

Employment Services: not just a job

FINAL REPORT



Employment
SERVICES
not just a job

Australian Services Union
www.asu.asn.au

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Executive Summary

Employment services providers in Australia have high staff turnover rates with many workers feeling under paid and under pressure. Yet the sector is made up of dedicated and professional staff willing to do what it takes to find job seekers employment. It is important that these dedicated employment services workers do not haemorrhage out of the sector like so many of their colleagues before them. The sector has been through several upheavals caused by policy redirections and tenders that change the landscape of the employment services sector. This was definitely the case when employment services went under the Job Services Australia tender in 2009 and transitioned from Job Network. Much needed extra resources were put into the employment services sector as a result of the advent of Job Services Australia but 1000s of workers became displaced by the process. For months after the successful tenders were announced workers from unsuccessful providers scrambled for new positions within the sector or disillusioned looked for work in another industry. Other workers looked for opportunities for promotion within the sector. It was in this environment that our research was conducted.

Our research focussed on the JSA and involved surveying employment services workers and interviewing employers from the previous Job Network and the current Job Services Australia. The scope of enquiry was what impact did the JSA transition have on workers that were displaced and what are the attraction and retention issues faced by the sector. The ASU received funding from the Department of Education, Employment and Workplace Relations (DEEWR) to undertake the research.

Those that work in the employment services sector or are an employer within the sector have a perspective on employment services that cannot and should not be overlooked. They face the issues of attraction and retention of skilled workers on a daily basis. It is the workers and employers that had to manage the daily consequence of the JSA transitions be they positive or negative. Employers and employment services workers are an obvious first port of call when seeking solutions to issues that face the sector. This report is aimed at being solution focussed. Whilst the report highlights dramatically the high turnover rate it does not resort to finger pointing but instead brings forward suggested solution from workers and employers.

The report makes several recommendations that are based on our research findings that are discussed within the report. These recommendations include ending the tendering system that throws the sector into months of upheaval every time a tender occurs. Our recommendations also focused on strategies to attract workers into the employment services sector and retaining them once employed. These recommendations include ensuring that the professional nature of employment services work is recognised. We also recommend that there is a collaborative approach by the many stakeholders within the employment services sector to work on the issues raised in this report that effect attraction and retention. These issues include the provision of training, remuneration of workers, manageable work load and providing work life balance to employees.

The ASU would like to thank the hundreds of workers that completed the survey and the employers who made themselves available to attend an employer forum or to be interviewed.

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Glossary of terms

ASU: Australian Services Union

CETSS Award: Community Employment Training and Support Services Award. Up until January 2010 this Award underpinned the conditions of employment services workers. Employment services workers now have their conditions underpinned by the Labour Market Assistance Industry Award 2010.

DEEWR: Department of Education, Employment and Workplace Relations

Employee: A worker employed as an employment services worker

Employer: An organisation with funding from the government to provide employment services under the Job Network Australia contract or Job Services Australia contract

ESA: Employment services area

Job Network: Australia's employment services program replaced by Job Services Australia 1 July 2009

Job Seeker: An individual who is unemployed and seeking employment

JPET: Job Placement, Employment and Training Program under the Job Network

JSA: Job Services Australia replaces previous employment services such as Job Network

Market share: Market share equates to a proportion of new job seekers referred to JSA within an employment services area (ESA).

Provider: an organisation funded by the government to provide employment services

PSP: Professional Support Program, Program under the Job Network

Transition: The process by which employment services providers moved to the Job Services Australia (JSA) contract from the Job Network contract

Background to “Employment Services: not just a job”

The Australian Services Union (ASU) received funding from the Department of Education, Employment and Workplace Relations (DEEWR) to undertake a six month project, the JSA Reconnection project. The project became known as the “Employment Services: not just a job” project.

As part of this project the ASU worked with employment services workers, employer associations and employment services providers to map the transition of workers from Job Network providers since the establishment of Job Services Australia (JSA). The other main goal of the project was to identify strategies that will enable JSA providers to attract and retain a skilled workforce. The survey, employer forum and associated research and its methodology was designed independently of DEEWR. This report is an ASU document that has been distributed by the ASU.

To achieve the goals of the project several tasks were undertaken including the establishment and maintenance of an employment services website, www.employmentservicesunion.org.au. This website contains information regarding the Fair Work Act including award modernisation. The website also contains information on other issues, both industrial and non-industrial, that are relevant to employment service organisations and staff. This includes information on the Federal Government’s paid parental leave scheme and on workers’ and employers’ workplace rights and obligations. The site provides links to other websites with information about employment opportunities in the employment services sector and other government related information.

In addition to this State based coordinators in NSW, Victoria, Queensland, South Australia and Western Australia and a National Coordinator made themselves available to talk to employment services employers and employees about the Fair Work Act. The project also conducted a nationwide survey of employment services workers and undertook employer forums across Australia. It is the results of the survey and employer forums that form the underpinnings of this report.

Why is it important to research tender transition and attraction and retention of workers in the employment services sector?

The recent Job Services Australia (JSA) tender increased the level of resources in the employment sector, an increase which was desperately needed. Below is some basic information about the make up of Job Services Australia as provided by the Senate Standing Committee on Education, Employment and Workplace Relations:

- *Job Services Australia consists of 141 providers and 48 subcontractors;*
- *72% of Job Services Australia contractors are existing employment service providers and they will deliver 93% of services;*

- 74 organisations will deliver specialist services to help job seekers with special needs, including young people, the homeless, those with a mental illness and people from a non-English speaking background;
- 27 Indigenous organisations will deliver employment services;
- there are 88 not-for-profit contracts and 28 private sector contracts and the employment services share between not-for-profit and private sector providers will be similar to the current system;
- the two new overseas entrants will deliver less than 2% of employment services.

In addition, there will be more than 2000 Job Services Australia sites across the nation, an increase from 1800 sites under the current system (referring to Job Network).¹

However, the transition from the Job Network to JSA came at a cost. Whilst there is no definite figure regarding exactly how many employment services workers lost their job and became displaced, both the ASU and employment services employer groups have speculated that several thousand workers became displaced with the figure of 5000 being cited on numerous occasions. This report aims to put a human face on the transition and specifically the consequences displaced workers and some employment service providers faced as a result of the transition.

This research does not comprehensively answer every question regarding the impact of the transition to JSA on displaced workers and employment service providers nor does it attempt to, but it does shed significant light and provide valuable insight into what happened to those displaced workers.

Being able to attract and retain highly skilled workers within JSA is a very important aspect of JSA providing the highest quality employment services possible across the nation to unemployed Australians. High standards and quality being a service delivery attribute that the Government has committed to as well as the agencies that have agreed to deliver JSA services as reflected in the following quote from the Australian Government's, Employment and Related Services, Code of Practice:

"Employment and related service providers commit to observe the highest standards of fairness and professional practice as they deliver the services and obligations outlined in their respective contractual arrangements with the Australian Government.

At all times our priority is to help clients to achieve the best outcomes. We will deliver services and programmes to clients to the best of our ability and with adherence to contracted requirements, service guidelines and relevant participation requirements."²

In the Activating States research,³ a nationwide employment services research project undertaken in 2008 by Professor Mark Considine, Associate Professor Jenny Lewis and Dr Siobhan O'Sullivan, it was found that 17.4 % of respondents had less than a year's experience in the sector and 29.1% of employees have less than 1 years experience with their current employer. In fact, only 16.6% of employees had more than five years of experience with their current employer. Whilst this research was conducted before JSA it demonstrates the high level of turnover that already exists in the sector.

