



ASU Submission

Department of Home Affairs

Multicultural Framework Review

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The ASU

The Australian Services Union (ASU) is one of Australia's largest Unions, representing approximately 135,000 employees. The ASU is the largest union of workers in the social and community services sector. Our members predominately work in non-government, not-for-profit organisations that support people experiencing or at the risk of experiencing crisis, disadvantage, social dislocation, or marginalisation. ASU members work for Australian multicultural community services as well as social and community sector organisations who provide services to multicultural communities and consumers.

Executive Summary

The Multicultural Framework Review must consider the important contribution made by the multicultural workforce in the social and community services sector. The value that multicultural workers bring to the sector is significant as these workers are crucial for building trust and understanding between client and provider, and they ensure specific ethnic, cultural and language communities can utilise the services available to them.

Bilingual workers deliver a high level of skill and professionalism, yet they are not compensated for the additional skills they bring. The payment of a community languages allowance remains an outstanding issue in recognising equity between government and community sector workers who have the same skill and perform the same role, in many instances with the same clients and in the same communities.

A highly skilled, qualified, professional, and sustainable workforce is essential to delivering high quality services to multicultural communities and consumers. Government must address funding issues, through implementation of a 'floor price' to ensure that workers in not-for-profit social and community services are paid at appropriate classifications and in accordance with Award provisions.

Recommendations

1. Government should fund the establishment of a community languages scheme (CLAS) in the community sector. Funding and payment of a community languages allowance in the community sector would:
 - a) Recognise and endorse the fundamental principles of the ERO which recognise equal pay for equal work in the social and community services sector.
 - b) Better position community sector organisations to meet the policy challenge of ensuring access and equity for Australia's culturally and linguistically diverse population.
 - c) Assist in the provision of the highest standard of effective professional communication, programs and services that are responsive to the needs of all Australians.
 - d) Be an efficient and effective use of limited resources in the community sector, allowing less reliance upon external translators and interpreters.
 - e) Be capacity building for the community sector workforce, which is currently the fastest growing sector in the country.

2. All grants, tenders, and commissioning for services in social and community services, including multicultural community services, should be underpinned by a minimum 'floor price'. This procurement policy should also promote secure work arrangements linked to longer term funding.

3. Government must address funding issues to ensure that indexation is paid to not-for-profit employment service providers, including multicultural services for providers to attract the best workers and retain their services. This is the only way to provide long term stability in the sector that deals with often highly vulnerable communities.

Community Language Allowance Scheme

Not-for-profit community organisations employ highly skilled staff to deliver their programs. In many instances the individuals, families, and communities to which those services are being delivered include people who do not speak, read, or write in English and/or may have other communication issues which means that their access to essential services is seriously compromised or impossible.

A community language skill is often enhanced by a deep understanding of cultural issues associated with the language(s) in which the employee is proficient. Because of the nature of the work that is done by employees in the community sector, it is therefore very common for organisations to seek to employ people who are bilingual, even if the advertised position description to be filled does not specify a requirement for this skill.

The following are some examples of the use of community languages amongst our membership.

'Collin' is an experienced youth worker employed by a First Nations Peoples' organisation that operates in regional NSW with outreach services to remote NSW. Colin reports that his ability to communicate in local language is essential to his position.

'This is a complex issue, but the bottom line is that this is all about *trust*. For our people there have been so many times when they have been let down, it takes time to build trust.

'Speaking in language is a real part of that. It's also about being able to understand what's going on in the community. I don't only speak in language - I understand what is *really* being said by people and what things / need to say - to show respect and to show that I understand what people are really saying and what they are asking for. I also know *who* to talk to if something needs to happen.

'In any Aboriginal community - particularly in remote areas there are going to be local politics and other issues that need to be understood. People will not talk to anyone from the outside if they are using a local interpreter or an interpreter they don't know because there is no trust. If they think that the interpreter is going to tell others about what is going on, or if they don't know the interpreter - so don't trust them - there is just not going to be any *real communication* at all.

Collin does not have a qualification in language.

'Emilie' is a very experienced and senior executive officer with a national organisation that provides a range of services to the CALD community.

'There is a cost to diversity. Interpreters and translators are very skilled, and they are essential- especially when you're talking about specialist work- legal and medical interpreting and court work for example. But they are very expensive and this all comes out of a very limited budget for community organisations.

'This means that bilingual workers in the community sector are often asked to do things that are way beyond their actual job and way beyond their skill. They simply shouldn't be asked to do that sort of work. It puts an enormous strain on them. It means they can't do their actual job properly

and the expectations of them are totally unrealistic. They are not skilled, trained or paid to do this work. If we introduce a Community Language Allowance Scheme (CLAS) like the public sector, there will be practical implementation issues. The best way to sort this out would be by setting up a professional standard and an implementation committee that includes professional language specialists, government, and community sector experts to work through the issues.

