



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON ECONOMY AND GENDER  
AND ECONOMIC EQUALITY**

(Reference: [Inquiry into the future of the working week](#))

**Members:**

**MS L CASTLEY (Chair)  
MS S ORR (Deputy Chair)  
MR J DAVIS**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**WEDNESDAY, 5 APRIL 2023**

**Secretary to the committee:  
Ms S Milne (Ph: 620 50435)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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*Amended 20 May 2013*

**The committee met at 10.11 am.**

**MUSCAT, MS BROOKE**, National President, Community and Public Sector Union  
**WARREN, MR CHRISTOPHER**, ACT Government Governing Councillor,  
Community and Public Sector Union

**THE CHAIR:** Good morning, and welcome to this public hearing of the Standing Committee on Economy and Gender and Economic Equality for its inquiry into the future of the working week.

Today we are hearing from the Community and Public Sector Union, the ACT Law Society, the ACT branch of the Australian Education Union, the ACT branch of the Australian Nursing and Midwifery Federation, ACTCOSS, and the ACT divisional branch of the CFMMEU.

We would like to acknowledge the traditional custodians of the land that we are meeting on today, the Ngunnawal people. The committee wishes to acknowledge and respect their continuing culture and the contribution they make to the life of this city and our region. We would also like to acknowledge and welcome any other Aboriginal and Torres Strait Islander people who might be attending today at some point.

The proceedings are being recorded and transcribed by Hansard today, and everything will be published, broadcast live and webstreamed. When taking a question on notice, please clearly articulate that you are taking a question on notice so that we can take a note of that.

I remind you of the protections and obligations afforded by parliamentary privilege. You have been provided with the parliamentary privilege statement. Obviously witnesses must tell the truth. The giving of false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Please confirm that you understand these implications?

**Ms Muscat:** Yes.

**THE CHAIR:** Thank you. As we have discussed, due to time pressures, we may just go straight to questions. Are you able to table any opening statement that you may have?

**Ms Muscat:** I am happy to table an opening statement.

**THE CHAIR:** Unless, it is a short statement of around two minutes—

**Ms Muscat:** I think we can do a two-minute job.

**THE CHAIR:** Perfect; fire away.

**Ms Muscat:** Thank you. I am joined today by Christopher Warren. He is our Governing Councillor, one of our peer collective delegates in the ACT government.

The Community and Public Sector Union represents a whole range of workers across the public service. We represent school assistants, healthcare workers, correctional officers, planners and policy specialists, to name a few. The work our members do is really important in terms of keeping Canberra running and making it the place that we love. We are one of the larger trade unions.

Trade unions have played a leading role in fighting for shorter working hours. There is a benefit to the health and wellbeing of workers and the broader community when individuals have more time with friends and family. We believe that we should be aspiring to achieve a four-day working week in the future. We note that there has been growing interest in recent trials and in the report of the federal Select Committee on Work and Care.

The pandemic gave us a really good opportunity to reimagine work, and we think it is something to aspire to in the future, as I said. However, there are considerations that need to be taken into account when moving to a potential trial or moving to a four-day work week—and I will just cover those off very quickly.

The ACT government, as I said, should test a four-day work week but needs to consider the variety of work done by the ACT government. Many services provided by the ACT government do not fit into a traditional five-day office based work week, with many frontline part-time and rostered roles. Consideration needs to be given to how this would affect part-time employees, who are predominantly women.

There are also limits to how much more can be done in less time in education, health care, law enforcement and community safety. It is unclear how the commonly trialled 100:80:100 model—that is, 100 per cent of the pay for 80 per cent of the time—could be achieved in those operational roles. That is why we think a trial is really important, to look at how that could be implemented and to take into account those operational impacts.

The perception that a four-day work trial is not something for frontline workers is something that I think needs to be dispelled. Chris will talk about the real benefits of a four-day work week.

We also think that any pilot scheme that the ACT government considers should be informed by the experience of completed trials by municipal and some national governments and internationally, in how they have addressed those challenges.

Finally, from our perspective, it is important that other ongoing matters in the ACTPS are dealt with in the first instance, including around things like secure jobs. There is still a very high rate of insecure work in the ACT government, and that needs to be addressed. Chris will talk about how that can be picked up in a four-day work week trial or more broadly.

We believe that workers in the ACT public service need to be paid appropriately—currently in bargaining—and that there needs to be something in terms of superannuation before we move to a broader four-day work week. But we do think there are real benefits. The trial would be able to flesh out some of these concerns and

issues, and we support it broadly.

I will now pass to Chris to quickly talk through the benefits, and then we will go to questions.

**Mr Warren:** Thanks for that. As Brooke mentioned, secure work is critical. That means that we can consider how a four-day work week can support a secure jobs agenda. Workload pressures are a huge issue in the ACTPS. Many areas need to deliver services all week round. Where the work needs to be done, additional staff could be brought on board.

A four-day work week can be a redistributive mechanism, alleviating workload pressures and creating secure jobs, by shifting work from those who have too much work to those who do not have enough. Workers will have more time to spend with their family, to volunteer with their community and to engage in recreation. It is also good for the economy—with more time for workers to enjoy engaging with and spending in Canberra’s businesses, including hospitality and entertainment.

There are also environmental benefits. Research is showing that working less is associated with a significantly lower carbon footprint. We also know the benefits to women, parents and carers, as outlined in the report of the federal select committee. So a lot of good stuff can come from this.

**THE CHAIR:** Thank you for your submission and for your opening statements. I get that it would be a massive change to roll this out, and I had highlighted the trial. I am interested in a bit more about the roles that do not naturally work for a four-day work week—so frontline workers and things like that. Could you explain how you think that would work and what the impact would be?

**Ms Muscat:** From our perspective, that is why we think there needs to be a trial. It would be up to the government to roll out a trial and then tell us what they are learning from that particular trial.

Where we think it may not necessarily lend itself neatly to a four-day work week—but, again, the trial might be able to work this stuff through—would be in those operational areas where you have that 24/7 operation, whether it be, for example, a correctional officer or a teaching assistant. Healthcare workers, in particular, have those 24/7 roster cycles and there is a lot of pressure on them.

So there would need to be a lot of consideration about how a trial would work and, if it were rolled out more broadly, how you would then be able to sustain the services that are required in the ACT government in those operational areas. That is why we say, “Look at the trial and then consider how that might be rolled out elsewhere.” But, in the first instance, I imagine a trial would not be in those sorts of frontline operational areas, because of those concerns that we raise. But you might want to have a few considerations, if that makes sense, and you can look at it.

**THE CHAIR:** Have you looked broadly to other countries that are doing it and how they may have worked it out?

**Ms Muscat:** No, we have not. Again, we want to hear more about what the model is that is potentially being proposed and how it would work in terms of the trial.

**THE CHAIR:** Okay.

**MS ORR:** I have a supp on this trial of frontline workers. You have said that one of the obstacles is how we work with frontline workers and how we deal with workforces that are not nine-to-five office based work, in transitioning. But I note that the AEU and the AMF, who both represent workforces that would fit into those categories of frontline workers—that is, not nine-to-five traditional office based work—have both argued in their submissions that their workforces should not be left out of a transition to a four-day work week and that an open mind should be kept and they should be included. Would you agree with that sentiment?

**Ms Muscat:** I think that we need to look at how it would apply across the board. I would certainly be supportive of other unions if they think their workforce needs to be included in the trial, because you would need to see whether it is going to work or not and the implications on those workers. I would imagine that, in the first instance, there would not necessarily be a cohort of those operational areas and that it would probably be more fitting to trial more office based work with a cohort of operational workers.

But, again, I am not going to speak for other unions. If that is what they think, that is a matter for them. Of course, we would not want workers left out of this; it is a benefit and it is something to aspire to. How it works operationally, though, is something that we are keen to look at.

**MS ORR:** In the context of how it would go operationally, is there in your mind a process or a way that you see the implementation of a four-day work week would be shaped beyond a trial or including a trial? How would you like to see that process approached by the ACT public service?

**Ms Muscat:** From our perspective, we are wanting to hear more about what would be proposed and how it might work. We are saying that the government needs to look at other jurisdictions and where it has worked favourably. But, Chris, did you have a view on that?

**MS ORR:** Just to clarify: what I am getting at there is whether you would want to be part of that conversation in looking at what the model could be, how it would be shaped and how a trial would be undertaken.

**Ms Muscat:** Yes, absolutely; we want to be part of the conversation. Sorry, I thought you were asking whether we had a view now on what it should look like.

**MS ORR:** No; I was asking about what the process or shape would look like. Sorry, it was quite a long question.

**Ms Muscat:** We are the major trade union and we have workers across the spectrum in the ACT public service; so we would definitely want to be part of how that might work and hear from our members about the benefits of it and how they think it might

work in their operational areas as well, and then feed in. Chris?

**MS ORR:** Mr Warren, did you have something?

**Mr Warren:** I think this is an aspiration for CPSU and we would want to be engaging all the way through the process. We would look forward to seeing what comes out of the trial. That would inform the implementation, and we would want to be part of that.

**MS ORR:** I have one more supplementary on the matters that have already come up. On the point of a model, I appreciate that you have said you would like to see the various evidence and the precedents elsewhere, but is there any preference towards a model, though, that you would like to be prioritised within consideration?

**Ms Muscat:** I think we need to take that on notice. Chris, I am happy for you to express a view but, again, we would probably need to speak more broadly with our members about what their view would be in terms of a proposed model or a preferred model. Chris, did you have any broad—

**Mr Warren:** My understanding is that, in the main, the interest from the membership is in the four-day week with no loss of pay and with maximum flexibility for workers.

**MS ORR:** And no loss of conditions within that.

**Mr Warren:** No loss of conditions, either.

**THE CHAIR:** Can I just jump in? So a compression of their five days into four or a removal of that fifth day completely at full pay?

**Mr Warren:** It would represent a 20 per cent reduction in working hours.

**MS ORR:** Much has been discussed in the past couple of years—and there has been quite a bit of evidence out there—regarding the benefits to employees' wellbeing that have resulted from the four-day work week. This is coming from the trials. With this in mind, and given the pressures the public service has faced over the past few years, particularly here in the ACT with the hailstorm, the bushfires and the COVID pandemic—the list can go on and on—how do you view the wellbeing of the ACT public service? How do you think a four-day work week could enhance the wellbeing of the public service?

**Ms Muscat:** I would like to express a view about the wellbeing of the public service. I think our members have really been through the thick of it and are really feeling pressure in terms of the workload, the levels of insecure work and costs of living. In particular, they are feeling pressure around where we are currently in a bargaining round. So there is a lot going on for workers, and I think we would probably want to think outside the square a little bit about what benefits could be provided to workers to ease some of that pressure—and, in the future, that may well be a four-day work week.

They need to feel respected. Currently, I would suggest, where we are in a bargaining round, that they do not. Something that would move towards giving them more



flexibility at the same rate of pay would be a way, I think, of expressing that respect for the core work that they do in keeping Canberra running and keeping our health service and our education system running. Chris?

**MR DAVIS:** I have a supplementary on that, if you would not mind. Ms Muscat, you listed a range of issues which are currently putting pressure on public sector workers. I wonder, in terms of the feedback your members are giving you and the leadership of your union, where a four-day work week or flexible working conditions sit in terms of the priorities for your members against some of those other key pressures you spoke about—cost-of-living pressures, insecure work et cetera.

**Ms Muscat:** Frankly, at the moment, our members are very focused on a bargaining outcome. They are really focused on secure jobs. However, they also want to see us working with the government to think creatively about what benefits might be there around a four-day work week. So we do not want to cut that discussion off because of the imminent pressures that we have around bargaining.

That is our focus right now, but we do want to look at this holistically and we want our members to have a say about what a model might look like as potentially another benefit for workers. Giving people a work-life balance is a way of expressing respect to your workforce. Right this second we are very focused on bargaining, which will not surprise you; but we can do many things at once.

**MS ORR:** I have a supplementary but I will just let Mr Warren have his say on whatever he wanted to add.

**Mr Warren:** I will be very brief. Through COVID and the bushfires, public servants have really stepped up, and I think that the pressure that they have experienced is very high. Part of recognising and respecting that is through bargaining; but, I think, as Brooke said, we need to think creatively about the future of the working week. That could be a really interesting way to address some of the stresses the public servants have experienced.