Turnover rates for the employment services sector in 2008 have been estimated by the industry to be between 24.5% and 30%. A turnover rate like this has impacts on the quality of service provision as well as an economic cost to providers that constantly have to pour money into hiring and training new workers. It is also a figure that does not compare well with the nation average. The AIM National Salary Survey 2009 placed voluntary staff turnover rates for large companies at 12.2% and involuntary staff turnover was 4.8% and small to medium companies had a voluntary turnover rate of just 9% per year.⁴

To capture what are the Industrial conditions and attributes of an employment services provider that would encourage an employee to stay in their employment, we not only looked at what would

¹ Senate Standing Committee on Education, Employment and Workplace Relations, Government Senators' report, DEEWR tender process to award employment services contracts, 25 June 2009

http://www.aph.gov.au/senate/committee/eet_ctte/employment_services/report/d01.htm

² Employment and Related Services Code of Practice, DEEWR,

http://www.workplace.gov.au/NR/rdonlyres/6E2EBE62-6BF7-4881-8874-71EECC272608/0/06204_ERScodeofpractice_A4_fact.pdf

³ Considine, M., Lewis, J., O'Sullivan, S., Activating States: transforming the delivery of 'welfare to work' services in Australia, the UK and the Netherlands, Australian feedback to Industry Partners, December 2008, page 10

⁴ "AIM National Salary Survey 2009", AIM (Australian Institute of Management)

encourage a worker to stay but also what is their perception of their current employment in relation to matters such as stress and family and work-life balance. In addition we looked at what factors would encourage current workers to leave the sector. We also asked respondents how long they intended on staying in the sector in order to gauge if there was a problem regarding retention and, if so, how much of a problem. This question combined with respondents' current perception of their workplace conditions and attributes would indicate if change is required.

Methodology

Survey

The "Employment Services: not just a job" survey was an internet survey accessible via the ASU website, www.employmentservicesunion.org.au and by a link to the survey which was disseminated by email. The survey was open from October 12 until November 30 2009.

There are advantages as well as limitations to conducting a survey via email. Most employment services workers would have access to a computer at work so potential participants having computer access was not an issue. The issue was getting our survey emailed to workers. If management was not happy for the email to go out to all staff or any staff, then staff from such a workplace would be excluded from the survey. In addition to this, due to the work pressures faced by workers many would not have taken notice of an email regarding a voluntary survey. In some instances the email regarding the survey did not progress beyond a person in authority's email box, not because they were opposed to the survey per se but because due to work priorities they were not able to action the email and distribute it in time.

On a more positive note, an advantage of doing a survey by email is that it can be sent the length and breadth of the country in seconds and as a result we have had good input from providers from the rural and, in some cases, remote areas of Australia. The survey could also be forwarded to a home email and workers could complete the survey in their own time if this was their preference or a stipulation of their employer.

Another consequence of distributing a survey by email is that once it was sent out, people who received the email have the ability to forward it on to whomever they wish. Our participation numbers were increased because employment services workers forwarded the survey to their colleagues at their worksite and other worksites. However, in some instances inappropriate people were given the survey to complete, for example people working outside the employment services field. As a result, we went through each survey response and if we could identify that the survey was completed by a person who either had not worked in the Job Network recently or was not currently working in employment services, the survey was removed.

A variety of methods were employed to increase survey participation. These included an email and letter being sent to JSA providers nationally regarding the survey. In addition to this, a news bulletin with information about the survey and how to participate was sent to all ASU national email subscribers and ASU State Branches sent out their own news bulletin to their employment services members. Information about the survey was posted on the ASU national website as well as the ASU www.employmentservicesunion.org.au website. The ASU's JSA project National and State coordinators phoned and emailed some managers and/or CEO of JSA providers and asked if the survey could be circulated amongst relevant staff. As a consequence of concentrating efforts on informing managers and CEOs about the survey, a higher than anticipated proportion of respondents were either managers or CEOs.

How many people responded from each State was often dependent on how willing providers in each State were to allow the survey to be circulated via their work email system. It was often incumbent on the project's State coordinators to explain the survey and its rationale and aims in order for the survey to be accepted by management. Queensland had the highest take up rate with 188 respondents (31.1%). We believe this was because the project coordinator in that State was well known in the employment services sector and may have been able to talk to more managers and CEOs about the project as a result.

All people completing the survey were given the opportunity to enter a competition for an iPod Nano. In accordance with DEEWR funding guidelines, the purchase of an iPod Nano was not funded by DEEWR and was purchased by the ASU. This competition was included as an incentive for people to complete the survey.

It came to our attention during the course of the survey that at least one provider instructed staff not to participate in the survey and some other providers made it clear they were not supportive of a survey that had originated from a union. Thus, in order to protect employees in those particular workplaces, we are not listing the organisations that respondents work for. This is a safeguard to ensure that respondents' privacy is protected.

To find out what attracts workers to stay with the same employment services provider our survey questions targeted what attributes and conditions within an organisation encourages employees to stay as well as what encourages people to leave. It is our hope that by providing a list of attributes and conditions that encourage staff to continue their employment as well as a list of attributes and conditions that encourage workers to leave their current employer, positive work can be undertaken to improve the retention rate within employment services. This is based on the premise that being able to attract skilled staff is only a halfway point to a successful low staff turnover strategy as staff retention must also be addressed.

In terms of assessing how best to attract suitable workers to the employment services industry the survey is limited as it focuses on people that are already working in the employment services workforce. We did not receive input from people that would be well suited to work in the employment services industry but are not currently employed within it. In order to get reliable information regarding attraction of potential workers to the employment services sector, research would need to be conducted into why potential employment services workers choose to seek or not seek employment in the employment services sector.

The other main avenue of enquiry for the survey is what happened to workers that were displaced as a result of the JSA tender. In particular we aimed to find out whether they found new employment and what was the economic impact for them and the impact on their overall work satisfaction levels.

It became clear via the survey results that many employers redeployed displaced workers where possible. Unfortunately this survey is unable to identify the precise number of respondents that were redeployed.

As the survey was distributed via email and mostly through employment services networks, it is unlikely that many people who made the decision to no longer work in the employment services sector or are currently unemployed would have been captured by the survey. In order to capture some of this information we asked in our employment services employer forums questions regarding what happened to workers that they know were displaced as a result of the transition.

As with all surveys when one question is answered, another dozen questions present themselves. This survey does not define concepts such as 'adequate training', or 'happiness' and thus it is left to the respondent to define when answering the survey. The survey also presumes that people will know what their pay or conditions were with their old employer and what they are with their current employer.

For a full copy of the survey go to Appendix A.

Employer forums

State coordinators in South Australia, Western Australia, Victoria, Queensland and New South Wales organised forums for JSA managers/CEOs and Job Network managers/CEOs to discuss the JSA transition and attraction and retention of workers in the employment sector. These forums had varying participation rates and were held between December 2009 and February 2010. Due to the high work load of managers/CEOs and, in some cases, suspicion of how the ASU and/or DEEWR would use information gathered, it was a difficult to get managers and or CEOs to agree to participate.

A couple of managers raised concerns regarding how DEEWR would use the data collected in the forums and survey and expressed a fear that information gathered may be used when DEEWR

were assessing the appropriateness of specific employment services providers taking on additional or expanded employment services contracts. Even though we stressed that this was not the case, there were some organisations that, whilst supportive of the research, made a decision not to participate. In saying this, employers that did participate provided valuable information and, due to the low numbers at the forums, employers were able to go into depth with their responses.

To attract employers to the forums a letter and email was sent out to JSA CEOs nationally. In this letter they were advised of the survey and the upcoming forums. Some CEOs/Managers responded to this email/letter and thus self selected themselves to participate. After the letters were sent and dates for the forums were set, State based project coordinators contacted CEOs and managers and asked if they were willing to attend. In some States a follow up letter was sent to CEOs/managers to encourage them to attend the forums.

In order to increase the ability of employers to input into the research, in some instances we interviewed employers via telephone at a time that was convenient to them. We also asked employers to complete a one page survey regarding the impact of the JSA tender on their organisation and what happened to impacted staff. This provided us with additional information regarding what happened to workers displaced by the transition. The survey was voluntary and many employers that participated in the forums chose not to complete the survey.

See Appendix B for copy of the one page employer survey.

