

# Secure Work Pilot Scheme Public Consultation Summary Report

Public consultation on the Secure Work Pilot Scheme was open on the Engage Victoria platform from 8 July to 17 August 2021.

## 1. Overview

In November 2020, the Victorian Government announced a big first step in tackling insecure work by providing five days of sick and carer's pay at the national minimum wage for casual and contract workers in certain occupations.

In 2021, the Victorian Government consulted with the community, including workers and employers, on the design of a Pilot scheme to improve the economic security of Victorian workers who are too often forced to choose between a day's pay and their health – and the health of a loved one.

During July and August 2021, a consultation process was undertaken with workers, their representatives, industry and community organisations via the Engage Victoria platform. This document summarises the results of this consultation.

## 2. Who we heard from

Over six weeks during July and August 2021, we heard from many Victorians who shared their stories of what it's like being a casual or contract worker. We also heard from employers considering the impact of absenteeism and their business commitments within the context of handling the impact of sick workers. Some of their stories have been included in this document with their permission.

In total we received:

- 14,000 unique visitors to the Engage Victoria consultation page
- 1,000 individual survey responses, with
  - 71% of them not having access to sick or carer's pay
  - 73% female respondents, which is consistent with the higher proportion of women in insecure work
  - 20% of respondents who identified themselves as being from Culturally and Linguistically Diverse backgrounds
- 30 individual stories
- 40 submissions from organisations
- 20 discussion groups and interviews with feedback

Overwhelmingly, workers agreed that a sick pay scheme would have a positive impact on their wellbeing. Organisations expressed a view that any new scheme would need to work in conjunction with casual workers' existing entitlements available through industrial arrangements. They also suggested that eligibility considerations need to take into account offers of fulltime employment.

### 3. What workers said

Many workers told us how difficult it is to make a choice between staying home when they are unwell and attending work to get paid.

#### What does it mean to be a casual or contract worker?

- 20% of casual and contract workers work more than one job.
- Before the pandemic, 84% of workers regularly attended work when sick.
- 40% of workers said that, before the pandemic, they did not feel supported to stay home when sick.
- Workers emphasised that being sick and unable to attend the workplace also impacted their mental health.

#### Workers shared their individual stories about how being unable to access sick and carer's pay impacts their life.

The lived experiences of workers tell the story of why the Pilot is important. Some of them are shared below.

*"I recently resigned from the Gym, after taking unpaid leave to recover from my surgery...management did not add me back to the roster. I haven't been able to apply for any Centrelink payment, as my former employer has not provided me with a separation certificate. The current situation means I am without income and have been since February 2021."*

Fitness industry worker - **Jenny**

*"I had no access to any sick leave of any kind. Against my doctor's advice and recommendations, I was forced to return to work as I simply could not afford to take another week off. This was a difficult time for me. I sent a formal email to my store manager; store manager simply said – 'c'est la vie!'"*

Casual worker - **Mike**

*"Any time the prospect of turning back a shift for health reasons has presented, I have had to reallocate weekly budget, shuffle shifts with employers, rearrange appointments and plans, etc. Not only is it missed income, but it's wasted time and effort that you can't spare while in poor health."*

Casual trades worker - **Daniel**

*"When I was a casual retail worker, I once actually fainted while I was alone in the store. I was so unwell but there was no way I could have paid my rent without the shift."*

Casual retail worker - **Laura**

*"I was forced to leave my job when I was unable to take sick leave due to mental health issues. My workplace was not understanding about my need to take sick days for therapy and psychiatry appointments, as my illness was invisible."*

Casual worker - **Jess**

*"Many times when feeling unwell I have taken medication to mask my symptoms and pushed through my shifts. I do feel guilty about going to work and being around people."*

Casual health care worker - **Alisha**

## 4. What employers said

Many employers agreed with the principle of ensuring casual workers in certain occupations have access to sick and carer's pay. Most employers acknowledged the Pilot's benefits. Some employers shared strong views and concerns about the cost to businesses of any ongoing scheme.

### Employer perspective

1. Employers have worked hard to ensure high levels of compliance in relation to the implementation of COVID safe plans. The Pilot will support workers to stay home when sick, ensuring safer workplaces.
2. Employers acknowledge the challenges for those in casual and contract work.
3. Most employers agreed with the prioritisation of workers in occupations and industries listed in the Consultation Paper.
4. Businesses acknowledged the importance of ensuring their staff were taken care of and that sick workers were encouraged to stay home. However, business expressed concern about the cost of any ongoing scheme.
5. The design of the Pilot must ensure minimal impact on employers by not requiring their time in additional administration.
6. Employers were keen to ensure the Pilot is designed in such a way that it would not duplicate existing protections or entitlements.

