Demand Workforce (2020).

¹ Refer to Appendix for a list of relevant publications informing this submission.

Body of Submission

The following submission focusses on the impact of the 'on-demand' or 'gig economy' in New South Wales (TOR (b)), and the adequacy of skills and education systems to help people adjust to the changing nature of work (TOR (e)).

1. The extent, nature and impact of the 'on-demand' or 'gig economy' (ToR (b))

The nature of the 'on demand' or 'gig economy'.

Over the last decade, the rapid emergence of web-based platform businesses that match demand and supply for goods and services have had a disruptive influence on established markets and existing employment models. Digital platforms take many forms. Some provide an avenue to share content and information, others act as digital marketplaces for the sale and purchase of goods, while others, such as AirBnB, enable an income to be earned by renting or leasing out assets and resources. The focus of this submission, and the Inquiry, however, are a distinct set of digital platforms that provide a means of organising paid labour by connecting end-users of a service with workers who are willing to perform the service. These digital platforms use algorithms and technology to facilitate and manage access to labour on-demand. Workers, designated as independent contractors, access short-term temporary "gigs" via the platform website or app, which also determines the distribution of work and the manages the piece-work payment process. Gig work is generally characterised as short-term or temporary, where the worker is engaged for a specific task. These 'gigs' can consist of virtual work where they can be completely performed online (for example graphic design work) or can be location based, in person work (for example delivery driving or cleaning) (Heeks, 2017; Pesole et al., 2018). The work might be performed by one specific individual matched with the job via the platform or divided into smaller 'micro-tasks' outsourced to a virtual crowd of nameless workers (Drahokoupil & Fabo, 2016; Ticona & Mateescu, 2018).

Digital platform work involves at least three main parties; the platform, client and the worker. In some forms of gig work, there may be additional related parties, such as restaurants in the case of food delivery services. The contractual relationships between these parties distinguishes 'gig work' from standard forms of work, affording flexibility and choice to the worker but also creating marketization, competition and precarity. Although gig workers have autonomy to use their own equipment and the discretion to choose jobs according to their own convenience and availability, there are elements of control and surveillance embedded in platform mechanisms which undermine the freelance or contractor work status, and have contributed to the significant debate on the true employment status of digital platform workers.

Platform work has received considerable scholarly and media attention, much of which has focussed on the very public transport and food deliver digital platforms, such Uber and UberEats, Foodora or Deliveroo. Digital platforms however are emerging in a wide range of industries, many of which pose potentially new problems for the safety and rights of workers and consumers, and present distinct regulatory challenges. For example, in recent years, digital platforms offering disability and aged care services have emerged in Australia. Yet, these platforms are not employers, despite their role in the provision of bodily labour, and are therefore not subject to local employment regulations nor are they obligated to ensure that workers have basic insurance cover or occupational health and safety protections.

The next section presents findings from a 2019 survey into the prevalence of digital platform work in Australia and illustrates the diversity of work that is currently being undertaken via digital platforms. The heterogeneity of digital platforms is further complicated by the ability for a single platform to offer multiple forms of work and ways of earning an income. For example, photographers might use a single digital platform to display photographic work to build a profile, and license images for use, and find clients for whom they will undertake an on-location photography shoot (McDonald et al., 2020a). Further, individuals can, and do, sell their labour via multiple platforms simultaneously. These nuanced features of 'on-demand' or 'gig work' complicate the application of existing laws and must be considered in the development of any new legislative and regulatory frameworks.

Recommendation 1: Develop a system to monitor, over time, new and emerging forms of platform work and their impacts on the pay and conditions of workers in Australia.

Recommendation 2: Develop evidence-informed regulatory and policy responses to new and emerging forms of platform work.

The extent of the 'on-demand' or 'gig economy'

Estimates of the proportion of the population who participate in platform work vary between 0.4% and 19% globally (Florisson and Mandl, 2018; OECD Report, 2019). While all studies that measure participation in the digital economy call for caution in the comparison of global figures (see for example, OECD, 2019), all agree, that the data suggests growth in the number of platform businesses and worker participation (De Groen et al., 2017; Evans and Gawer, 2016; Heeks, 2017; Kassi and Lehdonvirta, 2018). A 2019 study² conducted by the authors of this submission, found that 13.1% of internet users in Australia had at some time, undertaken digital platform work and 7.1% of those had done so within the last 12 months or were currently working or offering to work through a digital platform. This total participation rate is larger than previous estimates in Australia³, but broadly consistent with participation rates cited in Europe and the United Kingdom⁴.