It became clear that assuring confidentiality was crucial in order to gain open and frank participation from employers. Thus we made an undertaking to participating employers that we would not identify the name of the individuals or organisations participating. As a result, in some instances we have altered quotes to remove identifying information. Information altered related to the name and location of an organisation. Thus the name of the organisation was replaced with a phrase such as 'our organisation' and removing the name of a region or suburb and using the phrase 'in our area'. In some cases we have had to alter quotes that would have identified a unique attribute of an organisation that would have identified it. Every endeavour has been made to ensure that the changes to quotes have not altered the meaning and intent of the employers' statements.

We have not included all verbal information provided by employers but have striven to provide an accurate and diverse sampling of information provided. To that end we have ensured that if a range of views were expressed that there is at least one quote from each view point in the report and if there is a common or prevailing view from the employers interviewed that this is represented by having multiple quotes regarding the one view point.

As with the survey there was a concentration of employer participants from Queensland and we believe this is for the same reason as the high take up rate of participation in Queensland for the survey. The project coordinator in that State is well known in the employment services sector and thus may have had more access to employers than other project coordinators.

During the course of the forums it became clear that many of the participating managers were in new roles. Some had been promoted due to the JSA transition, others were with new employers because they either lost their job in the JSA tender or found opportunities for promotion in a new organisation as a result of the transition process. Thus the employers participating in the forums often brought with them managerial information from more than one organisation.

Employers were asked what impact the transition had on their organisation, staff and service users; whether they employed former Job Network staff during and after the transition; and, if 'yes', why; and if 'no', why not. These questions were aimed at establishing the impact of the transition on workers, providers and job seekers. We also wanted more information on the rationale for either employing or not employing former Job Network staff.

Participating employers were also asked to describe the attributes of a skilled worker. This question was aimed at drawing out what employers are looking for in their workforce. We asked employers if they had barriers regarding the attraction and retention of workers and, if so, what solutions does their organisation employ to circumvent the barriers. If the employer was not having issues regarding attraction and retention, they were asked why they believed this to be the case. We were keen to be solution focussed, to search for answers. We asked employers

what they think should happen to reduce barriers to attracting and retaining skilled workers. We also asked if they thought there was anything that DEEWR could do to assist with the issue.

Whilst the same format was used in each employer forum, the follow up questions were different and some quotes were obtained as a result of interaction between participants which would vary from forum to forum.

Unlike in the survey, employer representatives were not asked questions about themselves such as what impact did the transition have on them personally. The reason for this being that the participants in the employer forums were representing their organisation and not themselves.

Characteristics of respondents

Employer Forum Respondents

The following is a State break down of the employer respondents.

Queensland: Four employers participated in the Brisbane employer forum with an additional 10 providing information by way of phone interview or by providing written statements. Ten employer forum representatives were from not-for-profit providers and four from for-profit providers.

Victoria: One employer participated from the not-for-profit sector.

South Australia: Three employers attended, all from the not-for-profit sector.

Western Australia: Four employers attended, all from the not-for-profit sector.

New South Wales: Three employers attended, all from the not-for-profit sector.

In total 26 employer representatives provided information to assist with our research.

The mix of employment services organisations included organisations that operated throughout Australia to services that have just a couple worksites. The job titles of employers attending forums also varied greatly ranging from three National Operations Managers to managers of a JSA service in one or two sites.

The forums included employers that were successful and unsuccessful as a result of the JSA tender process and, in some instances, employer forum participants came from organisations that picked up market share in some areas but lost market share in other areas as a result of the tender.

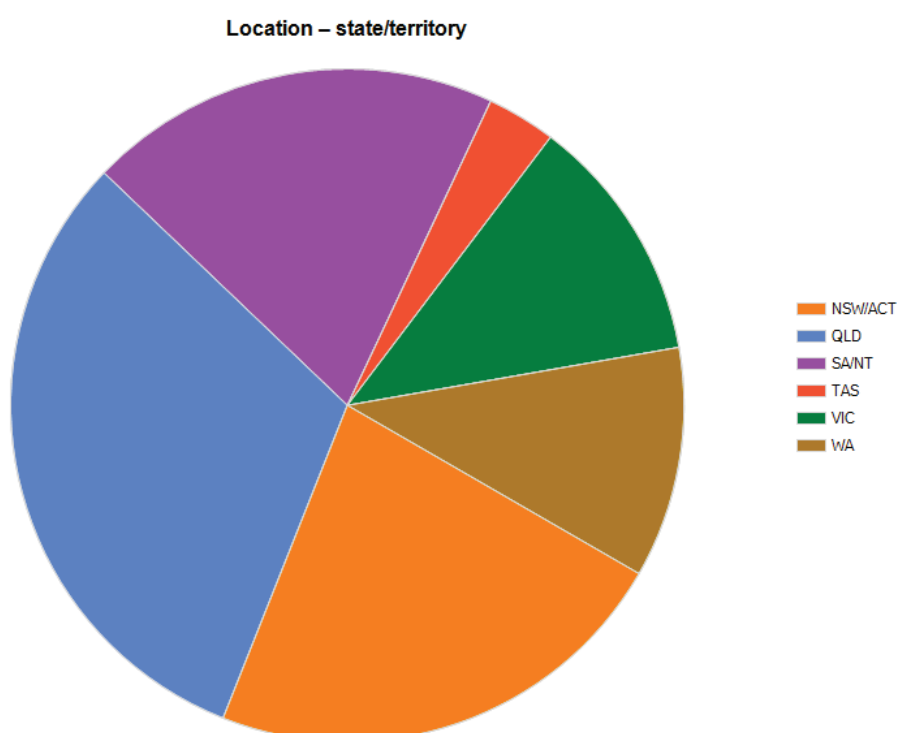
The 26 employer representatives come from across Australia with several participants representing providers with services in multiple States. There was a cross section of successful and unsuccessful JSA tender employers as well as a mix of small and large providers. The majority of providers were from the not-for-profit sector.

Survey respondents

The survey was completed by 607 participants from across Australia and from a wide range of organisations and occupations. In all, employees came from 110 different organisations. This includes respondents that worked for Job Network providers that lost some or all of their market share, It is also our belief that this figure is likely to include some participants from a number of organisations that are contracted to provide JSA services by JSA providers. We also believe that this figure includes a few respondents that worked in Disability Employment Services. Fourteen respondents declined to identify which organisation they worked for and three participants stated that they were unemployed.

Respondents came from every State and Territory with the highest proportion of 31.8% from Queensland.

Break down of State participation



Job classifications of participants

One hundred and forty-four respondents listed their occupation as other. Twenty-three of those were people whose role could be classified as administration and another eight as employment consultants. Where we were not able to shift respondents into existing survey job title categories we created a category specifically for them. In some instances there may not be much difference between two categories but without having the job descriptions of respondents it was not possible to combine two categories. A classification of manager various was created as 21 people described themselves as either just manager, area manager or program manager. The vast majority of respondents were direct workers with the most commonly selected job classification was 'employment consultant'.