'Karim' is a very senior and experienced executive member of a local community organisation as well as holding a senior position on regional and state wide peak bodies in the sector:

'A Community Languages Scheme like the one in the government sector would work very well in the community sector and would make a real difference to the quality of work that we could do - but it would have to be paid for - it would have to be recognised and included in our grants - otherwise it would simply be impossible.

'The cost of interpreters and translators is a cost that we all accept at the moment, but it does mean that there are things we want to do that we just can't do because we know it will cost us too much. In the end there is a limited bucket of money. We all have to work within our budgets and unless we could pay for bilingual workers, we couldn't support a community sector CLAS - even though we would absolutely support the idea. There is no doubt that workers in the community sector should be paid for this skill- exactly like they are in the public sector- but if we can't afford it, then we can't support it.

Comparison with community language entitlements of government employees

In the SACS Equal Remuneration Decision¹, the Fair Work Commission agreed with the ASU's submissions that people in the social and community sector carry out work that was identical to that carried out by employees of state and federal government, but was not equally remunerated, in large part because of the gendered nature of the community sector and also because historically workers in the community sector had not been recognised for their skills and qualifications or for the professionalism of their work.

While the outcome of the ERO has meant a very real increase in wages for workers in the community sector, conditions for government employees in equivalent positions have not been extended to the community sector.

The Community Language Allowance Scheme (CLAS) is an allowance paid to qualified state, federal and local government employees who have a basic level of competency in a language other than English and work in locations where their language can be used to assist customers and clients. Qualified employees are to be viewed as languages aides and not fully qualified interpreters or translators. The Scheme draws on the language skills of employees to provide on-the-spot language assistance for simple matters. Some examples include, answering enquiries, providing directions to another office, or making appointments.

Qualified employees who are selected for the Scheme can use their language skills as part of

¹ In 2012, the Fair Work Commission made an Equal Remuneration Order covering Social and Community Services Employees in recognition of the gender-based undervaluation of their work. This order applies to every worker in the social and community sector, including NDIS workers such as disability support workers, support coordinators, local area coordinators, and back-of-house/administrative staff. The Equal Remuneration Order applies a loading to the SCHDS Award Pay rates for SACS Employees. A summary of the ERO rates of pay can be found at [Note 2 to Clause 15 of the SCHDS Award](#).

their usual duties, or in addition to their normal role on an as-needed basis. Successful employees are remunerated by the employing department or agency. Full-time, part-time, permanent, and temporary employees nominated by their agency are eligible for the Scheme. Nominated employees can qualify for the Scheme by having existing National Accreditation Authority for Translating and Interpreting (NAATI) qualifications. This includes where an employee has accreditation at the interpreter level or above or has a NAATI recognition award.

Alternatively, government employees in NSW who have language skills can complete the Multicultural NSW examination which is conducted by NAATI.

The payment of a community languages allowance remains an outstanding issue in recognising equity between government and community sector workers who have the same skill and perform the same role, for the same reasons, in many instances with the same clients and in the same communities.

For example, the *SERVICE NSW (SALARIES AND CONDITIONS) EMPLOYEES AWARD 2021*, includes the following allowance:

SECTION 4 -ALLOWANCES AND OTHER MATTERS

24.1 Employees who possess a basic level of competence in a community language and who work in locations where their community language is utilised at work to assist clients, and such staff members are not:

- (a) Employed as interpreters and translators; but are
- (b) Employed in those roles as acknowledged in writing by the Division Head of Service NSW,

shall be paid an allowance as specified in Schedule B, Rates and Allowances, subject to subclauses 24.2 and 24.3 of this clause.

24.2 The base level of the CLAS is paid to employees who:

- (a) are required to meet occasional demands for language assistance (there is no regular pattern of demand for their skill); and
- (b) have passed an examination administered by Multicultural NSW, or who have a National Accreditation Authority for Translators and Interpreters (NAATI) language Recognition award.

24.3 The higher level of CLAS is paid to employees who meet the requirements for the base level of payment and:

- (a) are regularly required to meet high levels of customer demand involving a regular pattern of usage of the employee's language skills, as determined by the Division Head; or
- (b) have achieved qualifications of NAATI interpreter level or above. This recognises that staff with higher levels of language skill will communicate with an enhanced degree of efficiency and effectiveness.