**MS ORR:** I have one very quick supplementary to that. You have referred to ‘the future’ quite a bit but the future can have quite an extensive range of time associated with it. Is it fair to say that, while bargaining is your priority now, the future could be sooner rather than later once immediate pressures are out of the way?

**Ms Muscat:** Yes.

**MS ORR:** Thank you.

**MR DAVIS:** My substantive is on the theme in your submission around insecure work. I was surprised to see the data from the *State of the service* report. You cite that 16.7 per cent of the public service is temporary and 6.8 per cent are currently casualised. How would you say those members who do not have permanent full-time ongoing employment with the public service are relating to this current conversation around the future of the working week and the four-day work week?

**Ms Muscat:** I think their priority is to get a secure job. However, again, our members

have multiple priorities across multiple areas, and we want to be able to achieve benefits in a whole range of areas, not just in bargaining. That is why we are saying that we want to have that discussion now around the four-day work week.

Secure work is an absolute priority for our members. I think the level of insecure work in the ACT government is abhorrent. I note that there have been some improvements through the Insecure Work Taskforce and the secure jobs work, but there is more to be done. Chris, do you want to talk about what you see, quickly, as the intersection between the four-day work week and secure jobs?

**Mr Warren:** Secure work is an absolutely critical priority. I think there is a conversation to be had about how a four-day work week could expand secure work and how those two things can go hand in hand, and we would want to be part of that ongoing conversation.

**MR DAVIS:** Could you provide any insights to the committee on how these figures—16.7 per cent temporary workforce and 6.8 per cent casualised workforce—compare to other state and local government public services around the country? I assume you talk to your colleagues about these things.

**Ms Muscat:** I do not have that data with me. I would need to take that on notice and I can come back to you on that.

**MR DAVIS:** That would be great, if you would not mind.

**Ms Muscat:** But it is certainly higher than is acceptable, in our view.

**THE CHAIR:** That was my question as well. I had no idea there was so much insecure work in the public service.

**MS ORR:** I actually had some supplementaries on the line of insecure work and whether these could not be addressed as part of a transition to a four-day work week. I think you have touched on that and answered it somewhat, but I would like to get a bit more of an elaboration from you, because we have had submissions from other areas of the public service where there is insecure work, such as teaching.

In the submission from the AEU they put forward some interesting ideas, which seem to be worth exploring, around taking workers who are 0.8 of an FTE and actually making them full-time or looking at how pools of workers can actually be put into permanent positions but deployed as needed in various areas. Is there a view from the CPSU as to how the membership you have that is in insecure work could potentially benefit from ideas that sit outside the box, such as that, that would be afforded by a four-day work week?

**Ms Muscat:** We would be happy to consider what the AEU has expressed in terms of their submission, because any benefit to any part-time, casual or insecure worker that applies to their members should apply to ours. So we would be happy to have that conversation and think outside the box, absolutely. I think we need to do whatever we can to make secure jobs a focus. If there is a way of making secure jobs a focus but also delivering this additional benefit, then we would want to be involved in that discussion.

**MR DAVIS:** I am going to ask a question where I suspect I know the answer, but I think it is always good to get these things on the public record. What would you say to employers, senior managers in the public service and the like who would argue that workers who are temporary and on insecure contracts and workers who are casualised have, by virtue of those arrangements, flexible working conditions and have a four-day work week should they opt to have a four-day work week? I have been surprised by some of the public conversation around this inquiry that has led to some of those conclusions. What would you say to that?

**Ms Muscat:** I would say that I would like the people who are making those assertions to walk in the shoes of someone who has an insecure job. That is not flexibility. Many people want permanent work, and there is permanent work out there. We are aware of examples where casuals are working full-time hours. That should be a permanent job.

To not have that level of security, with the impact that that has on someone's psychosocial health and on their family, is not the flexibility that those workers want. Who is it flexible for? Not the worker. I do not think that is what is being proposed here at all. This is something very different. We say that flexibility needs to cut both ways. If something like this were to be adopted, it would actually give workers more control over their working lives.

**THE CHAIR:** In your opening statement, you mentioned the impact to mainly women who are already part-time, I believe, and the impact on superannuation. Can you just explain that a bit more?

**Ms Muscat:** What we are saying is that superannuation needs to be addressed. For example, our members are right now in a bargaining round where they are concerned about the superannuation offer and the impacts that it has on them, in particular, around their retirement income. That tends to negatively impact on women—although we do note that there have been some advancements in this bargaining round that have been put forward by the government, and we do respect that. We are saying that superannuation needs to be addressed now through bargaining as an imminent issue.

In terms of impacts on women, many women in the ACTPS work in low-pay jobs and cannot make ends meet. We are saying that there needs to be consideration given to how they feel about a four-day work week—noting that, if the proposal is, however, that they would work a shorter working week but have their full rate of pay, then that might not be an issue. It all depends on what the model being proposed is and making sure that they would sustain what we say is already their low rate of pay. Chris, did you have a view on this one?

**Mr Warren:** At least in relation to the superannuation component, we understand that often women are working more in part-time positions. If the four-day work week were to be implemented, they would be receiving essentially a higher rate of pay for the same hours. That could go some way to remedy the superannuation gap that disproportionately affects women.

**THE CHAIR:** What is the financial impact? Have you done any modelling on the public service going to four days and the rate staying the same? I understand there

would need to be more people employed to sort of cover that gap. Have you done any modelling on what the cost would be?

**Ms Muscat:** No, we have not.

**MS ORR:** Just back to the gender question, my question was whether you saw the opportunity within the four-day work week to actually promote gender equality and greater equity within the workplace for women. I think you have somewhat answered that, but I just want to check that my understanding is correct that you do see opportunities there for gender equality to be progressed through the four-day work week and you would want that to be an active consideration of any progression of it. Is that correct?

**Ms Muscat:** Absolutely.

**THE CHAIR:** Thank you so very much for coming today. I think you have taken a couple of questions on notice.

**Ms Muscat:** Yes.

**MS ORR:** Just one, I believe.

**Ms Muscat:** It was one question.

**MS ORR:** It was on the data for Mr Davis.

**MR DAVIS:** I think that was mine. Sorry about that.

**MS ORR:** If Mr Davis does not remember, is it really a question on notice?

**MR DAVIS:** It is a question on notice. I do want the comparison to other states.

**Ms Muscat:** We can pull together that data. That is no problem.

**MR DAVIS:** Thanks so much.

**THE CHAIR:** Thank you so much for coming and thank you for your submission. I appreciate it.

**Short suspension.**

**FISHER, MR THOMAS EDWARD**, Committee member, ACT Law Society

**THE CHAIR:** Welcome, Thomas Fisher, from the ACT Law Society. I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the statement in pink on your desk. Obviously we are asking you to tell the truth, as giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Please confirm that you have read and understand the implications of the statement.

**Mr Fisher:** I have read and understand the privilege statement.

**THE CHAIR:** Fantastic. Do you have a two-minute opening statement or can I proceed with questions?

**Mr Fisher:** I am happy to proceed with questions.

**THE CHAIR:** Great. Thank you. We are pretty pressed for time today. I appreciate the submission. There was a lot in it. I thought it covered things well. There is a line: “The expectations of clients—and courts—around availability and continuity of care”—that is one of the concerns for the Law Society. Can you talk us through what that means?

**Mr Fisher:** Certainly. One of the things that legal practitioners have to deal with is that they are often dealing with people in a great deal of distress, going through some of the most complicated times of their lives, and that applies across the employment field, family law and, certainly, criminal. One of the things that we foresee with any kind of change to the working week is that the expectations of clients will probably not shift very quickly. We already have a significant issue with overwork in the legal profession. Many of my colleagues will tell you that 60-hour weeks are the norm in some places—in some kinds of law more than others—and out-of-hours work is really significant. It is a huge problem in the criminal sphere, for example.

Those things are unlikely to change, because the ordinary hours of work have shifted. So, in order to implement a four-day week in the legal profession, there would need to be not only regulatory change around the way that the current justice system works but also probably cultural change amongst the population more broadly about what the expectations are of legal professionals.

**THE CHAIR:** What do you see as the impact if the public service does move to a four-day work week model? What impact will that have on your industry?

**Mr Fisher:** The primary thing that we have identified is to do with the justice system itself. Obviously lawyers are working in the public sector, and lawyers are working in the private sector and are interacting with the public sector, but the key thing that we have had concerns raised with us about is the actual court system itself.

The hours of the registry are particularly important. Registry officers are not the highest paid people in the judicial system and they are not necessarily people who collect a salary and should expect to have to do lots of out-of-hours work. The registry

would probably need to move to some kind of roster system to cover all the hours that it is ordinarily open. To some extent this already occurs—it has extended hours of service on some occasions—but it is something that would need some forward planning before it moved there. The workers in the registry are obviously performing work under the EBA system, so that would need, I suppose, a longer transition time than perhaps for judicial officers or other people in professional positions.

The times that the registry is open are pretty critical to legal professionals. If you need to file a document, you often have to take it in person. There is an e-filing system for some kinds of actions, but not all of them at this point. I believe that is something that is being worked on. But certainly more complex things that cannot go through e-filing require in-person presentation—things like personal protection orders and workplace protection orders as well, which can be really time critical.

**THE CHAIR:** Without significant or additional administrative staff in those areas, it would be difficult for the law community in general to function?

**Mr Fisher:** I do not necessarily think that I know enough about the internal workings of the registry to say that, but the Law Society's position would be that reducing the hours of the registry would be a real problem for legal professionals. Whatever needs to be done internally to make that work would be a necessary part of this innovation.

**MS ORR:** Mr Fisher, there was quite a lot of thinking in what you just said and I would like to unpack some of it. Could I clarify that there is a clear distinction in your mind between the challenges in, say, the private sector of the legal fraternity and the public sector provision of legal services. Is that correct?

**Mr Fisher:** Yes.

**MS ORR:** One is looking at, say, the hours. You made reference to overwork within the legal profession, which is a chronic “light”, shall we say, for lack of a better word. It is something that there has been quite a lot of literature on. I am interested in getting your perspective on how a four-day work week would actually help with what is quite a large amount of overtime that lawyers and legal professionals do. We know that correlates with really poor health outcomes for them. Do you see any opportunity—noting that legal firms have actually already partaken in trials, and it has shown quite good benefits—to actually realise those benefits here in the ACT?

**Mr Fisher:** Yes. It is beyond question that particularly lawyers at the start of their careers are subject to really extreme pressures within larger firms or smaller firms to undertake levels of work that are unsafe for them. You mentioned research articles on this topic going back 30 years or more. There are trials that have occurred in legal firms in other places. I am not aware of any in New South Wales or the ACT, or jurisdictions that the ACT Legal Society frequently has contact with, but the key changes that are required to make that work are generally the reorganisation of work inside firms and greater job sharing.

One of the things that has been raised with us is, again, the expectation of clients once they are engaged with a legal professional—that the legal professional is the person dealing with their matter. That is hard to shake. Often you have senior legal

professionals leading teams of more junior solicitors, but it is the expectation of a lot of clients that they are primarily dealing with one person.

**MS ORR:** A lot of the trials I was pointing to were probably overseas. New Zealand actually springs to mind. Given that those precedents are there, and it has been shown that it is possible and that there are benefits that come from it, is it fair to say that it would give you hope that something could be replicated here in the ACT and that the benefits could be realised, with due consideration of all the complicated issues that come with it?

**Mr Fisher:** Yes. There is no fundamental impediment in being a lawyer or a legal professional that says you cannot work a reduced number of hours. The things that came up in those trials about sharing work better within the firms and better document control—better management of those things—are necessary preconditions. If we still maintain the model where one person is loaded up with everything for a particular matter, it is going to be a struggle.

**MS ORR:** I am going to have to rush it along because we are running out of time and I have a lot of questions. We had a bit of a discussion here and it is interesting that it comes up in your submission. Would a trial of the four-day work week in the ACT public service and the inclusion of the lawyers and solicitors who work in the ACT public service present a good opportunity for trialling how it could work in the wider profession?