Branch/site manager	74
CEO/Director	9
Employer marketing and liaison	34
Employment consultant	234
Information technology and support officer	3
Job placement support and administration officer	55
Professional counsellor	7
Specialist employment consultant	59
Team leader/coordinator	25
Other (please specify)	144
Break down additional categories added as a result of extracting job titles from other	
Community work experience consultants	4
Case managers	8
Work experience coordinators	12
Managers various	21
Training officer/ coordinator	12
Customer service officer	4
Quality systems officer/manager	3

Skill development advisor	3
Vacancy broker	1
Shared Services	1
Reserve marketer	1
Project officer	1
Post placement officer	1
Youth engagement officer/youth worker	2
Employment broker	2
Employment pathway fund finance officer	1
Employment development officer	1
Finance officer	1
Job/ learning and development Coach	5
Inclusion support agency facilitator	1
Job Club facilitator	1
Job seeker support coordinator	1
Miscellaneous worker	1
NEIS Coordinator	2
New business development manager	1
Post placement officer/ consultant	3
Finance officer	2
Business development officer	1
Community support/coordinator	3
Contract and compliance officer	1
unemployed	2
Former PSP	1

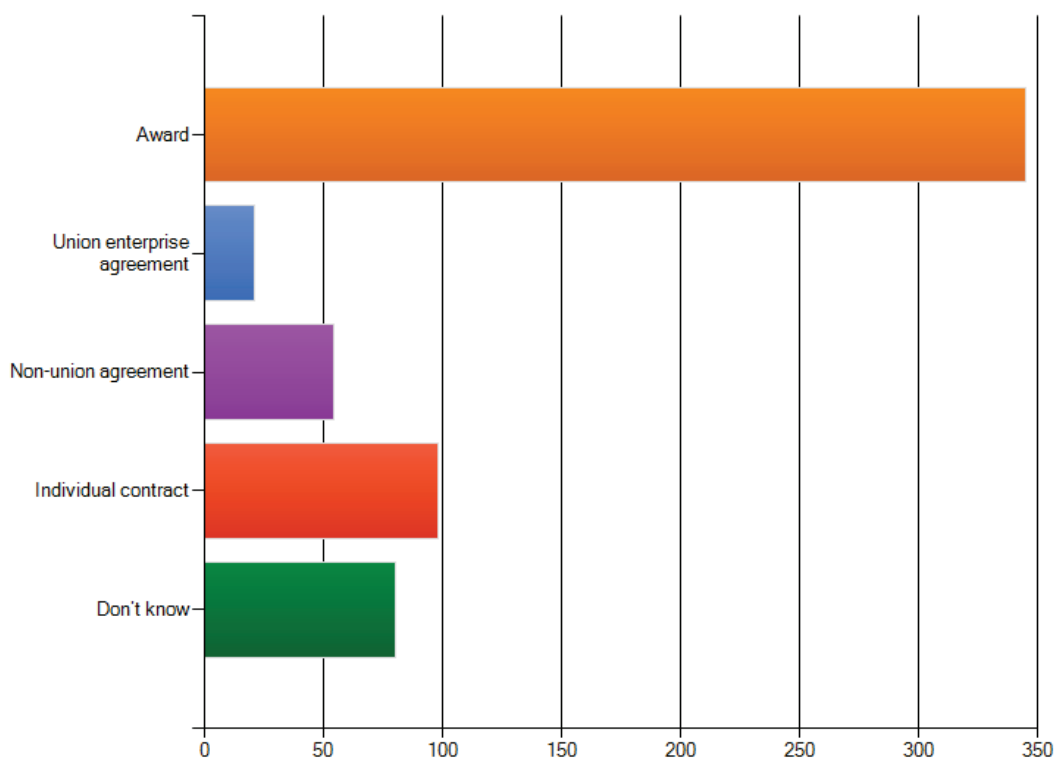
Membership of a union

Out of the 531 respondents who answered the question: “Are you a member of a union?”, 379 (71.4%) respondents answered ‘no’ and 152 (28.6%) respondents answered ‘yes’ to the question.

Industrial instrument governing respondent’s wages and conditions

To the question: “In your current position are your wages and conditions governed by, Award, Union Enterprise Agreement, Non Union Agreement, Individual Contract or don’t know”, 345 (57.7%) respondents answered ‘Award’, with the next highest category being 98 (16.4%) respondents saying they were on an individual contract. Eighty (13.4%) respondents indicated that they did not know what their wages and conditions were governed by. Fifty-four (9%) said they had a non-union agreement and 21 (3.5%) reported having a union enterprise agreement.

In your current position are your wages and conditions governed by:

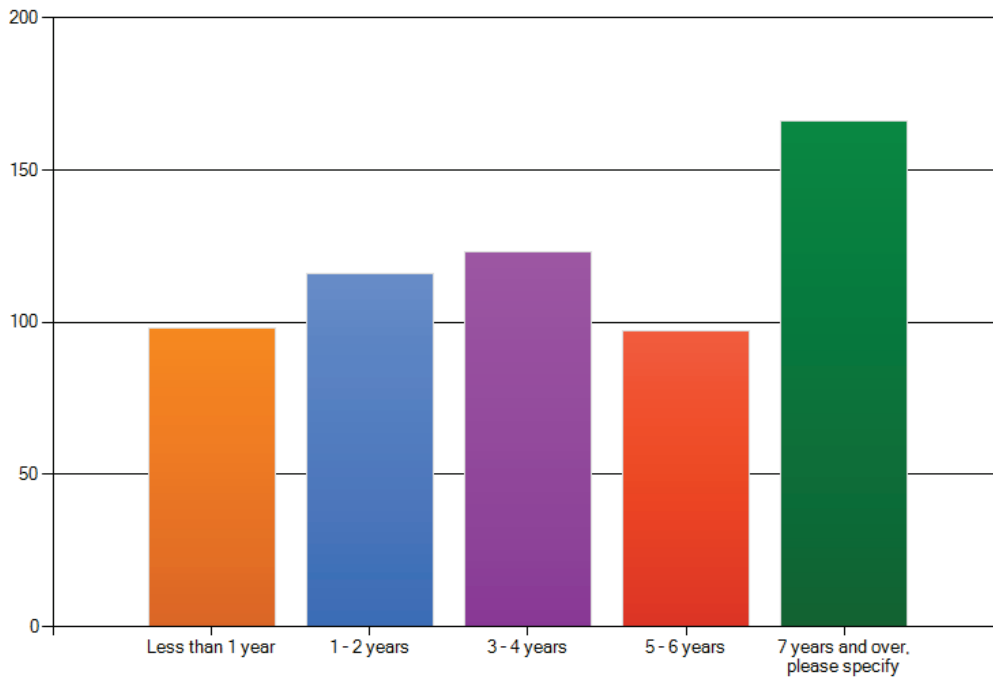


Length of service in JSA or Job Network provider

Six hundred respondents answered question seven which was “length of service in a JSA and/or Job Network provider (may include previous employment).”

The highest proportion of respondents stated that they had worked in the sector for over seven years with 166 (27.7%) respondents, of these only 47 (28.3%) of respondents had worked with the one employer throughout those seven years. With 48 (28.9%) respondents with over seven years of experience in the employment services sector reporting that they had worked at three different employers and 21 (12.7%) of respondents with over seven years experience in the sector reporting that they had worked at four employers with an additional 24 respondents (14.5%) saying they had worked at more than four different employment services providers. So whilst the most common response selected was ‘7 years and over’ the majority had been with several employers in that time. Ninety-eight respondents (16.3%) had worked in the sector for less than a year.

Length of service in a JSA and/or Job Network provider (may include previous employment).



How many respondents worked in a provider that lost its funding in the JSA funding round?

One hundred and forty-nine respondents (26%) worked with a provider that lost funding as a result of the JSA tender. The 149 is made up of respondents from 38 different Job Network providers with one respondent not disclosing their employer. Out of the 149 respondents, the highest proportion of respondents came from Queensland with 41.6% (62 respondents).