The study also indicated that New South Wales had the highest levels of participation in digital platform work at 14.3% compared with other States and Territories. Of those 14.3% of NSW internet users, 6.4% had at some time undertaken digital platform work, while 7.9% were currently participating in the gig economy. Not surprisingly, participation was highest in major cities, and further analysis showed that survey respondents located in regional and remote areas were less likely than those in a major city to participate in digital platform work. Participation rates by State or Territory and Location are provided in Table 1 below. This table has been

² McDonald, P., Williams, P., Stewart, A., Mayes, R., & Oliver, D. (2020). Digital platform work in Australia: Prevalence, nature and impact. Melbourne: July. Available at: https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/7315/9254/1260/Digital Platform Work in Australia - Prevalence Nature and Impact - November 2019.pdf

³ See, for example, Minifie, J. (2016), Peer-to-Peer Pressure: Policy for the Sharing Economy, Report No 2016-7, Melbourne: Grattan Institute, 33-34; Deloitte Access Economics (2017), Developments in the Collaborative Economy in NSW, Sydney, NSW, Australia: Deloitte Touche Tohmatsu, 4-6 (available at: https://www2.deloitte.com/au/en/pages/economics/articles/review-collaborative-economy-nsw.html).

⁴ For example, (Pesole et al, 2018) found that 12.6% of the United Kingdom's population of internet users undertake platform work, and in Spain 15.1% do so, Germany 11.8%, Netherlands 10.6% and France 8.8%.

adapted from the report: Digital platform work in Australia: Prevalence, nature and impact (McDonald et al., 2020, p.33).

Table 1: Participation in the Gig Economy by Location

		Have you earned income by working or offering services through digital platforms?				
		No	Yes, but not in the last 12 months	Yes, currently or within the last 12 months	N	
	Australian Capital Territory	86.1	6.1**	7.8*	244	
	New South Wales	85.7	6.4	7.9	4453	
	Northern Territory	92.1	N<5	5.0**	139	
State or	Queensland	88.3	5.6	6.1	2809	
Territory	South Australia	89.0	4.2*	6.8*	1001	
	Tasmania	88.4	6.1	5.5*	311	
	Victoria	86.2	6.4	7.4	3642	
	Western Australia	88.3	5.7*	5.9*	1414	
	Major cities	85.7	6.5	7.8	11196	
	Inner regional	93.0	3.4*	3.6*	1876	
Location	Outer regional	91.6	4.5*	3.9*	726	
	Remote	89.5	6.5**	4.0**	124	
	Very Remote	90.6	N<5	N<5	32	

Note ** Relative Standard Error > 25% * Relative Standard Error > 10% Unweighted N= 14013

Patterns of participation in Australia uncovered in the study, were somewhat similar to other developed economies. For example, higher proportions of younger people (aged 18-34) and males were working through digital platforms, and most workers participate infrequently to supplement an income from another source. Gender is an indicator of participation in platform work: female respondents were only half as likely as males to work on digital platforms. At the same time, it is likely that gender-based occupational segregation (and pay inequality) is reproduced in platform work. Only 2.7% of current digital platform workers in Australia were deriving their total income from on-demand or gig work. Relative to Australian citizens, temporary residents were three times more likely to be a current platform worker. Students, respondents who were otherwise unemployed, and those who spoke a language other than English at home, were all more likely to be current

digital platform workers⁵. Participation was split between respondents who had undertaken work "in person at a specified location" (38.7%), work done solely as "computer or internet-based only work" (28.2%) and those who had done both types of work (33.1%).

Consistent with earlier points about the growth of digital platforms and the heterogeneity of digital platform work, the study also identified over 100 different platforms through which people in Australia are currently working or offering to work. The five most popular platforms for seeking work were Airtasker (34.8%), Uber (22.7%), Freelancer (11.8%), Uber Eats (10.8%) and Deliveroo (8.2%), and the most common type of work undertaken via digital platforms was transport and food delivery – 18.6% of current platform workers were providing transport and food delivery services. Over 35% of current platform workers worked on multiple platforms and 11.4% were registered with four or more platforms. Workers were doing the following types of work via digital platforms (McDonald et al, 2020, p.40):

Table 2: Type of work undertaken through digital platforms

Type of digital platform work	N	%
Transport and food delivery	183	18.6
Professional services	167	16.9
Odd jobs and maintenance work	113	11.5
Writing and translation	89	9.0
Clerical and data entry	77	7.8
Creative and multimedia	76	7.7
Software development and technology	71	7.2
Caring	69	7.0
Skilled trades work	57	5.8
Sales and marketing support	49	5.0
Education	12	1.2
Professional services	9	0.9
Unknown or insufficient detail	14	1.4
Total	986	100

This study was the first national prevalence study on digital platform work in Australia and provides the only empirical data based on a nationally representative sample, that allows a deeper understanding of on-demand labour in Australia. The study points to the nuanced ways in which Australians participate in the gig economy, supplementing income and moving in and out of gig work in accordance with their individual circumstances.