**Mr Fisher:** I do not see why not. Thinking about the feedback, I cannot recall specific feedback within the society from anyone in that position. Yes; absolutely. Certainly—

**THE CHAIR:** Could I ask what impact it would have for—

**MR DAVIS:** Could I ask a quick supplementary on that? I imagine there are a lot of professionals in the legal fraternity that the Law Society represents in the ACT and in private practice who represent clients who are maybe in a situation with the ACT government. I am hypothesising a situation where private lawyers do not have a four-day work week and ACT lawyers do. What do you see as some of the associated risks that the ACT would have to mitigate so that processes are not slowed down? You mentioned the registry office before, but are there other things that the ACT government would have to invest in?

**Mr Fisher:** One of the other things we cover in our submission is the strict deadlines in a whole lot of legislation. If you are engaged in a matter with an ACT government lawyer or a private sector lawyer, you will be set deadlines frequently by the court. The spacing of those deadlines would have to change, but also the underlying legislative provisions that require X calendar days or X business days. Actually—sorry—I take that back. Business days would still probably work, would they not?

**MR DAVIS:** Yes.

**Mr Fisher:** But, in any case—

**MS ORR:** That goes to the other part. I spoke about the legal professions, but

I actually wanted to talk about the service provision. You noted—and Mr Davis picked up on this—a service need that arguably goes beyond five days now. A number of other submitters said that it is possible to do the frontline service provisions with a little bit of considered thought, looking at pools of workers that can be deployed to different areas, or potentially upstaffing but not necessarily upstaffing where there are efficiency gains from having a four-day work week. Would you be open to looking at those as options to make it possible to maintain a service provision but also provide a four-day work week to workers?

**Mr Fisher:** I would probably need to consult with our practitioners in that sector. Nothing has come up in our process that would say that is not appropriate. I suppose, in terms of lawyers internal to government, the expectations of the rest of the service on how and when and who provides that legal advice would need to be dealt with.

**MS ORR:** Our previous witnesses here, from the CPSU, signalled that they think a trial would be appropriate if the ACT government chose to go down this path and that they would like to be active within the process of developing the trial—what it would look like. Would it be fair to assume that the ACT Law Society would also be open to such a process and would want to be part of it?

**Mr Fisher:** Yes, I think so. We certainly welcome all consultation on the matter. We are able to provide some views on how that trial would interact with practitioners who are going to keep relying on the system throughout the course of the trial. Yes, we would be keen to be consulted.

**MS ORR:** I have a slightly different question. It goes to the legalities of the four-day work week and employment law. I thought your submission was quite well articulated. Could I confirm very quickly: in your opinion, could the ACT government transition their own workforce, the ACT public service, without needing commonwealth legislative changes? I note that you are a lawyer and it is advice only and not definitive.

**Mr Fisher:** Yes. Fundamentally, there is no restriction on the ACT government setting terms and conditions for its employees within the national system framework that they work in.

**MS ORR:** We have seen in a lot of the trials that have happened in Australia and overseas that private sector businesses have already transitioned to a four-day work week. Could I clarify: is this something that businesses can choose to do without needing commonwealth legislative changes?

**Mr Fisher:** Yes. Again, the powers of the employer under the Fair Work Act to set terms and conditions up to the maximum level set by the award or the NES are pretty much absolute.

**MS ORR:** So, from a legal perspective, it is possible to trial these and to learn more about what we are doing without needing commonwealth legislative change?

**Mr Fisher:** Unquestionably.



**MS ORR:** Great. Is there a model that you think would work better in a four-day work week, or is that something your members have not formed a view on yet?

**Mr Fisher:** The main feedback we got from our members were from people working in the private sector. The conditions in the private sector often include hourly billing. The concerns raised were primarily about the current systems of work that they utilise in order to bill and keep time. In terms of your question, I think we would have to get back to our members. Can I take that on notice?

**MS ORR:** Yes. That is fine. It is also fine to say there is not a view at this point in time.

**Mr Fisher:** I think that is the better answer—yes.

**THE CHAIR:** I have a question about how the private sector works with the public sector. Is it the ACT Law Society's view that a four-day work week can work and is advisable because of all of these reasons—administrative and other? Is it likely that private lawyers would work well with a four-day work week or is the thought that they would not and would work around any kind of public service lawyers and would just have to make it work?

**Mr Fisher:** The ACT Law Society has not taken a view on whether it is advisable or a good idea. We wanted to be involved in the consultation to point out some of the things that would need to be addressed, but we have not conducted a survey of members. We do not have a position on that.

In relation to the second part of your question, which is how private sector lawyers would deal with it, it might be too early to say. It depends on how the trial is organised and whether the particular work areas that private sector lawyers deal with are able to maintain the normal hours of service and the normal density of service as we are going through regulatory or legal matters.

**MS ORR:** Mr Fisher, is it fair to say that all these things are not insurmountable tasks or challenges? I am sure there has been change within the legal profession in the past and I am sure there could be change in the future. What I am getting at is: is this actually a challenge the legal fraternity could rise to?

**Mr Fisher:** If we thought it impossible, we would have said that in the submission. These are not insurmountable challenges. They are ones that will need careful care and attention to make sure that nobody suffers in the administration of justice. We have tried to provide some areas that need to be looked at. We certainly have not taken a view that it is impossible.

**THE CHAIR:** There are enough lawyers already working such a great number of hours now. Moving to a four-day work week, we would obviously need more people in the legal profession to pick up what is not able to be done in four days. Do you think that is not insurmountable in the near future?

**Mr Fisher:** Potentially. There are a lot of people in the legal profession who are underemployed or employed not to their full capacity, just as in any other place. We

certainly have a system where there are people who are dramatically underworked and there are also people who are dramatically overworked. I guess restructuring the distribution of work within the profession would be something likely. I would say that you would need to move to more team based activities, particularly if you were still essentially running on a five-day week and a two-day weekend but with people working fewer days. I am speculating now. My answer is that there would need to be a redistribution of work within the profession and there would be a need for more team based work, but beyond that it is hard to say.

**THE CHAIR:** Thinking of the clients and a team based approach, is that the best practice model for people needing legal help, if information is scattered across a team, not with just one person?

**Mr Fisher:** Best practice within the legal profession is certainly something that has grown in popularity. There are more teams of specialists working together to provide advice for a single person, and recent advances in IT and document management have made it much more possible to do that in a way that really protects the interests of the client and meets the ethical obligations of solicitors. Again, it is not insurmountable, but there are challenges.

**MR DAVIS:** You mentioned something and my ears pricked up. You said that there is a group of people in the legal fraternity who is—and I think you used these words—grossly overworked or grossly overutilised and another group of workers is grossly underworked or underutilised. Where are those workers?

**Mr Fisher:** It is hard to say. Like any field, there is more casualisation now than there has been in the past. It is a pretty in-demand kind of job, and it is relatively easier to get full-time work than in a lot of places, but there are certainly people who have a lot of trouble in the legal profession accessing flexible working conditions. Our committee on access and inclusion has done a significant amount of work on people who are seeking part-time work or fewer hours in the legal profession and struggle, certainly in the private sector, to achieve that.

**MR DAVIS:** That is interesting when we compare it to the evidence we just heard from the CPSU. You are describing casualisation of workers in the legal fraternity. Do you believe that casualisation is rising or plateauing? Secondary to that, is that driven by employees seeking flexibility or driven by employers?

**Mr Fisher:** I actually do not have data on that. I can take it on notice. Anecdotally, one of the biggest concerns that is frequently raised in our other submissions is that people seeking fewer hours are unable to get them, and, if they do get them, essentially they are forced into fewer hours than they want—“if you are not there 100 per cent, then why bother”?

**MS ORR:** I have a supplementary to that. You have raised a number of matters that really paint a picture of a workforce that has some pretty tough expectations in the sense of hours worked and the conditions under which you work. Noting that it is complicated to transition to a four-day work week, could the four-day work week drive a conversation about what a much healthier workplace in general looks like within the legal fraternity, noting the changes you have put—say, using teams and

different ways of doing business—and that it could actually be quite beneficial overall?

**Mr Fisher:** I do not see why not. Conversations within the legal profession about keeping hours of work under control have been going on perpetually with very little advance. It is as good as any spur to actually drive some change.

**MS ORR:** I have one other question, on gender. A number of submitters have raised that it is possible that the four-day work week could actually help promote gender equity within the workplace. Would you see that as applicable to the legal profession?

**Mr Fisher:** This is not something we considered in our consultation.

**MS ORR:** I appreciate if you cannot answer, if you have not been given a steer by the society.

**Mr Fisher:** I do not think I could say off the top of my head. Again, based on other submissions we have put in, we know that access to flexible working conditions is difficult for lawyers a lot of the time, particularly in the private sector. In the economy more broadly, the majority of people still seeking flexible working conditions are women. So, combining those two things together, you would have to say yes, potentially, but this is not something we consulted on specifically.

**MS ORR:** Thank you.

**THE CHAIR:** Is there anything else you would like to add before we close?

**Mr Fisher:** No. I think we have covered my remit and then some. Thank you.

**THE CHAIR:** Wonderful. Thank you so much for the submission and for appearing today. It is really beneficial to our inquiry, so that is great. Thanks so much.

**Mr Fisher:** Thank you very much.

**Short suspension.**

**HENNESSY, DR BIANCA**, Research and Policy Officer, Australian Education Union, ACT Branch

**JUDGE, MR PATRICK**, Branch Secretary, Australian Education Union, ACT Branch

**THE CHAIR:** We now welcome witnesses from the ACT branch of the Australian Education Union. Thank you both for coming.

I would like to remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink statement in front of you. To summarise, we are asking you to please tell the truth. The giving of false or misleading evidence is a serious matter and may be considered as contempt of the Assembly. Can you both please confirm that you have understood the implications of the statement and agree?

**Dr Hennessy:** Yes, absolutely, understood.

**Mr Judge:** Yes.

**THE CHAIR:** Thank you so much. We are pressed for time so we have not been asking for opening statements unless you can cover it off in two minutes.

**Dr Hennessy:** No; that is all good.

**THE CHAIR:** Thank you for your really detailed submission and all of the work that you put into it. I would like a bit of extra information around the face-to-face teaching hours. I note that 21 for primary teachers and 19 for secondary teachers would become 16.8 and 15.2 and obviously no reduction in students appearing at school. I know that you mention it in your submission but, for the record, can you talk me through how you would plug the gap?

**Mr Judge:** Sure. I will kick off and then maybe Bianca may add to the answer. Essentially what we are proposing is having a look at the way school weeks are structured more generally. In order to deliver a high-quality education we need to maximise the quality of classroom time. Australian students actually spend significantly more time in the classroom than their international counterparts, and the evidence would suggest to us that that is not contributing to quality in the outcomes. So we are spending more time but we are not getting the value of that time.

What we are proposing is that you could see a reduction in the amount of time students spend in that formal education—so that classroom face-to-face teaching time. I think we have all learned from COVID the benefits of the time outside of the classroom where students are getting that sort of social and emotional learning and they are learning to interact with their peers. So they are doing other things that are less formal and less structured and therefore may not require a teacher but may require other types of workers or professionals.

**THE CHAIR:** You said that other countries have less class time. Does that mean their day is shorter or they are out and about more?

**Dr Hennessy:** It varies a fair bit. For example, in Germany their time in the classroom over the year is shorter because classes often end by early afternoon. Whereas, in other countries, the OECD measure of the annual hours spent in a classroom in a direct instruction environment is lower because they have much longer summer holidays. So it varies from country to country.

**THE CHAIR:** And you said more time in class is not necessarily getting value. Why is that?

**Mr Judge:** It is about the quality of the time in class. I think it actually is really easy to understand that small amounts of time here and there, and the difference between, say, a 50 minute lesson and a 55 minute lesson, is not going to be incredibly significant. So part of it is just making sure that the time that we are spending in class is spent as best it can be. That is about giving teachers the time to plan and prepare. It is about the time they spend outside of the classroom more than it is about the time that they spend in the classroom delivering their lessons.