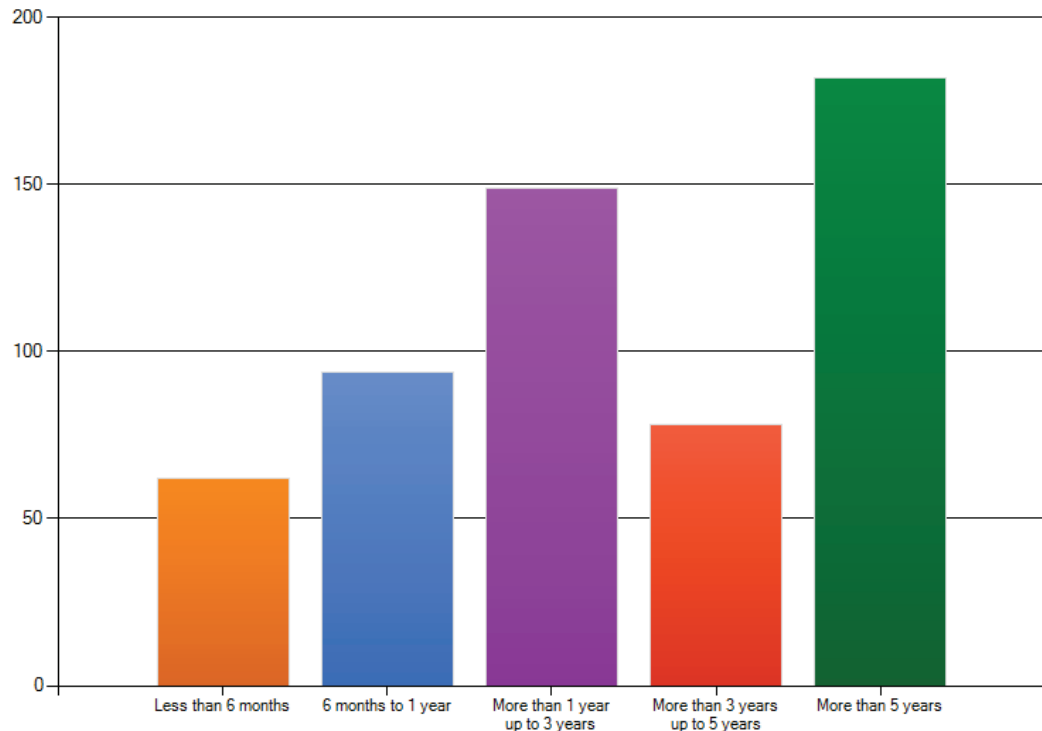
The above statistics demonstrate that the “Employment Services: not just a job” survey is truly national and has been completed by workers at all levels of the employment services sector. Based on the above demographics of survey participants it is our belief that the survey provides an accurate reflection of the opinions of employment services worker across the industry.

Results – retention and attraction of workers

In question 21 we asked respondents: “How long do you intend on staying in the industry?”. The options that were provided were ‘less than 6 months, 6 months to a year, more than a year up to 3 years, more than 3 years up to 5 years and more than 5 years’. The most selected response was “more than 5 years” with 182 respondents (32.2%). This leaves 67.8% of respondents intending on leaving the sector within five years, with 156 (27.6%) respondents intending to leave the industry in less than a year. A highly significant number of respondents 62 (11%) stated they wanted to leave the industry in less than six months.

It should be noted that the majority of survey respondents had not changed employer or role as a consequence of the transition so other factors beyond the transition would need to be in play.

How long do you intend on staying in the industry?



Retention of Job Network staff within JSA

One of the most repeated observations from employers from all States was that staff practices had altered dramatically as a result of the new JSA scheme implementation and this was causing some staff to flounder or feel that they could no longer provide the type of service they wanted, to job seekers. Employers said that this caused some workers to leave the sector. One employer said:

“Many staff (in our organisation) decided to leave the industry as they were very disillusioned with DEEWR and its policies. It is estimated the loss of expertise from these staff would total about approximately 125 years.”

The reaction to the changes brought about by the introduction of JSA varied with employers. Below is an example of what employers said:

- “Roles have changed especially for those who were once PSP (Personal Support Program) or JPET (Job Placement Employment Program) workers, now they are doing completely different jobs and some have not adjusted, others are now also finding they are working with only stream 4 ongoingly when in past they could have referred them on and not had to offer more intensive assistance.”
- “Some of the staff who were with PSP & JPET and decided to move into JSA, are now starting to leave these positions. Not matching up with what they want.”
- Contract has changed so much that these previously employed staff are not skilled to work in the new contract, and there is great difficulty trying to educate them.
- (The organisation) has employed many ex –PSP workers to work with Stream 4 clients, but this does not seem to have been successful. Different focus!

One employer summed up the issue of PSP workers transferring into JSA this way:

“Stream 3 and 4 deliver services vastly differently than PSP did. Employment focus!! To maintain the people who worked in PSP is difficult because while the skills of rapport building, counselling, and problem solving are very much in need, the way that they are delivered and the time limit for delivery is very different, Frustrating for ex-PSP and frustrating for JSA management who rely on employment outcome payments.”

Some employers noted that it has been difficult for staff that have transitioned to a new employer because of the cultural and philosophical differences that they had encountered with the new employer.

One employer noted:

“Many staff who’ve moved to the new providers have stated ‘it is all about the money and not the service’. This has made it very hard to transition culturally (and) philosophically”

Survey respondents also made comments about leaving workplaces or being unhappy when there is a cultural and philosophical clash. This is discussed in more detail further on in this report.

One employer noted this was their experience of assimilating some Job Network staff into their JSA services:

“Our organisation tried to assimilate PSP workers into JSA contract, but they are finding that many of these workers are now choosing to leave. The workers from PSP and JPET are commenting that their experience in JSA is different.”

The vast majority of employers we spoke to wanted to retain workers but it is worth noting that some employers saw turn over as “bringing in fresh blood”, “refreshing” with one employer saying:

“...do we want to retain them (referring to Job Network staff)? Retraining Job Network staff to work with the new contract is an expense to the organisation. While the department offers information session this means staff down time to attend”

But other employers were far more positive about retaining Job Network employees:

“they have knowledge and experience and understand barriers to employment”

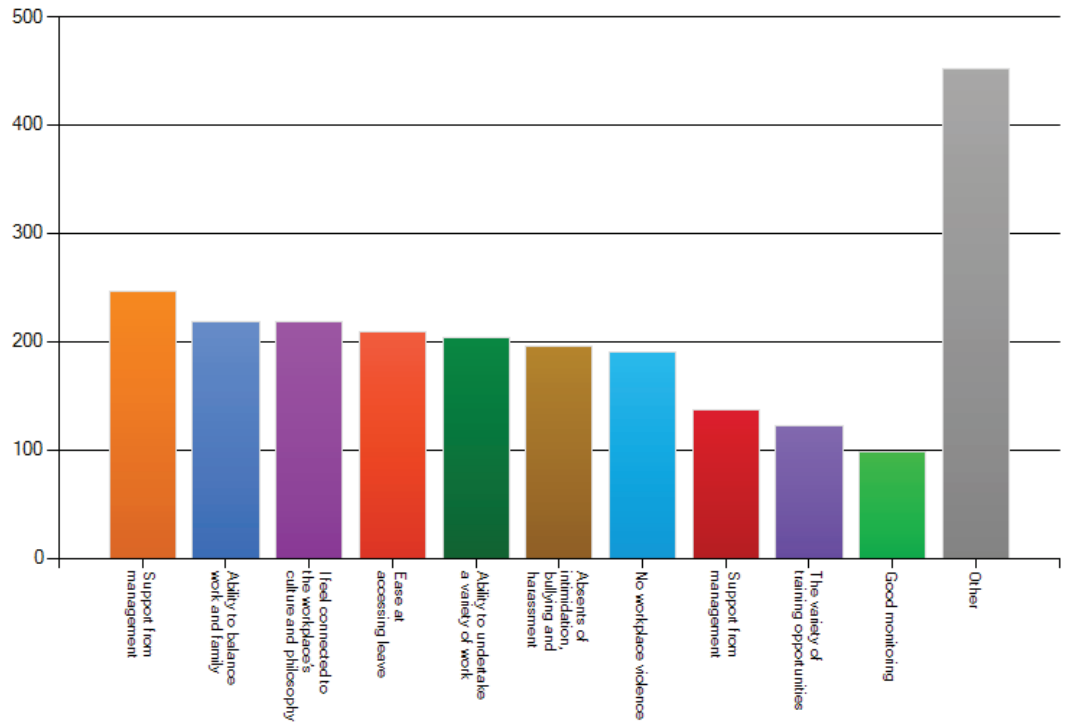
Retention within JSA

As part of the survey, respondents were asked several questions in order to elicit what attracts them to stay at an employment services provider as well as what would encourage them to leave.