6 Community language allowance scheme:

<i>Community Languages Allowance scheme</i>	<i>Effective ffpp on or after 1 July 2021</i>	<i>Effective ffpp on or after 1 July 2022</i>
<i>Base Level Rate</i>	<i>\$1,482 pa</i>	<i>\$1,519 pa</i>
<i>Higher Level Rate</i>	<i>\$2,229 pa</i>	<i>\$2,285 pa</i>

ASU Recommendation: Government should fund the establishment of a community languages scheme (CLAS) in the community sector. Funding and payment of a community languages allowance in the community sector would:

1. Recognise and endorse the fundamental principles of the ERO which recognise equal pay for equal work in the social and community services sector.
2. Better position community sector organisations to meet the policy challenge of ensuring access and equity for Australia's culturally and linguistically diverse population.
3. Assist in the provision of the highest standard of effective professional communication, programs and services that are responsive to the needs of all Australians.
4. Be an efficient and effective use of limited resources in the community sector, allowing less reliance upon external translators and interpreters.
5. Be capacity building for the community sector workforce, which is currently the fastest growing sector in the country.

The need for a floor price & indexation of funding

The increasing reliance by governments upon competitive tendering in the social and community services sector has forced organisations into a competition to 'win' funding to deliver a service for the lowest price for government. This contested model means that, to attract government funding, organisations must offer the cheapest product.

Most not for profit organisations in the social and community services sector, including multicultural community services rely entirely or almost entirely upon government for their income. This income is paid in regular grant cycles and funds are expended entirely for the employment of staff and the delivery of programs to the community which are deemed by government to be essential for the safety and well-being of individuals, families, and communities.

Governments argue that competitive tendering encourages 'efficiency', and the 'best' will win tenders, leading to improvement in service quality by providing users with 'choice' about the services they access. The ugly reality is that competitive tendering among grant funded services has directly led to:

- A significant proportion of employees in the sector being engaged on a part-time, fixed term contract or casual basis.
- There is almost non-existent access to paid overtime.
- There is a high turnover of employees due to short grants and contracts.

- Short term funding grants and contracts result in very limited access to long service leave (except in states like the ACT, Victoria and Queensland which have implemented portable long service leave schemes for community sector workers)
- Low wages mean limited accumulation of superannuation benefits.
- There are very high levels of unpaid work.
- Little or no training, or employees undertaking unpaid training in the employees' own time.
- Little or no professional supervision
- Little or no non-work support (training leave, Paid Parental Leave, Family and Domestic Violence Leave etc)
- Little or no end-of-employment support (redundancy, outplacement etc)

Social and community services, including multicultural services should be based upon a *floor price* below which no tender will be accepted. This would mean that rather than a 'race to the bottom' by organisations, competing for vital funds by cutting back on essential workforce expenses, all tenders would be required to include funding provision for basic industrial standards.

A floor price for government funding will encourage workers in the multicultural community sector to develop a career and to support workforce development, sector stability and a better trained and qualified workforce. A floor price below which no organisation can tender will encourage organisations in the sector to collaborate and share resources, working together rather than against each other in an endless competitive spiral downwards. We propose a model floor price where wages cannot be lower than the SCHADS Award rate and must include:

- Applicable Equal Remuneration Order rates of pay.
- Correct classification stream and level
- Allowances
- Penalties and loadings
- Maximising permanent employment (Fulltime and Part time) rather than casual or fixed term contracts or rolling contracts

An appropriate price floor must provide for accrual of portable leave entitlements including:

- Annual leave including 5 weeks' annual leave for shift workers.
- Personal leave
- Long service leave
- Redundancy protections
- Paid Parental Leave
- Paid family and domestic violence leave

An appropriate price floor must include adequate overhead costs for all workers, regardless of the nature of their employment, including:

- Professional supervision
- Provisions for onboarding of staff – induction, buddy shifts
- Provisions for regular team meetings
- Provisions for ongoing professional development and training – including covering the cost and time of attaining any qualification requirement.

It is essential that governments address funding issues to ensure that indexation is paid to multicultural community service providers (including funding for wages, staff training, occupational health and safety (OH&S) obligations and relief staff) to support the sector to ensure quality service provision.

Federal and State/Territory governments must recognise that the costs of running a service increase each year and that indexation of funding contracts should accurately reflect these cost increases.

ASU Recommendation: All grants, tenders, and commissioning for services in multicultural community services, should be underpinned by a minimum 'floor price'. This procurement policy should also promote secure work arrangements linked to longer term funding.

ASU Recommendation: Government must address funding issues to ensure that indexation is paid to not-for-profit employment service providers, including multicultural services for providers to attract the best workers and retain their services. This is the only way to provide long term stability in the sector that deals with often highly vulnerable communities.