In terms of the quality of what we do, I do not think there is any question that every minute that is spent teaching in ACT public schools is spent working towards a really high standard. The question is whether all of that is actually spending the time in the best possible way and whether the classroom hours are actually the best use of that time or whether we could get better outcomes by giving teachers more time to work on other things—so how they differentiate their planning for students with different levels of capability and how they provide that sort of more personalised, individualised approach. The fewer classroom hours you have, obviously the easier it is to do those things with the other time, provided it is not filled up with other non-teaching duties.

**THE CHAIR:** On plugging the gap, if we are not reducing the school day but we are giving the teachers the opportunity to spend more time planning and less time in the classroom, what are the thoughts around that? I think there was talk about administrators and other people coming in. Please explain that to me.

**Mr Judge:** Yes, that is right; there could be a whole range of different professionals who we could engage. We would look at this approach as a value-add more than anything else. They may be learning support assistants running programs. They already do that from time to time. So we might be talking about running clubs or activities during those non-teaching hours that are still really valuable from an education perspective but do not necessarily require a qualified teacher.

But they might also be programs run by other types of professionals like youth workers or social workers—people who can target those areas of student need—in particular, in that really valuable time where we have got them in a safe place at school.

Providing the opportunity for those other things to happen is really valuable, and I guess one of the advantages of what we are proposing is that it does not require those students to be disadvantaged by being taken off class.

**MS ORR:** This is essentially going to the questions that I have—that is, will moving to the four-day work week disadvantage learning outcomes for students and, the inverse of that, what benefits could actually arise for students? We have touched on it, but I am really interested to hear your answer to that as an overall question.

**Dr Hennessy:** We have already covered most of what I would have to say.

**MS ORR:** Yes. Is it fair to say that, essentially, we might move away from classroom based teaching but there are still going to be educational outcomes attained through the other aspects of learning that will be undertaken?

**Mr Judge:** Yes, and it also depends on what you do with that time. Using the time effectively requires us to think about how it is spent and how it is best spent. That is a bigger conversation, but it goes to a range of issues that we are already seeing in our schools.

The AEU has provided countless submissions at this point where we talk about the pressure that schools are under to deal with other social issues, to deal with mental health issues and to deal with those sorts of community connection issues. Those are things that cannot easily happen while you are delivering an academic program of learning.

If you are teaching maths, it is very hard to simultaneously be integrating these other things. People give it a red hot go, but the average secondary teacher, for example, gets about five minutes per student per week where they can focus on an individual, as an average amount of time.

For one thing, all of that working on teachers is not helpful. Providing a little bit of space for, firstly, the right types of professionals to be providing that support—and they are not necessarily teachers—but also for the running of other types of programs is a way that we can really achieve some value.

At the same time, I think it is really worth flagging the potential benefits in terms of our current teacher shortage issues. We have incredible difficulty at the moment in the ACT staffing our schools, regardless of whether they are public or private schools. We have difficulty attracting staff. We have seen an AITSL report in the last week or so about the difficulties of getting new graduates through initial teacher education programs.

What we hear, including from those people who are student members of the AEU, is that there is a lot of discourse about the amount of work and the diversity of work that teachers are required to do and the stress that this puts them under.

So any measure that we can take that reduces that workload or that provides space for that work to be undertaken outside of the classroom has a couple of benefits. One is the higher quality of that work that will be able to be delivered. The other is the workload reduction for teachers would actually be a positive in terms of attracting and retaining those staff.

**MS ORR:** Just on that, it seems from your submission and what you have said today

that you are quite supportive of a four-day work week. I think you put in your submission that keeping an open mind for workforces that do not necessarily fit a nine to five office-based part would be good as well as making sure that we take everyone along.

Keeping that in mind, in the evidence we have heard from other witnesses today it has been put forward that the ACT public service could run a trial of the four-day work week. Is that something you would be supportive of? Is that something that you would want a role in shaping and what would you see that role looking like?

**Mr Judge:** I think running a trial, and particularly piloting, would be essential to making something like this work in schools. We have not done it; so we do not know how it can be done. In order to work out what issues might come up—and we can all try to predict it right now—this really is something that needs to be tried and tested before you look to anything broader than a sort of pilot level implementation.

**MS ORR:** Is it fair to say that the teachers workforce within the ACT public service would definitely want to be included in the trial if it were to go ahead?

**Mr Judge:** Yes, that is right.

**MS ORR:** The CPSU was in here earlier and they said that they would like to be quite involved in shaping how the trial is run and the issues that might come up and the responses to those. I assume you would have a similar position.

**Mr Judge:** That is right; particularly from the perspective that the AEU is the de facto professional association of teachers as well as the industrial representative of teachers. So we represent them on both a professional and industrial level, and we want to represent them in respect both levels of interest. So, if there are educational outcome issues, we would want to be involved in helping our members have a voice on that.

**MS ORR:** Is there is a preferred model that you would have for a four-day work week? In our discussion paper before the committee, there are various models out there. Is there any view on what would be a preferable model to move to?

**Mr Judge:** I do not think we have a general preference. But, in terms of the teaching and learning aspects of things, we would not want to see a model where we move away from five days of school attendance for students. I think that would be far too hard on families, particularly those who are lower income families and shift workers. It is already tough enough without making their lives more difficult. But, within that, I think it really goes to the content of our submission.

**Dr Hennessy:** I would add that we have quite a substantial number of members who already work part time and so they do, they report to us, because of the workload of being a teacher. I have spoken to many members who work a 0.8 fraction, which is essentially a four-day work week, but they do so while taking a 20 per cent pay cut because that is the only way that they can meet all of the responsibilities that they have in their life.

So I would say that our members actually already know how to adapt their work, their

lives, their rosters and their timetables, and school leaders know how to roster people on. There is a wealth of knowledge already in schools as to how to adapt to something new. We have really robust consultation processes in the enterprise agreements, and they involve asking workers directly what works for them.

**MR DAVIS:** I have probably two main themes I want to pick up with you, and they all kind of intercept with student outcomes. I would imagine, instinctively, that there would be people in our community who might be resistant when they hear teachers moving to a four-day work week, concerned about how that would impact on student outcomes.

I suppose there are two things I want to explore with you is. First of all, how have other professionals in the school community—youth workers, learning assistants et cetera—been utilised and how could they be better utilised to support some of these other issues you are experiencing in school communities, increasingly about young people on margins?

The other thing I want to explore with you is in terms of student outcomes. You have also mentioned less classroom time and less teaching time. How does that relate to the number of students that a teacher has in front of them? I can put it really bluntly: do you believe you would get better outcomes teaching a cohort of 10 students for 30 minutes than teaching a cohort of 30 students for 60 minutes, for example? I would be interested in exploring that one. So maybe we will pick up on that one first, if you would not mind, and then some of those other professionals in the school community, second.

**Mr Judge:** It is a fascinating question about what you would prefer. As with all of these questions in the education space, it is more complex than I think you could possibly imagine in that it depends on who the students are, what you are teaching and what is the nature of that engagement is.

We refer to ‘teaching time’, but what we are talking about is instructional time. It is that time when you are providing that instructional relationship with the students. Of course, that is not the only thing of educational benefit that happens in schools.

It is important to consider that some of the education happens outside of the classroom, including through things like homework—which I think is the most classic one that everyone is familiar—that is set or assignments that are set. Students typically take those home and work on them.

The ACT has this fantastic college system where, by the time kids get to college, you see them more and more working on those things at school where they can access advice and support from teachers or school librarians or those sorts of people, which I think has a few benefits. One of the chief ones is that it takes some pressure off the parents, particularly at that upper secondary level where it becomes increasingly difficult to assist your child with their learning.

As to the class sizes question, it all depends on what it is you are going to do with your smaller class size. So, yes, sometimes with a class of 10 for 30 minutes the time is going to be better spent and more valuable than spending an hour with 30 students.



But then how that all stacks in terms of what we can practically deliver in schools as well is really complicated.

All of the research on class size reduction says that class size reductions do assist in teacher workload and student outcomes. But it is an expensive way to do it, and it depends on what you do with the class while you have your smaller class size. That is certainly true of the experience of our members: that it all comes down to a much more complex picture than just how many students—

**MR DAVIS:** I appreciate that. I might distil my whole point down to this: do you think, given that we have a teacher shortage crisis in the territory, that we would do a better job recruiting and retaining staff if we were able to offer flexible work conditions like the work day week and an ambition to reduce class sizes as part of that?

**Mr Judge:** I think undoubtedly that is true. Reduced class sizes are reduced workloads for teachers. That is absolutely true. Offering flexibility is so important to a workforce that is predominantly women and predominantly people who have traditionally been looked on by our community as needing to take up caring responsibilities. We might not agree that that is right, but it is the case that our members are women and they are the people who are called on to be carers more often than not.

**MR DAVIS:** My last supplementary goes back, I suppose, to that earlier thing that I asked about in relation to those other professionals in the school community—youth workers, school assistants et cetera—and it intersects with class sizes. I am picturing a scenario where a teacher is teaching 30 students. There might be two, three or four, students who are requiring extra assistance, with personal issues being brought into the classroom. How do you see an increased workforce in those other school professionals supporting teachers to be able to participate in flexible work conditions and not that four-day work week—and, at the risk of being crass about it, helping to remove students from the classroom environment and work on what is typically known as psychosocial issues so that they can better interact with their learning?

**Mr Judge:** I think this goes back to a comment I made a little earlier that, when you are taking students out of class to deal with those issues, you are depriving them of the learning that they should be having while they are in class. So you are sort of doubling down on these sort of issues of disadvantage.

Giving schools more time that is not classroom time in their day would actually provide some scope for those professionals to do those things. You are always going to be missing out on something, but preferably you are not missing out on what is that core teaching function, which is the academic program. That is really the core of what teachers are there to provide.

In terms of other professionals and engaging them, there is a whole range—psychologists, social workers, youth workers et cetera—who could, with that additional time, if we are reducing classroom hours, actually run classes that are not just on that individual crisis management level but on a more global level. Therefore, we move from a responsive place to a preventative place in our approach.

But I would also say that the AEU is not best placed to talk about those sorts of professional, other than learning support assistants and youth workers—and to tell what they should do. They are represented by other unions, who do a much better job.

**MS ORR:** Noting that your workforce is predominantly women and that other submissions have raised that the four-day work week could actually be quite a positive way of progressing the rights of women within the employment workforce, would the AEU have a view on that sentiment? Would you see it as being beneficial to women having a four-day work week and why?

**Mr Judge:** We would, exactly for the reason that we have seen picked up in other four-day work week trials around the globe, which is that it does provide some scope for those other responsibilities that people have. But, hopefully, it also frees up people who are not women to provide a bit more assistance to the women in their lives.

**Dr Hennessy:** I would add to that that it would be great if the committee looked at the final report of the federal Senate Select Committee on Work and Care, which talked about the division of domestic labour. We are very aware that our members, being three-quarters women, do paid care work at work and then they go home and disproportionately do a lot of unpaid care work at home, which contributes to the stress and burn-out that they are feeling.

That select committee report talked about the benefits of a shorter working week, particularly the outcomes of an Icelandic trial. It reported that male participants who were in heterosexual partnerships reported doing more domestic labour. So we think it would absolutely make a difference in the lives of our members.

**THE CHAIR:** I have question about the model. I know Ms Orr touched on it. It sounds like teachers are so overwhelmed as it is. With a four-day work week—for example, being Monday to Thursday, 8 am until 5 pm or whatever the hours are—they are still compressing their time. How do you think this model would work for teachers? Is it the case that, without the government making sure that learning support staff and those additional resources are available, is it more of a long term goal? Can it happen without that immediate injection from the government with regard to learning support?

**Mr Judge:** It cannot. It would require additional resourcing, we think, to make it work. Obviously you could best answer that question by running some kind of trial with pilots, which would identify exactly what those issues are.

In terms of the compression to four days—or it may actually be the case that it is shorter days over five days, and sometimes that is going to be more helpful to people, particularly those with caring responsibilities—we would hope that providing the four-day week provides additional time for rest and recovery.

I guess what we would say is that the general issue facing schools and teachers, but also other workers in schools, is that their job is increasingly complex. They are an intersection point with a whole range of other community services. If they are still called on to do—and this goes to your resourcing question—all of the things that they

are currently doing outside of the classroom, we will lose the benefits of moving to that four-day week. So, yes, resourcing through learning support or other professionals is really important.