⁵ Students were 1.3 times more likely than employed/self-employed individuals to be current platform workers; unemployed respondents were two times more likely than individuals who were employed/self-employed to be current platform workers; and people who speak a language other than English at home were 1.5 more likely to be current platform workers than English-speakers.

Longitudinal research is however required to understand how patterns of participation change over time, and how gender informs this participation, and the influence of social, economic and regulatory changes on the growth of digital platforms and participation in digital platform work.

Recommendation 3: Support longitudinal research that tracks changes in the extent of participation and in digital platform work and who is participating.

2. The adequacy of skills and education systems to help people adjust to the changing nature of work (ToR (e))

Australia has fared well in the Covid-19 pandemic relative to other countries, but the nation is by no means immune to the deepest global economic recession ever seen in peace time. In particular, we are seeing the worst labour market conditions in almost a century. The immediate economic fallout of the pandemic has largely been borne by those who were already disadvantaged or struggling to get by. This includes women and temporary migrant workers but in particular young workers (Jackson, 2020).

The transition from education to work has long been defined by insecurity. Young people today remain in insecure and low paid work much longer than their parents and grandparents did and the problem has intensified in the decade since the GFC (de Fontenay et al, 2020). A recent ILO analysis of the youth labour market impact of COVID-19 internationally exposes the devastating and disproportionate effect on young workers. The Director of the ILO, Guy Ryder recently stated that the crisis has hit young people harder and faster than any other group (ILO, 2020).

Industries hit hardest by the economic shut-down – food services, hospitality, retail and the arts – are big employers of young Australians. In accommodation and food services, 70% of businesses have temporarily reduced staff hours (Cassells et al, 2020). Young people accounted for 45% of the total decline in employment in May (16% pop'n) and the youth employment to population ratio fell to the lowest rate since Labour Force Surveys began. Over the 2 months to May, youth underemployment rate increased to 21.7% (ABS 2020), representing the largest fall in actual hours worked of all age cohorts (ABS 2020).

Concerningly, the Treasury estimates that over 2.3M workers will apply for early withdrawal of up to \$10,000 from their superannuation and overwhelmingly it is young workers making these withdrawals (Jackson, 2020, p.14). Given that the average young worker under 25 has a super balance of around \$5,000, many are effectively wiping out their retirement savings (Jackson, 2020).

Further, many otherwise eligible casuals have missed out on Job Keeper payments. Although the Fair Work Commission can resolve disputes about stand downs and reduced hours, it has no jurisdiction over whether an employee is eligible to receive Job Keeper in the first place.

Economic orthodoxy has regarded investment in public infrastructure as the best way to stimulate economic activity. However, Covid's hit to the service sector suggests we need to invest in 'human infrastructure' to help youth and other disadvantaged groups get back on their feet and thrive in an ever more competitive labour market (Biddle and Gray, 2020; Kellock and Ntalianis, 2020). There are now urgent calls for large-scale, targeted policy responses to support youth, including broad-based employment/training guarantee programs linked to broader stimulus and recovery packages (Griffin, 2020). Referred to as the Youth Guarantee (Jackson, 2020), this approach has four pillars:

Publicly funded post-secondary education and training systems are crucial.

- · Study and training allowances that provide a living wage
- Increased demand for entry level positions
- Employment services that direct young workers towards skill shortages

The pillars provide a basis upon which to design policy that ensures every young person and recent graduate is offered either a place in employment, education or training no later than three months after registering as unemployed. Countries which have implemented a Youth Guarantee demonstrate the potential to make youth labour markets more resistant to recession by reducing long-term unemployment (Cedefop, 2020) and addressing the systemic under-utilisation of young workers that has characterised the Australian labour market since the GFC.

A Youth Guarantee stands in contrast to several national youth education and employment policies that have emerged in recent years. For example, HECS repayment thresholds have successively been reduced to a level which is now just \$7,400 above the minimum wage. The implementation of this system of contingent loans in exchange for education was first implemented in Australia in 1989. The underlying principle was that young people would reap a considerable financial dividend from their education and hence, that they should share the cost. Yet the latest HILDA survey data shows average weekly graduate wages have shrunk from \$947 for those who graduated between 2006 and 2009, to \$791 for those who finished university between 2012 and 2013 (Jackson, 2020) Hence, many young Australians are now paying back debts from lower than average wages earned in jobs they could have obtained without their qualifications (de Fontenay et al, 2020; Jackson, 2020).

Another recent national policy is the youth jobs PaTH program. This flagship youth employment program promised 30,000 jobs in its first year of operation. In reality, fewer than 5,000 internships were offered in 18 months and instead of providing career opportunities in diverse fields, 45% of PaTH interns were employed in the hospitality industry (Jackson, 2020).