Question 10 asked respondents: “Please indicate if there are any issues in your workplace that encourage you to stay at the organisation” and respondents were asked to tick as many as applied to them or to list any others. Below are the choices provided to respondents:

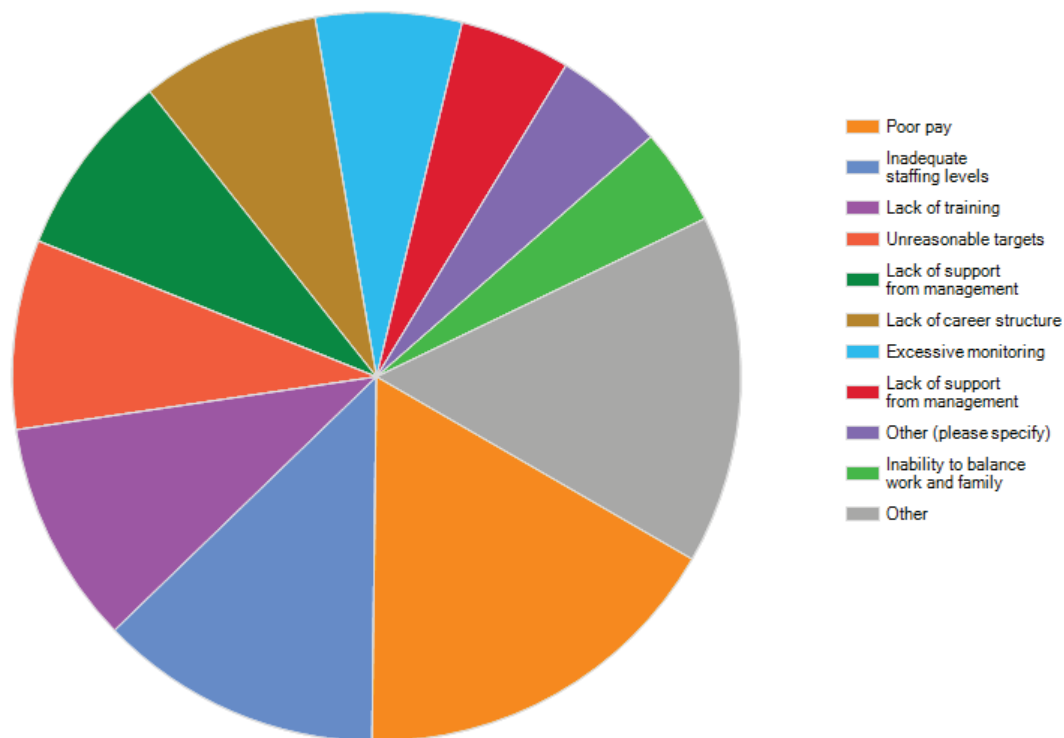
- Good monitoring
- The variety of training opportunities
- Support from management
- Targets
- Ease at accessing leave
- Ability to balance work and family
- Adequate staffing levels
- Well paid
- Long service leave
- Access to a career structure
- Support from management
- Absents of intimidation, bullying and harassment
- No workplace violence
- Ability to undertake a variety of work
- I feel connected to the workplace’s culture and philosophy
- Other (please specify)

Please indicate if there are any issues in your workplace that encourage you to stay at the organisation. Choose as many options as apply.



The three top responses were 247 respondents (47.9 %) 'Support from management', 219 respondents (42.4%) 'Ability to balance work and family', and 218 respondents (42.2%) 'I feel connected to the workplace culture and philosophy'. Out of the 63 respondents who selected 'other' the most popular statements were "I like the staff or staff are supportive" 18 respondents and 10 respondents said they loved the work. Often in these responses particular emphasis was put on liking the challenge and being able to help people.

Please indicate if there are any issues in your workplace that may impact on your preparedness to stay at the organisation. Choose as many options as apply.



In Question 9 we asked: “Please indicate if there are any issues in your workplace that that may impact on your preparedness to stay at the organisation. Choose as many options as apply.” Below are the choices provided to respondents:

- Excessive monitoring
- Lack of training
- Lack of support from management
- Unreasonable targets
- Difficulties accessing leave
- Inability to balance work and family
- Inadequate staffing levels
- Poor pay
- Lack of portability of long service leave
- Lack of career structure
- Lack of support from management
- Intimidation, bullying and harassment
- A lack of variety of work
- Workplace violence
- I feel disconnected from the workplace’s culture and philosophy

The three top issues that respondents selected as having an impact on their preparedness to stay in the organisation were: ‘poor pay’ with 291 respondents (60.1%); ‘inadequate staffing levels’ with 217 respondents (44.8%); and ‘lack of training’ with 171 respondents (35.3%). Out of the 84 respondents that nominated ‘other’ the top three responses were: with nine respondents bad management and also with nine respondents unsuitable office, equipment and/ or resources; and six respondents nominated level of complexity of contract with DEEWR.

The issue of remuneration will be examined in more detail further on in these results.

Training was also highlighted as an issue by employers in the forum, in particular the ability for providers to manage the down time from ordinary duties whilst a worker is being trained.

Below are two quotes from employers:

“Training availability has been an issue. DEEWR’s response to training has been on line modules. This has not been enough to transition ex PSP to new service delivery model. (Our organisation) has implemented one-on-one training for all staff. This has been a huge outlay for (the organisation) DEEWR has opened up more training but at a cost of approximately \$1000 not feasible for staff.”

“It (the new contract) is a very big learning curve with no extra resources to allow for learning. Too much material online training, actual training session need to be held.”

Support from management was selected by respondents as the most common attribute that would encourage them to stay with an employer. Below are some research findings relevant to management support.

Question 11 asked respondents to rank as either ‘always, often, sometimes, rarely or never’ the statement “management treats me with respect”. Two hundred and fifty-one respondents (43.8%) said ‘always’ with only 43 respondents (5.7%) responding ‘rarely’ or ‘never’.

Another statement that respondents were asked to rate was question 13 “Management consults me about changes in my workplace the affect me” the most common response with 161 respondents (28.2%) was ‘sometimes’ with ‘often’ following closely behind with 154 respondents (27%). One hundred and nineteen respondents (20.8%) selected ‘rarely’ or ‘never’ and (24%) 137 selected always.

There is a high correlation between respondents who reported ‘Management treats me with respect’ and those that feel they are consulted. A large proportion (80.8%) of respondents who reported that their management treated them with respect also said that they were consulted either ‘always’ or ‘often’ regarding changes in the workplace that affect them. Only 0.8% (2 respondents) who said their management treated them with respect said that they were ‘never’ consulted about change that affected them.