**MS ORR:** Mr Judge, is it fair to say that resourcing would be an issue whether it was a five-day week or a four-day week?

**Mr Judge:** Yes. It is a current issue that we would not want to make worse, I guess.

**MS ORR:** We have touched on this question a little bit, but I just want to find out if you have anything more to add. We know the public service and teachers have been through quite a lot in the last couple of years, particularly with COVID. There was huge pressure put on how we deliver education. From everything that I hear from my electorate, teachers do a fantastic job in looking after students and making sure they continued to learn. But where has that left the profession and how would a four-day work week potentially help with alleviating some of the issues?

**Mr Judge:** One of the best things about a four-day work week or even a trial and the inclusion of schools in it is that it would send to our members a message that their workload is of concern to the government and to the community more generally. We hear those statements a lot, but substantive action in this space is really hard.

Teachers see the increased levels of flexibility afforded to other professions, particularly post-COVID, that is just not available to them because of the operational nature of their job. There is a frustration that doing these sorts of things, like examining a four-day work week, just get chucked in the ‘too hard’ basket out of an assumption that we cannot trial it, pilot it and work through it and make it work and deliver something good.

The pressure that schools and teachers are under has been enormous and continues to be enormous, particularly in light of the ongoing workforce shortages. We cannot at present provide sufficient staffing to our schools to ensure that we do not have oversized classes from time to time and that we do have all the correct types of professionals that we need. That is not just teachers, either; that is other types of professionals too.

**MS ORR:** Do you think it is fair to say then that, having a conversation for a bigger shift change within our community, such as a four-day work week, could actually start to bring a lot of these issues along with it and provide some solutions to them?

**Mr Judge:** Yes.

**MS ORR:** I have one final question, which is on casual and part-time workers. You had some really interesting evidence in your submission around ways that insecure work, or part-time or casual work could actually be turned into more secure or full-time work under a four-day model. Is there anything that you wanted to add to your submission? I am particularly interested in how your experiences within the education profession could potentially be applied to other parts of the public service where this is an issue.

**Dr Hennessy:** As you alluded to, we are pretty confident that a trial or a change like this would not adversely affect job security. We already have a pretty robust system with the secure jobs framework and policy in the ACTPS. Where we come into problems is particularly with our school assistants who have a relationship primarily with a school. Technically, their employer is the ACT government, but their relationship is with the school. Sometimes that means that those opportunities for job security do not translate through to them.

In order to prevent any kinds of adverse effects when it comes to job security, we would need to make sure that there is a really robust system you could push for all the workplaces in the ACTPS—keeping in mind that those are incredibly diverse. It also requires managers and HR professionals in every single directorate to have someone they can call for advice, to have unions that are really clued up and on board and have been thoroughly consulted on, and workers and community that understand why we are we doing what we are doing.

**MS ORR:** So it is fair to say then that any trial or consideration by the ACT government on a four-day work week should also prioritise opportunities for more secure work?

**Dr Hennessy:** Absolutely.

**THE CHAIR:** Thank you so much for your submission and for coming in today. It has been really helpful to understand what is going on. On behalf of the committee, again, thank you so much and I hope you have a wonderful day.

**Dr Hennessy:** Thanks so much.

**Mr Judge:** Thank you.

**Short suspension.**

**DANIEL, MR MATTHEW**, Secretary, Australian Nursing and Midwifery Federation (ACT Branch)

**CULLEN, MR THOMAS**, Legal Officer, Australian Nursing and Midwifery Federation (ACT Branch)

**THE CHAIR:** I welcome witnesses from the Australian Nursing and Midwifery Federation. I need to remind both of you of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink statement there. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly, so please both confirm that you understand the implications of the statement and that you agree to comply.

**Mr Daniel:** Yes, and I agree.

**THE CHAIR:** Thank you.

**Mr Thomas:** I understand and I agree to be bound by it.

**THE CHAIR:** Fantastic. Because we are pressed for time, we have not been asking for opening statements, unless it is a two-minute thing. Are you happy to start?

**Mr Daniel:** Yes—happy to start.

**THE CHAIR:** Fantastic. I will kick off. Your submission is great. It is really detailed and I really appreciated reading all that you had to say. The first thing I would like to pick up on is work-time reduction versus work-time compression. I know that nurses, doctors and frontline staff are already fairly compressed and under the pump at the moment, so, regarding a four-day work week for those who are not working four days at the moment, can you explain how that would work or what your thoughts are?

**Mr Daniel:** Yes. That is a section of the 100:80:100 principle—100 per cent pay, 80 per cent of the work time and 100 per cent productivity. At the macro level, what we would see is that things that are affecting our members—mostly burnout and stress—would, to a large extent, be relieved in some manner by going to a four-day working week.

Over two consecutive years, we have conducted a psychosocial wellbeing survey of our members. Up to two thirds, and in some cases more, of our members—nurses and midwives—are experiencing moderate to high levels of distress. They put that down to the demands of the work. With the caring professions, there is that sort of moral distress that you are exposed to constantly.

The nature of 24/7 work has its own particular demands from constantly changing rosters, going from mornings to evenings to nights. They are all well-known demands of anyone who works in a 24/7 work environment. There is a lot of extensive research that talks about the health implications for workers that work with 24/7 rostering. They are well understood and accepted.

**THE CHAIR:** We are aiming for nurse-patient ratios. There is obviously a staffing shortage. The Law Society said that there would be an impact with the four-day work week, as did the teachers, so what are the gaps? How would it work and what would need to happen if this were implemented or even trialled?

**Mr Daniel:** We would advocate for a trial to essentially move past whether it is effective or not and get to how it would work. That is what we would like to see. In terms of what it would require, it would actually require additional nurses and midwives, and that comes with its own pressures, of course. In terms of, say, the overall cost of additional nurses and midwives, we have to look at the cost of having burnt-out nurses and midwives who will leave the system and then the cost of patient care.

If we have nurses and midwives who are continually exposed to the stresses of the caring professions and the demands of increasingly more and more sick patients that end up in hospital, we need to relieve that pressure in some way and make sure that we keep the nurses and midwives that we have in the system. Certainly there would be an additional need for nurses and midwives, but we believe that is offset by the benefits.

We also believe that it is important that we work to move on a trial as soon as possible. There are a couple of things at play. One of the key ones is that one of the other jurisdictions in Australia could well get the jump on us and we will see further losses of nurses and midwives from the territory. We see that, when we lose members, it is to go and work in other jurisdictions, particularly Queensland and Victoria. Queensland has just struck a pretty good enterprise agreement in the public sector, and of course Victoria is offering various incentives to go and work in Victoria, so we are already competing with that. If either of those jurisdictions move to a four-day working week for nurses and midwives, I fear that we will have a great loss of nurses and midwives from this territory.

**THE CHAIR:** Have you heard that the other jurisdictions are considering a condition change like a four-day week?

**Mr Daniel:** Amongst my own peers in the other states, I am hearing great interest in moving towards this. One of the other moves towards understanding the need to be more flexible in terms of the workforce is that Victoria is currently going through a pilot project of individualising rostering. We do not do that here. People can make a request for a day here and there that they need off during the month, whether they want to work a night or whether they want to work a morning or have a day off. There is no guarantee they get that. Victoria is already moving to personalise rosters to each individual when they are contracted, from their initial employment, and is possibly looking at people who are already in the system, so that it really is tailored towards work-life balance and ensuring that they maintain their workforce.

**THE CHAIR:** I have one supplementary. Mum worked four days on and four days off. How many nurses and midwives currently work in that roster system?

**Mr Daniel:** In terms of part-time work?

**THE CHAIR:** Yes. That is called part-time, is it not? How many part-time nurses compared to full-time nurses do we have now?

**Mr Daniel:** At least in the public sector, Tom has probably got the numbers. I have an idea, but Tom—

**Mr Cullen:** Before coming, we quickly reviewed the most recent annual report. It does not go into that level of detail. It suggests that the CHS nurses make up about 47 per cent of the headcount—FTE—and that part-time workers across CHS are at about a third. If you extrapolate, you could come to your own conclusion.

**THE CHAIR:** Sure.

**Mr Cullen:** However, anecdotally, I am told that we have a significant number of part-time employees. We will probably touch on flexible work arrangements shortly as well. A number of flexible work arrangements that have been requested recently go to looking at a reduction of hours as well.

**MS ORR:** I have a couple of quick supplementaries. I want to confirm whether there is a model you support. You have already made reference to 100:80:100. Is that the model that you think needs to be prioritised?

**Mr Daniel:** On the evidence, from the trials worldwide—Icelandic; New Zealand; and the UK study which concluded in December has some very interesting results—they seem to sit at around that number of hours as a full-time load.

**MS ORR:** Thank you. Picking up on the comments you have already made around service provision and the need to maintain service provision, you mentioned that, certainly while there might be a cost in the sense of increased staffing, you saw a lot of benefits. Can you elaborate on what you would see the benefits being, not only for the workers but also for patient care?

**Mr Daniel:** Yes. It is well understood from the research that both in nursing and in midwifery, but also more generally for workers, that a tired, stressed worker is more likely to sustain an injury—a psychosocial injury or a physical injury. For patients, the research shows that there are increased things like medication errors and that there are greater risks for patients in terms of hospital-acquired complications. Again, some of the other jurisdictions have looked at managing those things, such as how to manage fatigue, but that can only go so far. They are important measures, but the one where you do less face-to-patient time is a really significant one.

If we go to working a four-day week, if your roster has five days rather than seven days, the research shows that you are going to be less stressed, you are hopefully going to be better rested and the number of things like hospital-acquired complications will reduce.

**MS ORR:** Thank you. You noted in your submission—I think you also mentioned it in the testimony that you provided today—that you would support a trial and that nurses should be part of that. Can you elaborate on your thinking and how you would see a trial working?

**Mr Cullen:** Sure. Regarding the way a trial could be run in this jurisdiction—and we have made note of perhaps incorporating relevant tertiary education to do some research, and into the private sector as well, and obviously both private sector and public sector nurses would hopefully be able to participate in the trial in the private sector. Particularly in the public sector, it would be similar to how other trials have run where a number of initiatives pick a handful of areas or divisions, perhaps with relatively stable patient populations—perhaps where the ratios are currently in place—and work from there. Hopefully there would be a number of six-month trials—that seems to be a reasonable time period—and a relatively comprehensive review. I do not think we need to look at the benefits as much—I think they are realised across the research—but look in terms of what needs to change in practice and systems. That is probably what we would be looking at in terms of a trial.

**MS ORR:** In the context of an ACT public service trial—I put this question to other witnesses today and I am happy to put it to you too—is it fair to say that ANMF would like to be engaged early and actively with any process that were undertaken?

**Mr Daniel:** Absolutely, and it would be important for the reasons that Tom has just outlined: what we need to do in terms of the EB that sets the terms and conditions and how it would operate.

**MS ORR:** You note in your submission—just going to EB—that you would see that as a consideration. Absolutely—because it goes to people’s work rights. How would you see the two processes coming together? Do you see that it would be possible for the two processes to come together—that one is not an impediment to the other?

**Mr Daniel:** Yes; absolutely. I do not believe there would be. To get some form of structure and oversight, it would be useful to have these discussions through enterprise agreement negotiations and settle it within that context.

**MS ORR:** In your opinion, could a trial be undertaken, noting that we are in bargaining right now? Would we have to wait for the next round, or do you think a trial could be undertaken prior to the next round of bargaining?

**Mr Cullen:** Of course. I think that is open to government, if there were sufficient safeguards in place. We would not be opposed to that.

**MS ORR:** The last point I want to clarify is that you note that, in the rollout of the four-day work week, it would need to be gradual to avoid “whiplash”. Can you run us through what you mean by “whiplash” and what a gradual rollout would look like in your opinion?

**Mr Daniel:** Some of the research talks about the importance of getting to new ways of working—again, not trying to compress everything into a short space of time. I am thinking of things like quality projects that nurses and midwives undertake as part of their professional practice—all of those work or safety committees; all those sorts of things that they do apart from direct care. They would have to think about how that operates in a four-day working week so that they are not trying to stay for meetings after hours and all those sorts of things. We need to be mindful. They are the



safeguards that we would need to look at. It could be really useful to get to the crux of what is really important during the working day and what is not, and certainly some of the research talks about that: too many meetings, too many emails. All of those sorts of things would have to be reconsidered. It would have to be a facilitated process to get people to a new normal so people do not have exposure to feeling that they have to do more in less time.