*"Any payment system to support the community needs to be simple and easy to implement and maintain. It is therefore imperative that all government processes, paperwork and eligibility for payments are as simple as possible."*

**Industry body**

*"We see a benefit in people being able to access sick pay when they need it. We already try to minimise use of agency or casual staff but about 10% of our staff are casual."*

**Major ASX Employer**

*"Pilot should lean on existing, well understood employment principles rather than create new definitions that may be confusing to workers."*

**Industry body**

## 5. What public health and community services organisations said

We received a number of submissions from public health and community services organisations, who provided recommendations and views on making the Pilot work for them.

*"...no worker should be put in a position where they must choose between earning an income and taking necessary time away from work while unwell or to look after sick family members."*

**Community services peak body**

*"...We welcome the funding commitment of this scheme."*

**Public health peak body**

*"...overall, we support the scheme and its outcome for the casualised workforce."*

**Public health peak body**

## 6. What did workers and employers tell us about the Pilot design?

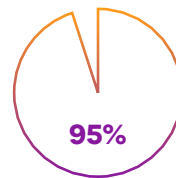
While some employers and industry groups had concerns about the Pilot, overall there was broad support from workers and employers for how the Pilot has been designed to be implemented.

### What we asked

### Workers and business told us

#### 1. Groups for inclusion in the Pilot

- What criteria should we apply?
- What occupations and industries should be included in the Pilot?
- Would you support the inclusion of these specific occupations: commercial cleaning, hospitality, security, supermarket, and aged care workers?



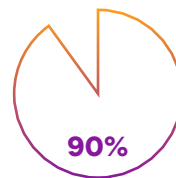
support proposal

Broad support for the proposed occupations. Some respondents made additional suggestions including:

- Childcare
- Meat workers
- Warehousing and logistics

#### 2. Worker eligibility

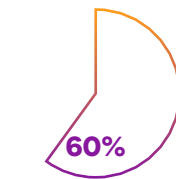
- How should we determine eligibility?
- Should the Pilot be means tested?



support proposal

Broad support for including casual and contract workers who do not have access to paid sick and carer's leave.

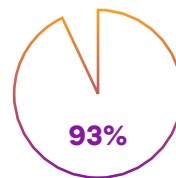
A majority of respondents did not support means testing (i.e. restricting eligibility based on a worker's income).



do not support means testing

#### 3. Types of leave covered in the Pilot

- Are the definitions of leave types under the National Employment Standards appropriate?



support proposal

There was broad agreement that the Pilot should use the National Employment Standards definitions for sick and carer's leave.

Mental health was also raised for consideration. It is noted that the National Employment Standards include this in the definitions for personal leave.

#### 4. Registering and making a claim

- Should the employer or business be involved?
- What process should be used for making a claim?



support proposal

There was broad agreement that there should be minimal or no involvement of employers in the process of making a claim.

There was consensus that the process should be as simple and user friendly as possible.

#### 5. Documentation required to support applications and payments

- What documentation should applicants provide in order to apply for or make a claim?



support proposal

There was broad agreement that proof of identity and eligibility is required.

Many submissions told us that medical certificates could be a barrier, due to the cost as well as the difficulty of obtaining them in some rural and regional areas.

Aligning the requirements for those required in a permanent role was also recommended.

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## 6. Protections for workers who apply to use the Pilot

- What issues might casual and contract workers face?
- What issues might employers and businesses face?

Many submissions noted that existing legislation should protect workers.

However, actual experiences shared in the consultation sessions told a different story for some workers, highlighting the need to protect workers from losing shifts if they access sick or carer's pay from the Pilot.

Existing worker protections for casuals should be emphasised in communication about the Pilot to employers and workers.

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## 7. Receiving and drawing down payment allocation

- Should payments be pro-rated?
- How much can an individual claim at a time?

Strong support for all eligible workers receiving a flat 5 days a year of sick and carer's pay.

There was broad agreement that a worker should be able to claim the amount they would usually receive for the shift they missed due to being sick or needing to care for someone.

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## Other matters raised by respondents

- Culturally and linguistically diverse groups are overrepresented among casual and contract workers. Applying for sick pay should be easy to access for these workers.
- Respondents recommended we establish and promote a hotline to support workers and businesses to participate in the Pilot.
- The Victorian Government should ensure there is appropriate investment in providing information and raising awareness of the Pilot to ensure it is accessed by those who need it.
- Make sure the privacy of workers participating in the Pilot is maintained.
- Ensure employers aren't required to do more paperwork as a result of the Pilot.
- Report back on the outcomes from the pilot through the two-year process.
- Insecurity and casualisation is a much broader problem than the Pilot, and Government should address this too.

## Next steps

This consultation input will help shape the Secure Work Pilot Scheme. The outcome of this consultation is the Victorian Sick Pay Guarantee. The Victorian Government thanks all participants in this consultation for their time, valuable input and insights.

Further information about the Victorian Sick Pay Guarantee is available at [vic.gov.au/sick-pay-guarantee](https://vic.gov.au/sick-pay-guarantee).

If you have questions or want to learn more about this program, please contact us at [sickpayguarantee@ecodev.vic.gov.au](mailto:sickpayguarantee@ecodev.vic.gov.au).