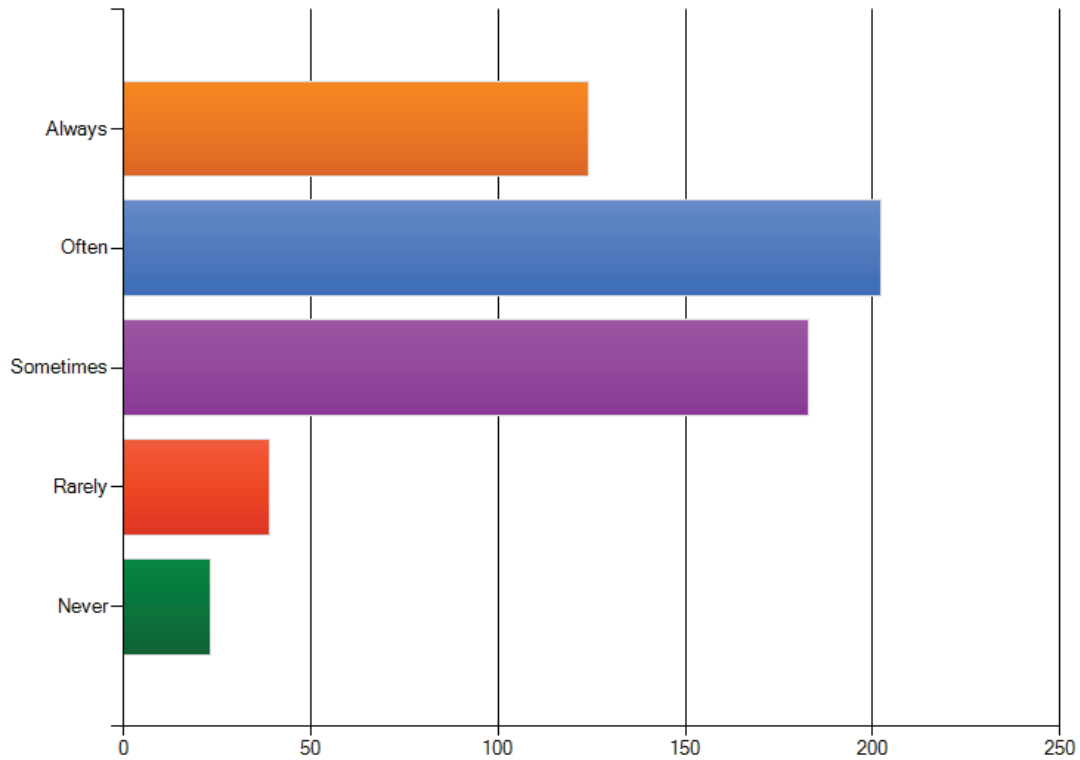
In addition to this, only one respondent (0.4 %) said that they felt respected by management also reported that they ‘never received adequate training to perform my work’, whilst 93 respondents (67.3%) who felt that they were always respected, selected ‘always’ or ‘often’ to the statement, I am provided with adequate training to perform my work.

The second most cited condition or attribute that would encourage a respondent to stay at their current place of employment was the ability to balance work and family. Question 19 of the survey asked respondents to rate the statement: “My employer supports my work-life balance”. Respondents could select, always, often, sometimes, rarely or never. The most common response was ‘often’ with 227 respondents (39.8%) and 147 respondents (25.7%) selected ‘always’, 47 respondents (8.2%) selected ‘rarely’ and only 14 respondents (2.5%) selected ‘never’. Of the 212 respondents that cited balancing work and family as being an attribute that encourages them to stay, 193 (91%) selected ‘often’ or ‘always’ to the statement “my employer supports my work-life balance”. Conversely, out of the 74 respondents that selected inability to balance work and family as having an impact on their preparedness to stay, 51 respondents (68.9%) selected ‘sometimes’, ‘rarely’ or ‘never’ to the statement “My employer supports my work-life balance”.

Question 12 asked respondents to select the most appropriate response to the statement: “I feel that my job is secure” with options of ‘always’, ‘often’, ‘sometimes’, ‘rarely’ or ‘never’. Of the respondents, 21.7% (124 respondents) ticked ‘always’ with the most common response being ‘often’ with 202 respondents (35.4%). Significantly 245 (42.8%) of respondents ticked either ‘sometimes’, ‘rarely’ or ‘never’.⁵

⁵ This totals 99.9% missing 0.1 % a result of computer program rounding down.

I feel that my job is secure.



Question 20 asked respondents to select 'yes' or 'no' to the statement: "I believe that the pay I receive is appropriate for the work I do". Four hundred and twenty-one (74.5%) selected 'no' with 145 (25.5%) selecting 'yes'. Once managers and CEOs were removed from the figures, 255 out of 322 (79.1%) respondents selected, 'no'.

This finding is highly significant as 291 respondents (60.1%) ticked poor pay as a factor that would impact their preparedness to stay with their employer.

Employers also identified remuneration as an issue that impacted negatively on retention rates.

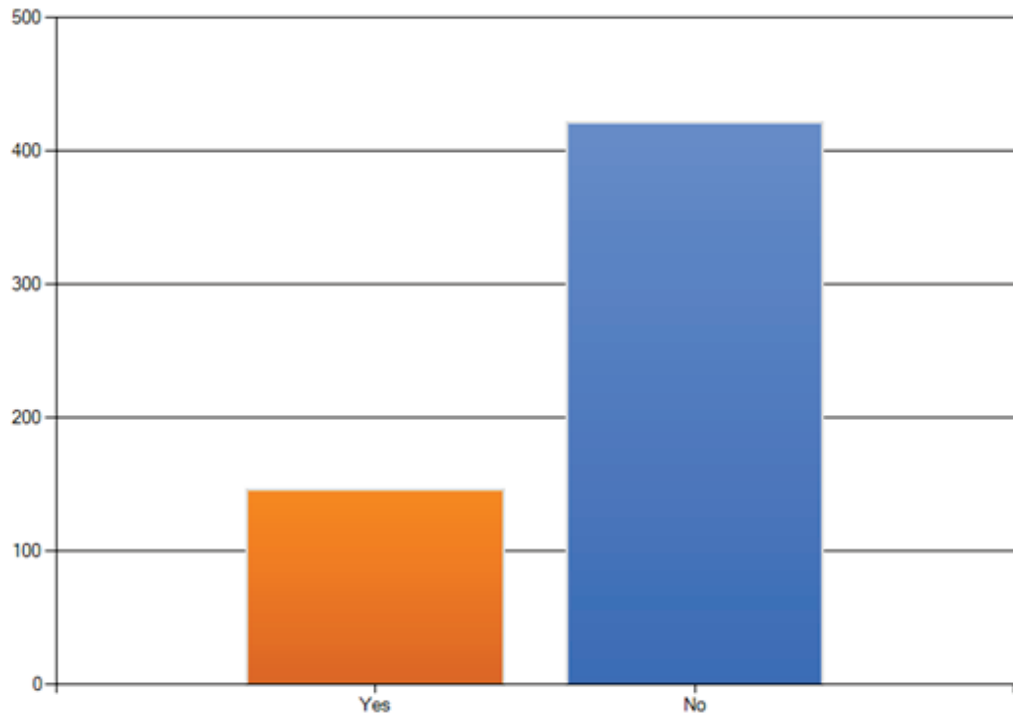
Below is a sample of comments made by employers regarding the impact of low wages in the sector

"Skill needed to work with highly disadvantaged not reflective in the pay."

"CETTS Award is not an incentive to retain these staff (referring to Psychologists, Counsellors and Social Workers)."

"Response when asked about barriers to attracting and retaining staff "Not being able to offer wages that are financially competitive."

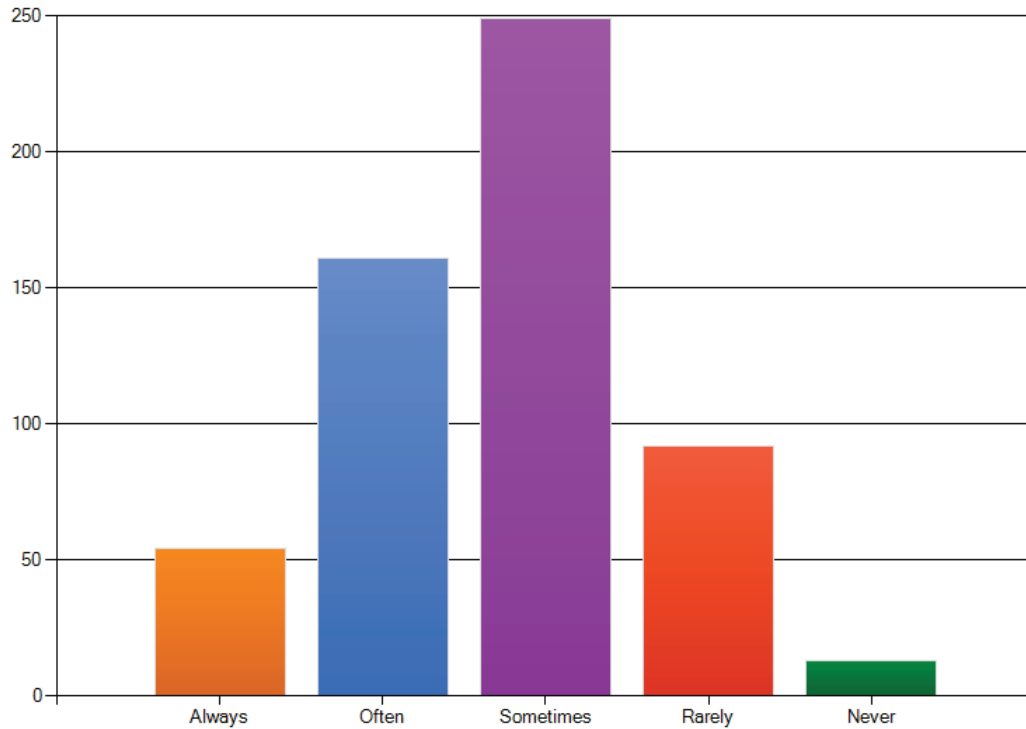
I believe that the pay I receive is appropriate for the work I do.