**MS ORR:** Thank you.

**MR DAVIS:** I have a string of quick ones that you have answered in some way. To help us scaffold and paint a picture, would you stay with me? Would it be fair to observe that the nursing, midwifery and AIN profession nationally is at crisis point?

**Mr Daniel:** It is. What we are seeing is some employers across all the jurisdictions moving towards greater roles for unregulated workers rather than a regulated workforce. We are seeing more and more nurses having to move into traditionally midwifery areas to support maternity services. It is in crisis across the country, but I think we need to look at the particular circumstances in the ACT that offer us an opportunity. We have a number of higher education institutes that produce nurses, midwives and AINs. What we saw with the ratios rollout is an initial difficulty in recruitment, but the numbers have been met to meet ratios. The problem has been losing them out the back door—not retaining the staff that we have.

I believe the nursing workforce is there to allow a trial to go ahead. The midwifery profession is more difficult because there is a national and international shortage of midwives, but that goes to the heart of: if we can do a four-day working week, it is an attractive recruitment and retention tool to possibly get midwives to the territory above the number that the local university produces every year.

**MR DAVIS:** That makes sense. Noting that the health committee has a substantive inquiry on this issue, we can probably dive into these at another time—the three big ones for the workers that you represent: recovery, recruitment and retention. Of those three big key elements governments have to deal with, which do you think a four-day work week or a trial of a four-work week and flexible work conditions most address? Do you think we are going to bring people back into nursing and midwifery who have left, do you think we are going to keep people we might be losing in nursing and midwifery, or do you think that this is actually most strategically about recovery, post pandemic in particular?

**Mr Daniel:** Anecdotally, what I hear from the membership would be a line ball between recovery and retention at this minute, but that does not diminish the possibility of this being a good retention tool.

**MR DAVIS:** That makes sense. My last question is a bit more meaty. If the ACT government were to trial a four-day working week with nurses, midwives and AINs, do you think that there is a way the ACT government could do that to ensure every worker is included in the trial or do you imagine that there are specific facilities or parts of the healthcare system where a trial could be done easier and would therefore provide richer data? For example, if we were to trial nurses in nurse-led walk-in centres or were to pick one facility and trial it there, do you imagine that would

achieve better outcomes in the short term or would you want all members across the workforce included in that trial?

**Mr Daniel:** No, we would need to do it in a stepped approach. There are some areas that lend themselves to be possibly better placed to commence a trial, and they would probably be the same areas where ratios rolled out initially. Compared to the rest of the public health system, they are fairly stable in terms of their patient cohorts, their staffing numbers, and anticipating what services need to be provided when and to whom. We would probably be looking at medical and surgical areas in the first instance. I can think of some particular areas where there is good culture and compliance with ratios is better that would lend themselves to a trial, and there are certainly members who would be willing to give the four-day working week a trial.

**MR DAVIS:** My last question is: what advice would you give to the government were they to adopt some of the recommendations through this committee's report and trial a four-day work week in specific areas? At the risk of being crass about it: what advice would you give the ACT government to make sure other workers who are not part of the trial understand the trial, feel represented in the trial, can see the light at the end of the tunnel, so to speak, and could inform feedback in that trial? To the broader point we have been talking about—retention—I would not want anybody to feel left behind.

**Mr Daniel:** Absolutely. Time, again, is of the essence—getting it underway. That goes to your point around recovery—that our members want to see the light at the end of the tunnel. This is often the quote: “We do not see the light at the end of the tunnel and we need to see it. If I personally am going to stay in this profession, I need to see what is going to change.” That is often the remark that we get. The benefits of that would have to be well communicated and well understood, and it would have to be done through a really effective consultation process.

**THE CHAIR:** We have talked about ratios, and it is a question, obviously, if they are not being met, because people are going out the back door. I understand you still want to meet those ratios. My question is: do you have a thought on what it would do to, say, private surgeries that employ nurses? There could be a great influx into the public system from people wanting a slice of the four-day work week. What is that impact? How would that work?

**Mr Daniel:** Yes; absolutely. We often see churn in this territory of people moving around the system, not coming to the system. It is absolutely in our mind what that can create. We have similar things with people moving from aged care into the public sector because of better wages and those sorts of things. We are familiar with these sorts of issues, and we have certainly made reference to that in our submission—that we would like to see the government engage with the private sector around what this means. At the end of the day, if it also means the system as a whole is functioning well, including the private sector, everyone benefits and we will not have that churn. Hopefully we would not have that churn through the system of nurses and midwives moving away from the private sector, because it provides a really important role in the delivery of services in the ACT. We would like to see the government engage the private sector for all those sorts of benefits for the workforce, but also patient outcomes.

**THE CHAIR:** I have just one question left, and then I am done. If two-thirds of the workforce need to go to a four-day work week, the stopgap for picking up additional shifts here and there would still happen, I imagine.

**Mr Daniel:** It would still happen, but—

**THE CHAIR:** With choice.

**Mr Daniel:** Yes, the choice would be there, but it would provide greater certainty for both the employer and the employees about the rostering and what that looks like. We might actually see people who are working two or three days a week because of other demands at home, work-life balance and those sorts of things pick up some additional work. They might even have it tied into new contracts around permanency rather than relying on the casual basis, which has been a real problem in terms of staffing—relying on a casual workforce that fits a bill. Too great a reliance on it means that you will not necessarily meet ratios and people will move. We see our members moving from being permanent employees to part-time and/or casual employees so that they can manage the demands of their time at home and elsewhere.

**MS ORR:** I have two supplementaries. Are you happy to keep going until 12?

**THE CHAIR:** We have until 11.55.

**MS ORR:** With our witnesses' indulgence, we will keep going.

On the question of insecure work and casualisation—we have certainly had this raised by a number of witnesses in their submissions and also at today's hearings—witnesses have expressed a view which I think is fair to categorise as: any work shift towards a four-day work week or a trial should also address the issue of how more jobs can be made secure. Would you support such a sentiment?

**Mr Daniel:** Yes, particularly the use of nurse banks, which is where casual nurses and midwives will often sit in a HR sort of function, and that pool is drawn on as required. As I alluded to before, if we can have greater certainty around employment and reduce the number of face-to-face patient contacts or contact with women and babies, we believe that we will see greater engagement of people that, firstly, will stay in the system and it may attract from other jurisdictions. It may even attract some of the nurses and midwives who have already left the system and are working in other jobs. I believe that greater certainty will bring nurses and midwives back.

**MS ORR:** Great to hear. The question of the public sector versus the private sector and making sure that there are equities between the two systems is essential so we do not end up with a two-system employment field.

**Mr Daniel:** Yes.

**MS ORR:** Do you see an opportunity for the public sector to actually drive change in the private sector through approaching a trial of a four-day work week and the learnings that will come from it?

**Mr Daniel:** Looking at how ratios have been implemented in other jurisdictions, I believe that lead by government can have positive influences through to the private sector. We see some private hospitals in New South Wales now moving to ratios because they know it is beneficial. We are also seeing moves in, say, Queensland, where there is some interest by health funds in ratios to make sure that the private hospital is well staffed, they have good patient outcomes, and it is not going to be a bigger draw on the financial burden of the health funds. There is interest in the leads taken by government around quality and safety that then seem to flow into the private sector.

**MS ORR:** It is fair to say it has to start, otherwise it just stays as an abstract discussion.

**Mr Daniel:** Absolutely; yes.

**MS ORR:** I go to my final question. You noted in your submission—I think you were one of the few to explicitly state it—that the four-day work week could actually be quite a good driver for female workforce participation. I thought your statements were quite interesting. I want to find out if you have anything that you could elaborate on as to how you see female employment rise and conditions actually improve through a four-day work week, and the opportunities that are there?

**Mr Daniel:** For our members that already work part time, it could mean that they could retain their part-time hours as the new full-time hours and get a full pay. That would immediately uplift a significant number of nurses and midwives, as you have heard, in the system—predominantly women. It would immediately uplift their economic flexibility and abilities to provide for themselves and others. It would really provide that economic freedom overnight.

**MS ORR:** I think you have alluded to this a little bit in your answers, but I just want to check that my understanding is correct. You said that there are a lot of members that you represent who are stepping back to shorter hours to balance all their needs—almost doing what they have to do to get by, but it is not necessarily their preference. Would you see that cohort benefiting from a four-day work week?

**Mr Daniel:** Absolutely. They would get that higher pay, and the—

**MS ORR:** Instead of having to essentially be forced into a lower—

**THE CHAIR:** Just take a day off.

**Mr Daniel:** Yes—instead of having to have that day off for the balance and do the caring responsibilities that might come with either children or elders. That again predominantly falls to women. It would be a very obvious and immediate benefit. I am sure the modelling around it would easily work through and show the benefit to women.

**MS ORR:** Thanks. And thank you for indulging me going over time.

**THE CHAIR:** Thank you. I appreciate that. I thank you both so much for coming and for your submission. I appreciate it.

**Mr Daniel:** Thank you.

**Mr Cullen:** Thanks.

**Hearing suspended from 11.59 am to 12.20 pm.**

**KILLEN, DR GEMMA**, Acting Chief Executive Officer, ACT Council of Social Service

**DARUWALLA, MS AVAN**, Policy Officer, ACT Council of Social Service

**THE CHAIR:** The committee will resume its public hearing for the committee's inquiry into the future of the working week. I now welcome witnesses from the ACT Council of Society Services. Proceedings are being recorded and transcribed by Hansard. We are also broadcasted and webstreamed live. When you take a question on notice please let us know so we can note that down.

You have the pink statement in front of you on the protections and obligations afforded by parliamentary privilege. You must tell the truth. The giving of false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Please confirm that you have read, understand and agree with the privilege statement.

**Dr Killen:** I understand and agree.

**Ms Daruwalla:** I understand and agree.

**THE CHAIR:** Perfect. We have not been opening with statements unless they are approximately two minutes. Would you like to kick off with one or are you happy to proceed straight to questions?

**Dr Killen:** We are happy to go to questions.

**THE CHAIR:** Thank you for your submission. You have noted that the primary concern of community sector organisations in a reduction to work time is that the sector is already underfunded and overworked. Can you broaden that for me and talk about what a four-day work week would look like? For example, is it reduced hours or is it compressed? Talk to me about what you are thinking there.

**Dr Killen:** I think our version of a four-day work week would be reduced hours for the same pay. Research that we have got coming out soon tells us that 60 per cent of community sector organisations have had increased difficulty in retaining staff and keeping services properly staffed over the last year, and 67 per cent say it is more difficult to attract staff. So I think that a reduced work week would help us to keep staff from being burnt out and to attract staff to the sector.

But we have a large part of the sector that delivers services that cannot be reduced. That will be a significant concern for us—that we would then need to increase the staff footprint for many organisations, and that would require more funding and more work to get people into the sector, which we already struggle to do.

**THE CHAIR:** Can you just explain the areas that it would not work for at this time with regard to the four days?

**Dr Killen:** I think the main concern is around disability support and caring work—so aged care as well. Someone with a disability cannot reduce the number of times that

they need assistance to bathe, go to the toilet, dress and things like that. So we cannot reduce the amount of staff or the amount of time that staff spend assisting with those kinds of tasks. We would have to have enough staff to continue to maintain the same amount of service delivery.

**MS ORR:** Just on that, I think it was characterised as a four-day work week would not work for those areas. Is it the case that it would not work or it would need a slightly different approach to, say, what a nine-to-five office based employment position would require?

**Dr Killen:** We would need a different approach. We could see it working if we had more staff. You would then have more staff doing shorter shifts, as long as there was no cut to service delivery. That would need to be negotiated amongst the community sector organisations.

The other concern that we discussed when we talked to members about this was we did not want to see a divide between frontline delivery workers and office workers and that, if office workers were given the option of a four-day work week and frontline delivery service providers did not have that option, that might create tension within the sector that would not be productive.

**MS ORR:** Dr Killen, can I take from that then that, in principle, there is support for transitioning to a four-day work week? I think you already touched on a few of the benefits in the sense of attracting staff and retaining staff. So it is less a question of whether it is supported or not supported and more a question of how everyone gets to be included?