Very recently, we've seen proposed radical changes to university course fees. The cost of some degrees such as maths and agriculture will reduce by nearly two-thirds whereas arts and communications courses will more than double (Pennington, 2020). The rationale for these changes is for higher education to a) produce job-ready graduates; b) shift attention to jobs of national importance; and c) consolidate reforms to microcredentials and short courses. There has been significant opposition to the proposed changes from a range of stakeholders. These include that the policy will be unlikely to encourage more students into 'desirable' degrees because most students will continue to make decisions based on more visible factors such as personal preference, family opinions, decisions of their peers, and open day presentations. Further, as outlined in a recent open letter in The Conversation to the Education Minister from 73 Australian Laureate researchers, that a flat HECS rate is the simplest way to optimise a match between talent, interest and enrolment without distortions from family wealth and highly uncertain guesses about future jobs and skills trends.

More promising policy responses include:

Free TAFE, implemented by the Victorian government, is a key pillar of the state's policy agenda. To
date, there hasn't been sufficient academic analysis of the outcomes of that investment, but initial
reports are positive.

- The Youth Employment Scheme, also in Victoria, is an innovative policy which offers long-term unemployed young people a year-long traineeship in the Victorian public service, affording participants the opportunity to earn money and learn both hard and soft skills. (Kellock & Ntalianis, 2020)
- The Flexicurity Model in Denmark combines flexibility and security in a highly structured, integrated approach to retraining and reintegrating citizens into the labour market, with significant investments in labour market policies aimed at income support, re-employment and upskilling (Inanc, 2020).
- CareerWise Colerado was designed to address employer concerns that they weren't able to find
 qualified candidates for so-called 'middle-skill' positions. The scheme involves three-year paid
 internships and priority training pathways identified by business groups, which begin in high school
 and provides students with up to a year of college credit as well as industry certifications(Johal,
 2020);
- Shifting the focus in inner city areas from cultural consumption to design driven manufacturing, supporting the interdependence between manufacturing and creative industries to create accessible jobs with upskilling pathways rather than low-road employment;
- Developing continuing VET as well as initial VET to ensure new job opportunities created by the transformations of the economy outstrip job displacement;
- Using community benefit agreements (CBAs) attached to public infrastructure projects such as
 providing access to apprenticeship training for marginalised communities and boosting social
 procurement;
- Tightening the legal definition of independent contractor, especially in relation to labour hire and ondemand labour in the gig economy where young men in particular are likely to work. This addresses the increasing trend towards firms seeking to classify workers as independent contractors rather than employees in order to minimise the obligations associated with being an employer; and finally
- Apply pressure on industries where there are expanding job opportunities such as warehousing and delivery, but where pay and conditions are known to be trending downward.

Policy responses to the youth employment crisis is not just about creating any jobs, but quality, secure jobs that will serve Australia's young people, and Australia as a nation, well into the future.

Recommendation 4: Invest in publicly funded post-secondary education and training systems, study and training allowances that provide a living wage, increased demand for entry level positions, and employment services that direct young workers towards skill shortages.

3. Whether and what legislative or other measures should be taken to reform workplace laws (ToR (I))

Digital platform work is distinguished by a triangular between three actors: the platform, the worker and the client (Leimeister et al., 2016; Stewart & Stanford, 2017). In some cases, such as food delivery, a multilateral arrangement exists where there are two end-users: the restaurant or other business supplying the food, and the consumer to whom the delivery is made. Terms and conditions of use (of the platform) define the relationship between the platform and worker, and the platform and client/end-users. The contract for services that must logically then exist between the client and the worker is less well-defined, and frequently depends

on the platform's business model (Gramano, 2019; Stewart & Stanford, 2017). The nature of these relationships complicate regulation of work in the gig economy, because existing workplace laws and instruments that govern standard binary employment relationships or contracts for labour, do not automatically apply (Garben, 2017). Computer-based work that is undertaken virtually and across national and international borders, presents a further challenge to the enforcement of existing state regulations (Cherry, 2019). To address this new model of organising labour and the related issues raised in this submission, reform to existing workplace laws is required. This issue has been thoroughly reviewed in the Australian context in the recent Inquiry into the On-Demand Economy conducted by the Victorian State Government, with recommendations for regulatory change. The full inquiry report can be found here:

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vicengage.files/4915/9469/1146/Report_of_the_Inquiry_into_the_Victorian_On-Demand_Workforcereduced_size.pdf

Recommendation 5: Review and adopt the recommendations for regulatory change outlined in the Report of the Inquiry into the Victorian On-Demand Workforce (2020).



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https://research.gut.edu.au/centre-for-decent-work-and-industry/

APPENDIX

Relevant research published by Submission Authors

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