

Submission by a Worker – Inquiry Into the On-Demand Workforce in Victoria

Prepared by: Emma [text redacted] (contract worker in communications industry)

The prevalence and nature of on-demand work in Victoria

The Inquiry wants to understand the extent of and issues for the on-demand workforce. We welcome examples or case studies that illustrate the experience of individuals and the perspective of workers in the on-demand economy. The following questions are prompts for people working in the on-demand economy – you do not need to answer all of them or, if you prefer, you can say whatever you like at the end under ‘additional information’.

1. How frequently are you offered on-demand work in Victoria?

Intermittent and fluctuates through the year.

2. How much on-demand work do you do each week?

Intermittent and fluctuates through the year.

3. In what industries or regions do you work, when working for an on-demand business or platform?

communications

4. Do you have another job and what kind of other job(s) do you have?

I work for my own tiny 2-person family business but income is unreliable so need contract work as well – I am a ‘portfolio’ worker.

The legal status of on-demand workers

The status of workers in the on-demand economy is a fundamental issue that determines how regulatory frameworks apply to workers. The answer to this question impacts on the rights and obligations of workers, platforms, businesses, consumers and the community. It dictates where a person might go for help or advice if something goes wrong and what remedies might be available.

A fundamental question that the Inquiry must consider is whether and how regulators are able to resolve the question of whether the laws they are invested with enforcing on behalf of the community apply to these arrangements and the extent to which users and workers are able to understand their rights and obligations and seek assistance if something goes wrong. The Inquiry therefore seeks submissions about the following:

5. How were you recruited and engaged to perform work?

I pursue advertised contracts and am also offered work from existing clients.

6. Please outline how your work arrangements were put in place?

Mainly through contacts built up over 30 years in the industry.

7. Did you discuss or negotiate the details of your work arrangement with the platform and/or the end user?

Not really. In contract work terms offered are generally non-negotiable. The loud message is 'take it or leave it'... several contractors will be competing for the same job so the ones that accept what is on offer will get the contract – the system forces contractors to undercut each other.

8. Do you decide how and where you work?

Sometimes, not always.

9. Are you free to provide the same services to more than one on-demand platform and/or client at the same time?

Sometimes but not always.

10. What do you do if you have a dispute or concern about your work? Where and from whom can you seek help in resolving disputes?

Not really an option. The time and effort exceeds any benefit and generally terms are non-negotiable and are agreed when taking on the contract. Occasionally I have picked up work through an agency and have been able to express some concerns to them from time to time, but more recently it seems that employers are not using agencies to the same degree so it is harder to make any complaints.

11. How is the quality of your work assessed? In what situations if any might you lose the right to obtain work via the platform?

Past projects and qualifications.

The impact of on-demand work for workers, including vulnerable workers

The impact of on-demand work on workers is multi-dimensional and complex. In considering the question of 'impact' the Inquiry wants to hear about the experience of individual on-demand workers, but also seeks to understand the broader impact of the emergence of on-demand work on both the on-demand cohort, but also workers in 'traditional' arrangements.

12. What and how are you paid?

Anything from 14 days to 120 days.

13. Why do you engage in on-demand work?

At 56 years of age I am highly experienced and qualified and I have put in numerous applications for full time positions but perhaps get an answer 1% of the time – so it is a massive waste of time that I can't afford – I need to be earning money, not letting days disappear in preparing job applications. Ageism is alive and well and pushing many older workers into the gig economy.

14. How often do you participate in on-demand work? Is on-demand work some, most or all of the paid work that you do? Do you also work outside of the on-demand economy?

It's about 50/50.

15. Do you experience any differences when you work under on-demand arrangements or 'traditional' arrangements?

Of course. A major one is the regular pay packet is not guaranteed and additional time is wasted chasing payments. And of course there is no super, no holiday leave, no sick leave, etc. etc. And most of the time I have to provide my own equipment and working space and insurance, so business expenses are passed on to me.

And there is not an opportunity to complain about conditions, etc. – see comments below – because you are forced to accept the conditions at the outset in order to get the contract.

16. Are there any training or development opportunities made available to you when you work with an on-demand business or platform?

No.

17. How do you raise issues or concerns about your workplace arrangements? Do you feel confident to do this?

As above, in general the terms of the contract have to be accepted at the outset so the window for complaints is closed.

You can't complain about conditions that you accepted in order to get the job, so the idea that there is an opportunity to complain afterwards is idealistic at best.

It is important, I think, to realise that one of the reasons some employers favour the gig economy is because they don't have to deal with employee issues such as complaints. Complaints may be raised, but then the bothersome 'employee' is moved on and the issue dies.

In any case, my experience when I have had the opportunity to voice concerns from time to time is that most of the time lip service is given to the issues. There are exceptions, however, and some companies that have given me contracts have been exceptionally fair.

18. What happens when you are unable to work due to a physical or psychological injury, illness?

No pay and risk my job will be filled by another contract worker.

19. How are workplace injuries addressed if you are injured?

My responsibility. Contracts generally require that I meet OHS requirements and have my own insurance.

20. Are you paid superannuation?

No.

21. What tax do you pay and how do you ensure your tax liabilities are met?

I pay quarterly as estimated by the ATO based on previous year's earnings.

Additional Feedback

I am not working for hospitality etc. but am a contract worker in the communications industry.

In addition to my own experience, I have observed my two daughters' experience as casual works in hospitality and retail and have urged them to take part in this review. I cannot comment on their part, other to say that they have zero security, zero superannuation, are virtually on-call to their employers, mistakes with their pays are often made and it sometimes takes weeks for it to be resolved, they have no sick leave or holiday leave, etc. etc. They have to juggle at least two, sometimes three, jobs with irregular hours to ensure they scramble together enough money, and when as inevitably happens from time to time two jobs compete for their time, their inability to meet the on-call demands of one in favour of the other makes them at risk of losing one of their contracts. I am sometimes the fallback when they don't have enough money, something I can't afford myself.

There has been some positive spin about the 'gig economy' and the opportunity it provides to some people to work their own hours and charge high fees. That's all well and good if you work in a specialised professional area for which there is a demand for your services. It does not apply for the bulk of casual and on-demand workers who are paid low hourly rates and have zero security, while simultaneously take on expenses that should be borne by the employer. They are disposable employees, easily replaced if they create waves or cause other problems.

I am very well aware that some large organisations deliberately ensure that their casual employees do not earn more than \$450 a month and I believe this to avoid superannuation obligations. Instead of employing one person to do a job, they employ several – have a pool of disposable casuals instead of just one or two to do the one job.

Not only does this force people into scrambling for multiple jobs while getting no superannuation and other benefits, it distorts employment figures far too much. The connection between 'employment' and 'earning a livelihood' becomes tenuous at best, yet the 'employment' figures will still be relied upon as an indicator of livelihood when they are nothing of the sort – one hour a week's work does not provide a viable livelihood. Divying up one job into ten to avoid superannuation obligations is not an indicator of improvements in the job market, yet it is taken to be one. Employment figures as they stand grossly distort the reality of the situation.

My humble suggestion would be to immediately cut out the \$450 superannuation threshold and make all workers who work an hour a week or more (who are by the government's definition

'employed') entitled to superannuation. I would also suggest the government look at 'livelihood' rather than 'employment' figures when considering these matters, or change and update the definitions so that the reality is better understood.