**Dr Killen:** Yes. For us, I think the funding is the main issue. Because we get most of our funding from the ACT government, we would need to see an increase in that funding to make it work properly.

**THE CHAIR:** Do you have any idea what that looks like?

**Dr Killen:** How do you mean?

**THE CHAIR:** How much that would be?

**Dr Killen:** I think we say in our submission that it is not just about that 20 per cent extra to cover the 20 per cent extra cost, but also addressing base funding.

**MR DAVIS:** I have a supplementary on that. It would appear to me—and tell me if I am wrong—that the ACT government and the organisations that ACTCOSS represent compete for the same pool of qualified staff. You are both in the business of service delivery. What risks do you see for the ACT government trialling a four-day work week among its own staff to your sectors ability to recruit and retain a workforce?

**Dr Killen:** We absolutely see that as a risk. We already struggle to attract staff from ACT public service and the federal public service because of our pay conditions, leave conditions and things like that. So, if there were a further divide created where

you could get paid more to work fewer hours in the public service and paid less to work longer hours in the community sector, it would definitely increase the difficulty of attracting staff.

**MR DAVIS:** What specific supports do you think the ACT government could provide to mitigate that risk? Were the ACT government to move to trial a four-day work week amongst its own staff, what additional supports could it provide your sector either to (a) be a part of a trial or (b) offset some of those risks if that trial was being conducted exclusively with ACT government employees?

**Dr Killen:** I think what we would like to see is a trial that includes the community sector or select organisations within the community sector so that we can monitor and evaluate actually what resources it would take and what funding would be required to do that in the sector. Then we could think about expanding it to the rest of the sector as well. If we excluded the community sector but did it in the public service, I am not sure what resources would mitigate that risk for us.

**MS ORR:** We have had quite a significant amount of testimony saying that the ACT public service is well placed to undertake the trial, given the diversity of the work that occurs within it. Should we be taking from your comments that ACTCOSS and the ACTCOSS membership would like to be a part of that trial?

**Dr Killen:** As long as it was adequately funded, we would be very happy to participate in a trial.

**MS ORR:** So would a logical area for a partnership in a four-day work week trial be where government partners already and where there are existing contracts and partnerships in place?

**Dr Killen:** I think so, especially as we are going through commissioning at the moment and doing a lot of work on properly pricing community sector work. If we started to think about what that would look like in the context of a four-day work week, that would also be—

**MS ORR:** I was actually going to raise how the commissioning process that you are going through could start to go to some of those more systemic and ongoing issues, such as the base funding. I know you have raised it today but I have heard it in many forums over the years where this is acknowledged to be an ongoing issue and one that needs to be looked at. Is it fair to say that the ongoing issue with the base funding is not necessarily contingent on a four-day work week but would be exacerbated by a four-day work week if it were not addressed?

**Dr Killen:** Yes. Absolutely.

**MS ORR:** I guess where I am going with it this is that the two do not necessarily exist in isolation, but both need to be addressed—

**Dr Killen:** I agree.

**MS ORR:** I think that is kind of where we are going. Sorry; my question is not really



very clear. I have put my next question to a number of people. If the ACT public service were to undertake a trial, what role would ACTCOSS want to have in that?

**Dr Killen:** I think we could help to facilitate a trial within the sector by drawing on partnerships. Also, because we have been leading on a lot of work around sustainable pricing and attracting and retaining staff in the sector, we could bring that expertise to a trial that the ACT government is running as well.

**MS ORR:** Dr Killen, have you put any thought into what areas of your membership would be best placed to participate or should participate in a trial?

**Dr Killen:** I think it would key to have frontline service delivery, particularly around disability support or carer support, included in the trial. I think it is important to choose to include in the trial some of those service delivery organisations that might seem like they are the most difficult, so that we get that information and, rather than leave the more difficult parts of the sector to last, to actually build the policy around where the lowest paid workers are and where it is most difficult to negotiate hours but where we also see the most women in the sector, in those kinds of caring roles.

**MS ORR:** We have heard from a number of unions today. I believe the ASU, which is the union that would have the highest coverage of the not-for-profit sector, has negotiated a four-day work week trial with Oxfam, which is the first not-for profit to undertake this. I believe it is the Australian one. Given that the ball is rolling, what benefit do you see being part of an ACT public service led trial as opposed to going it alone?

**Dr Killen:** That's a good question. Being part of an ACT public service trial would mean that we can share that information about how it is working and what funding we would need and make it part of broader restructures to funding relationships that we have with the ACT public service, given that we are already partnering to do that work around what it costs to deliver services and what we need in terms of overhead and staffing to deliver services. We could draw on that work that we are already doing.

**MS ORR:** I just want to pick up on your comment about the workforce being predominantly female. A number of witnesses today provided testimony on what benefits could come from a gender equity and equality point of view from a four-day work week. Is there anything you would like to add to the broader discussion?

**Dr Killen:** In terms of gender equity and the four-day work week there is a lot already outlined in the research that says people with caring responsibilities would benefit from a four-day work week. We know that the sector is between 70 per cent and 80 per cent women and that they are often in low-paid roles. So I think it would be a really beneficial place to trial something like this because the impact could be great.

In the submission we also talk about the impacts on people with disabilities in the workforce, and that it could be good as long as it is done really well and does not negate other forms of reasonable adjustment that might currently be being made available.

**MS ORR:** The reasonable adjustments was actually my next question. In your

submission you briefly allude to the reasonable adjustments. Can you go through a little bit more of what conditions around reasonable adjustments you would want to see preserved and the reasons why?

**Dr Killen:** For example, if an employer and an employee had negotiated longer times to do certain tasks—longer bathroom breaks and things like that—because of disability, we would not want to see that compromised because the overall work time was shortened.

**MS ORR:** So it is fair to say then that, in any progression towards a four-day work week, you would want to see those conditions maintained? You have already said the 100:80:100 model through no loss of pay and conditions.

**Dr Killen:** Yes. On reasonable adjustments, we also want to make sure that people with caring responsibilities can still negotiate their hours. For example, if we have staff that are currently working 9 am to 3 pm, they would not be forced to work 9 am to 5 pm four days a week.

**MS ORR:** Dr Killen, we touched on the women, but the care and disability groups that you also advocate for and represent actually present quite an interesting perspective too. Do you see any opportunity for people who have caring roles or have disabilities to actually gain employment through moving to a four-day work week?

**Dr Killen:** It would normalise shorter working weeks, which are more beneficial to people with caring responsibilities and people with disabilities. There are a number of people with disabilities who work shorter weeks currently because they have medical appointments or because of capacity.

If we did it right, it could potentially increase their pay—and we know that people with disabilities are more likely to experience poverty and things like that. So that could be a beneficial impact. We also note in our submission that we do not want to see that mean that there is more work on unpaid carers if there is less paid care work happening or fewer hours of paid care work happening.

**MR DAVIS:** Notwithstanding the importance of creating better working conditions for the people that you represent in your sector, one of the things raised with me by constituents who are the recipients of services provided by your sector, particularly constituents I have spoken to with disability, is the continuity of care—the same worker with the same level of regularity. There is also some anxiety that this proposal of a four-day work week may result in reduced care, differences in care or greater time to provide care because there are not those sorts of relationships and consistency.

What is some advice that you might give to the committee and the government when considering—particularly for that sector—how this could be implemented and how people would still be able to receive the high quality care they have come to expect?

**Dr Killen:** I think there is a balancing. Given the high rate of burnout and turnover that we see in the sector, especially in the care section of the sector—where sometimes people are experiencing turnover in their care staff because people are leaving the sector—having shorter work weeks might address some of that. There is

the need to balance that with the need not to have for each shift a different worker that you have to potentially explain your story to every time, show them where everything is or re-establish that kind of really intimate relationship that sometimes has to happen for disability care work. So there is a need to balance those two things.

I think that is where something like a trial could really help us, because we could get some of that research done and talk to people who are receiving services and the people that are delivering them about the benefits and potential challenges and how to address them.

**MR DAVIS:** Thank you.

**THE CHAIR:** You mentioned that it would be important in a trial to go for the most difficult areas—I am paraphrasing. Is it feasible? How would a trial work if workers are stretched to the limit now?

**Dr Killen:** I think it would be feasible if it were well funded. That is our core argument.

**THE CHAIR:** I understand that. Obviously funding has to go with the territory. There is no doubt there. I am unsure whether a trial would come with money. Is it more about changing roles in order to see how a trial would work? I would like you to explain that in a bit more detail.

**Dr Killen:** I think it would be very difficult to do without funding.

**THE CHAIR:** Because you need trained people—right?

**Dr Killen:** Yes; and because of that time pressure that we have in delivering services. But we have had organisations express to us that they would be interested in participating in a trial. That could begin with detailed consultation with those organisations about what it would actually mean for them.

**MS ORR:** Dr Killen, it was put to us by one of the witnesses that if you do not start, you never get going. Is it a little bit of that—that we will not necessarily have every single answer but, through a trial, we could certainly push this along? Is that where most thinking is up to, in your experience?

**Dr Killen:** I think so, yes, but with the caveat that we should not get going just in the public service or just where it is easy to do.

**THE CHAIR:** Thank you so much for your submission and for coming in today. We appreciate it.

**Dr Killen:** Thank you.

**Short suspension.**

**HISCOX, MR MICHAEL**, Assistant Secretary; Construction, Forestry, Maritime, Mining and Energy Union (ACT Divisional Branch)

**FISHER, MR THOMAS EDWARD**, Legal Officer; Construction, Forestry, Maritime, Mining and Energy Union (ACT Divisional Branch)

**THE CHAIR:** I welcome witnesses from the ACT Divisional Branch of the Construction, Forestry, Maritime, Mining and Energy Union. I would like to remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink privilege statement in front of you. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Please confirm that you understand the implications of the statement and that you agree and comply.

**Mr Hiscox:** I understand and I agree.

**Mr Fisher:** I have read and understand the statement.

**THE CHAIR:** Fantastic. Thank you. We will kick off. We have not been taking opening statements unless they can be done in two minutes. Do you want to give it a try or would you like us to kick off with questions?

**Mr Hiscox:** Yes, I will give it a try. Our submission essentially summarises that, in principle, we support, and our union has always supported, anything that gives additional leisure time to workers. That is a position we have had for over 150 years. We continue to support that. The 40-hour week is something that we settled on back in the 1900s. It makes sense over time, as productivity improves, that you would look to reduce that further. We have identified in here some of the issues with doing that, but we actually do support it occurring. We just want to make sure that our members do not lose any conditions when taking that approach.

**THE CHAIR:** Great. Thank you. I will kick off. In your submission, you said that at a recent branch conference the union committed to trialling two sites over the next 12 months on a five-day work week. It is not a straight hours reduction, though; it is likely to mean 10-hour days, Monday to Friday. Has this started yet?

**Mr Hiscox:** Yes. Shortly after we did that, there were some sites that started doing it almost immediately afterwards. Some sites are ACT gov—for example, the CIT Woden site will be working on a five-day working week. That is not part of their enterprise agreement. That is something they are taking on voluntarily. There are also some sites that are working in the private sector—working for private developers that are operating on a five-day work week. Chase Construction is one company that has done it. I think Morris Constructions have done it as well with the job just down the road.

**MS ORR:** Is that compression or is it 100:80:100? What model of the five days is it? Is it compression—same hours over shorter days—or—

**Mr Hiscox:** No. It is not something that has actually gone into their enterprise agreement, so theoretically people could just do their 36 or 40 hours for the week and

leave the Saturday. In that motion, we talked about: if we were to put it into the enterprise agreement, potentially one of the claims that could come back is to give the option to make the 10 hours a day mandatory, but that is something we still have to consider. There are different trades where 10 hours a day would be much more difficult to do versus the eight. For the sites at the moment, it is not being compressed; they have just limited it to the five. There would be some occasions when they are working on the Saturday for emergency works where they cannot have other people onsite, but for the most part they work on a five-day schedule.

**MS ORR:** I was actually going to ask about these trials. What has the feedback been from your membership so far on the sites where it is five days?

**Mr Hiscox:** To be honest, we were initially expecting the feedback to be very negative. We sort of talk about this in the submission. Saturday has historically been seen as the cream day because you are on double time straight away, and it is also normally a less physically intensive day because you do not have everyone there. It is the sort of day when you can catch up on things and probably normally knock off early or have a barbeque or something like that. So we were expecting a lot of pushback on it. Initially, we actually did have a lot of people say it was like taking money out of their pocket, essentially, but after, say, three or six months of people actually working these schedules, it has been overwhelmingly positive, even from the people that were the biggest detractors.

Some of them have said, “We did lose \$100 or so a week.” Normally they would not because they ended up doing more overtime during the week, and now, if they are on a union agreement, they go straight to double time, so they are not losing out on that amount. Generally the feedback has been very positive on spending more time with family—they feel better; they feel healthier; they are less stressed out.

**MS ORR:** In an industry that has a high injury record, a high suicide rate, and unfortunately a high death rate as well on the work sites, a lot of wellbeing factors are really poor outcomes for the workers. How important is it for your sector to therefore move to a reduced-hours model?

**Mr Hiscox:** Absolutely critical. I think it was RMIT that did a study on this called *Triple wins*—wins that come from a reduction in working hours. They pretty much cited the sorts of things you just mentioned. First is improved health for yourself. There is a whole bunch of negative health consequences from working too long, such as cardiovascular diseases. Second is fewer incidents at work itself—people have fewer incidents in general. Third is it has made a lot of the sites diverse. It has made it easier for women to enter into the industry when there is less requirement that you are there for 50 to 56 hours a week.

**MS ORR:** I have some questions on gender, too. We will touch on that now that you have raised it. I have just one question beforehand. I had it put to me by someone in your profession, in talking about the four-day work week, exactly what you raised: “We are aiming for a five-day week, let alone a four-day week.” How important is it to get to a five-day week and also to a four-day work week?

**Mr Hiscox:** Very. We are aiming for five because we are at six at the moment,; but, if

we got to five, the logical spot would be to try to take it to four after that. Our aim for five is just because that is where we are at the moment; but, once we have achieved that, there is no reason why we would stop there.

**MS ORR:** On the question of gender, it has been put to us by a number of witnesses in their submissions and also in discussions today that the four-day work week would be a driver or could be a driver for female participation and increased participation in the workforce, and increased equality and equity within the workforce. How would you see that working for the construction sector, noting the low employment rate of females within the sector and the big push that is on, I think it is fair to say, across the sector, including from your union, to get more females into the workforce?

**Mr Hiscox:** I think it would be very beneficial. It is probably not enough by itself—there are other things—but I think it would be critical. People often talk about the high wages in construction, especially on union construction jobs, which is true; but it probably does not factor into the case that, if you are working full-time in construction and you have a partner and children, it is very hard to have that partner also working full-time, because there is no way you can drop your children off to childcare and there is very little chance you would be able to pick them up, and there is no way that you would be participating in school sport or anything like that.

One of the big positives about moving to a five-day week is that people have been able to participate in those activities as well. I think moving to four would be able to assist that even more, because that is an extra day when you can do the normal sorts of activities you need to do.

**MS ORR:** Would you anticipate more women entering the construction sector if there was less pressure on the hours worked, so they could keep up with those caring responsibilities?

**Mr Hiscox:** Yes; for sure. One of the other things we looked at—which is probably not so much about the hours worked—is that, in Victoria, a lot of the agreements have now allowed for job sharing. So instead of having to start at 7 and go through until 3, you could potentially start at 9 and go through to 5, or something like that. It allows them to share the responsibilities of picking up kids from school or dropping them off to childcare. I think that would play into both of those. The more time you have outside of work, then the more time you have to look after caring responsibilities.

**MS ORR:** I have a few more questions, but I am happy to let Mr Davis jump in if he has one.

**MR DAVIS:** Great. I have a substantive. Thank you. It might seem tangential, but I promise you it is completely related. Australia and the ACT are acutely in a housing crisis and your members are the linchpin to us fixing that, in terms of building more. We hear from the government often that the reason they cannot meet their public housing targets is because of pressures on the building and construction workforce. That seems to be the main reason. In terms of how that relates to flexible work conditions and the four-day work week, is it your view that moving to these sorts of work styles would help the sector recruit or retain a workforce that would help the government meet some of those other pressing social challenges, or could it be a

hindrance if not delivered properly?

**Mr Hiscox:** I guess anything could be a hindrance if it is not delivered properly. We were asked this question, I think, after it was announced that the Strathnairn school was going to have an all-women management team. The point that was made to us is: “Do you think we have the capacity to do this now?” Our main response was: “We always hear complaints from industry and from government about labour shortages in construction and skills shortages.” At the moment, we are essentially recruiting from only 50 per cent of the population. So if we want to address that skill shortage, we have to broaden the scope of people that can actually work in this industry.

For professionals in construction, like engineers and stuff like that, it might be that 25 per cent or so are women; when you go down to trade based and labouring type roles, it is as low as two or seven per cent. Those roles are pretty critical, obviously, to making sure that you actually can deliver the building. Until we have the ability to at least recruit from the whole workforce, it is going to be pretty hard to address those targets.

**MR DAVIS:** Perhaps I can follow up with a rather direct question given that, for those with a passing interest in this debate, it would appear most Canberrans would like the government to build more things quickly, or those Canberrans would like to see that. Do you think the government could build more things quicker if it supported your workforce moving to a four-day work week or more flexible work conditions?

**Mr Hiscox:** I am really not sure, to be honest. That is a difficult one.

**MR DAVIS:** It is a spicy one—I know.

**Mr Hiscox:** I would not say it is spicy; it is just a difficult question to answer. You would think that anything that allows you to attract more people into the industry in general and have a bigger pool of people that can work in it would allow them to build faster, but there are just so many other factors that go into it. It is not just about having the people there. Obviously, material shortages have been a big issue over the past few years. Anything that allows you to recruit more people into the industry is going to be helpful.

**MS ORR:** I want to focus a little bit on your submission on the ACT public service workforce that you represent. I think that, while construction takes a lot of the headlines, there is quite a decent workforce within your membership that is in ACT gov. We have had a number of people today raise the idea of the ACT government and the public service doing a trial of the four-day work week, as a diverse range of professions and jobs within it are a good trial area. I would really like to get a feel from you as to how you feel your membership could fit into a trial of the four-day work week.

I note that you raise a lot of issues around casualisation and insecure work, and we have also heard from a number of submitters today that there could be opportunities to drive change within those problematic areas through a four-day work week. I know that is a very big question with a lot of components; but could I get your perspective on how a four-day work week would work for your members within the public service

and how it could address that casualisation and insecure work?

**Mr Hiscox:** I might just touch on one point, but I will let Thomas go into more detail on it. We have done trials in the past on a nine-day fortnight with a large part of our membership. Generally, doing that in certain sections has worked well. Essentially what they have been able to look for there is: can we still deliver the services we are providing? For the most part, they have found they have been able to, and most of the people that work in those areas obviously find it beneficial to have an extra day off. Tom, do you want to add anything?

**Mr Fischer:** Yes. The key concern that our members in the ACT public sector have is that the current systems by which rosters are managed and by which the workforce is managed are a bit shambolic in places. There is a concern that simply reducing the number of hours that people are required to be on deck will increase the use of overtime or on-call rosters, which are already a really significant bone of contention in a lot of places. That has been raised as an issue. The key impact that would have on casualisation and insourcing more generally is that all of these areas are pushing out a lot of work into contractor elements because the internal management of staff is poor and because they are understaffed to begin with. By bringing the people who are currently working in those external bodies into the public service, you would have a much more stable workforce and much more ability to roster properly and to potentially reduce hours while covering the same service levels.

**MS ORR:** Do you think it is fair, then, to say that any trial that might be undertaken by the ACT public service would be well placed to start to address some of these ongoing systemic issues, not just repeat them?

**Mr Fischer:** I think it is safe to say that it would not hurt. It would certainly be a spur to addressing some of those problems. We have experienced significant resistance in parts of the public service around insourcing generally.

**MS ORR:** Is that resistance from the workers or from the management?

**Mr Fischer:** Management. I think we have raised this previously, but there is certainly strong feedback from our members that there is a preference to push work externally because it is simply easier. If this trial were a pathway to actually expanding that permanent workforce within the ACT public service and thereby having flexibility and the ability to cover these rosters, it would be a good thing.

**MS ORR:** Would it be fair to say, then, that you would also want those things to be explored as part of the trial—not just be a by-product but be a key focus?

**Mr Fischer:** Yes. To be clear, that is our members' key priority. As part of the trial, that would be important.

**MS ORR:** Can you confirm whether you have a model in mind, noting that there are quite a few models across your sectors anyway? Specifically in the context of the ACT public service, a number of the witnesses today have suggested that they would not want to see any reduction in pay or conditions. Would you be of the same view?



**Mr Fischer:** Undoubtedly.

**Mr Hiscox:** Definitely; yes.

**MS ORR:** If the ACT government were to undertake a trial of public sector workers on a four-day work week, would your union want a role in developing that trial? What would you think that role would look like?

**Mr Hiscox:** Definitely; yes. I guess the main role we would want to play is one representing our members in it and making sure that the issues that Tom has gone through do not become a problem. I think we would be able to provide feedback on our experience, as well, outside of the ACT public service. Obviously it is a similar sort of conversation that we have been having.

**Mr Fischer:** We have a very strong network of grassroots delegates in the ACTPS and we would want them engaged, on a unit-by-unit level, in designing how it works for each unit. For example, building facilities technicians are a very different kettle of fish to the guys who mow the grass. A one-size-fits-all approach is definitely not going to work in the blue-collar workforce, so we would want grassroots interaction with those delegates.

**MS ORR:** I have a final question in the few minutes we have left.

**THE CHAIR:** Mr Davis has a substantive.

**MR DAVIS:** Just a quick one. What we hear anecdotally—and I wonder whether you will challenge me if you think I am wrong—is that there is a relatively small supply of property developers who your members largely work for building a large amount of stuff in the ACT. I wonder if you could provide any advice to the committee on trends you have seen, if at all, of members of your union leaving the ACT to work for different types of property developers who offer different types of flexible work conditions in other cities. To my earlier theme of questioning around recruiting and retaining a workforce to help us build everything we need to build, do you see that there would be an employer attraction or even a developer attraction, or that you would be able to bring back workers who have left Canberra?

**Mr Hiscox:** Not really. There are two forces going in different directions. The property developer is not really setting the conditions. They might say they want a site open for whatever period, but, once they have engaged a builder, it is the union's enterprise agreement that dictates how many hours are going to be worked. Definitely, the developers will try to push the limits on that and try to affect how those work hours are happening, but, for the most part, people are not choosing to work somewhere based on who the developer is or anything like that. That would be unusual.

**MS ORR:** Could I have a quick final question?

**THE CHAIR:** Yes; sure.

**MS ORR:** Going back to the idea of a trial with the ACT public service, we just had

ACTCOSS here and they provided a lot of evidence and testimony that they would like to be included—the not-for-profit sector would like to be included in any trial the ACT government does, as a partner. I note throughout your submission that you talk about the construction industry and the opportunities there for contracting through government contracts. I think you also pointed to government projects. I have addressed the issue of the membership that is currently directly employed by the ACT government, but would you see any opportunity for, and would you have any appetite for, also exploring ways that the workforce you represent beyond the ACT public service could potentially be involved in a trial of the four-day work week?

**Mr Hiscox:** Yes; for sure. We have sort of touched on that—the main way the local jobs come in is via the use of procurement. I imagine that when, say, Lendlease tendered for the CIT Woden job, it was not a requirement that they do that, but they would have to list a bunch of different things: how they are going to make sure the job is inclusive and stuff like that. I assume a five-day week would be part of that, but that could be something that they include in future tender submissions, where they say, “For this job, we want to try it out as a four-day work week. That is a minimum requirement for tendering for this job.” Once you put that in, it is mandatory.

**MS ORR:** Thank you.

**THE CHAIR:** Thank you so much. Thank you both for the submission and for attending today.

**Mr Hiscox:** Thanks.

**THE CHAIR:** That draws our session to a close.

**The committee adjourned at 12.59 pm.**