In question 16 respondents were asked to select 'always', 'often', 'sometimes', 'rarely' or 'never' to the statement: "I have a manageable workload". The most selected response was 'often' with 193 respondents (33.7%) with 'sometimes' running a close second with 184 respondents (32.1%). One hundred and seventeen respondents (20.4%) selected 'rarely' or 'never'. Just over half of respondents 52.5% feel that their workload is manageable at best, 'sometimes' and at worst 'never'.

In question 17 respondents were asked to select 'always', 'often', 'sometimes', 'rarely' or 'never' to the statement: "I feel stressed at work". The most common response with 249 respondents (43.8%) was 'sometimes' only 105 (18.5 %) of respondents reporting that they 'rarely' or 'never' feel stressed at work.

I feel stressed at work.



In question 18 we asked a follow up question regarding the reason for workplace stress. Respondents were asked: “If you answered, ‘always’, ‘often’ or ‘sometimes’ to the previous question please tell us what makes you feel stressed or pressured at work. Choose as many as apply.”

Three hundred and twenty-one respondents (67%) selected high workload, the second most selected answer with 169 respondents (35.3%) was lack of suitable employment options for service users. Out of the 137 who selected ‘other’ the three most commonly given reasons for workplace stress was clients (including complexity of clients, drug use, rude and aggressive job seekers) with 18 respondents, 14 respondents cited complexity of government contract and DEEWR inflexibility and equal third was bullying and being treated unfairly by management and lack of training with 12 respondents.

Question 15 asked respondents to comment on the following statement: “I am provided with adequate training to perform my work”. They were provided with the following response options ‘always’, ‘often’, ‘sometimes’, ‘rarely’ or ‘never’. Only 85 (15%) respondents said ‘always’ with the highest number of respondents 200 (35.3%) selecting ‘sometimes’ and an additional 104 respondents (18.3%) selecting ‘rarely’ or ‘never’. Thus 53.6% of respondents believe they are provided with adequate training to perform their work at best ‘sometimes’ and at worst ‘never’.

Lack of training was ranked second in a list of attributes that would encourage an employee to leave their current employer. It is also supported by some employer’s comments presented earlier in this report that training delivery methods were inadequate and did not meet their needs.

Our survey occurred four months after the rollout of the Job Services Australia contract. For JSA providers and employees this was a time of change in which workers had to learn and adapt to a new contract and for many new work positions and employers. The move to JSA would have increased the need for training within the employment services sector.

Question 22 asked respondents to respond to the following statement: “I would like myself and my co-workers to have access to paid parental leave at full pay.” Four hundred and sixteen respondents (75.5%) said ‘yes’ whilst 135 (24.5%) said ‘no’.

Question 23 asked respondents to respond to the following statement: “I would like for myself and my co-workers to have access to a portable long service leave scheme.” Five hundred and thirty-three respondents (95%) said ‘yes’ whilst 28 (5%) said ‘no’.

Attraction of skilled staff

Defining a skilled employment services worker

We asked participants at the employer forums and in one on one interviews how they would define a skilled worker. Below is the list of skilled worker attributes and qualities drawn together from all the employer forums and one on one interviews.

- Has a understanding of compliance
- Ability to connect with clients
- Achieve desired outcomes
- Team focused
- Good customer service
- Has life experience
- Hardlined
- Emotionally strong
- Has empathy and compassion
- Multitask and flexible workers
- Independent and autonomous
- Ability to ask questions
- Avid learner – keeps up to date
- Has good time management skills
- Understanding of the whole program, contracts and organisation
- Can go the extra yard
- Innovation
- Previous acquired knowledge of the industry
- Being people focused
- Skilled at using computers
- Good administrative skills
- Highly organised understand the database
- Understands the labour market
- Knowledge / attitude
- Outcomes and result driven
- Can do attitude
- Understand (our organisation)
- Client focused
- Has problem solving skills
- Sense of humour resilience
- Good work ethic
- Lateral thinking
- Leadership ability to motivate others
- Able to deal with work place violence and aggression
- Being able to deal with a crisis
- Exceptional case management skills

At least four employers that participated believed strongly that skills they are after can be found in former Job Network staff because “*they have knowledge and experience and understand barriers to employment*” whilst some of the employers felt skills can best be found from outside the employment services sector.

Strategies and barriers to attracting staff

Participating employers were asked about issues and strategies associated with attracting and retaining staff. Employers and employees often highlighted similar issues such as low pay, workload and employees needing to feel connected to the workplace culture and philosophy.

Nearly all participating employers said that they have experienced difficulties in attracting and retaining workers. Below is a sample of the comments made by employers:

"In the industry everyone is competing for staff.

"Many people are leaving our sector all together"

"There is not enough qualified people, it's a highly specialised field"

"Trying to compete with Centrelink etc who are recruiting new graduates at much higher salaries."

"(Initially) people are interested in the work because they think it is very altruistic but they then later learn that they are part of a commercial organisation"

Barriers to attraction and retention were identified by employers as:

"Not being able to offer wages that are financially competitive"

"Performance driven environment and the very high level of skill needed to undertake the work."

"The pressure workers are placed under in the course of their work"

"Hard to find people with experience in the regional areas"

"Skill needed to work with highly disadvantaged not reflective in the pay"

"CETTS Award is not an incentive to retain these staff (referring to Psychologists, Counsellors and Social Workers)"

"Getting the balance right between government compliance work and social justice"

Hard to attract workers in remote areas "due to the complexity of barriers faced in remote areas "the main issues in relation to the barriers in the remote areas was stated by one employer as " Indigenous remote case load, No transport, no job opportunities in remote areas, lack of resources in remote areas i.e. and ESA (Employment Service Area)too large an areas to service"

Interestingly employers involved in the research did not identify management style and practice as an issue that impacts upon attraction and retention of workers. While 47.9% of survey respondents identified management style as a major issue that impacts on their preparedness to stay at an organisation.

Employers were asked what measures they had put in place to attract and retain workers. Below is a list of strategies that employer participants said that they were utilising to attract and retain staff.

- Enabling staff to access flexible leave through time in lieu
- Enabling part time work
- Enabling staff to book in their own appointments which allows the staff some flexibility
- Focus on family and work-life balance
- Make it easy for staff to access leave
- Provide staff with access to salary packaging
- our name as an organisation is attractive to some but not to others
- We provide counselling services to staff
- We provide bonuses for individuals based on performance

- We provide paid parental leave
- We provide a health scheme
- Being small organisation is attractive

Employers were also asked: “What further strategies do you think will assist to attract and retain staff?”. Here is a sample of their responses:

- Reduce workloads and targets
- Increase pay
- More respect to industry as a professional occupation
- Greater access to training
- More opportunities for career advancement
- Reduce work related stress
- Revising interviewing processes (for hiring staff) by looking at skills experience and personality and see if all three are suited to the job

We asked employers how can DEEWR assist with attraction and retention issues in the industry and these were their responses:

- Provide more operational and practical training
- Reduce the administration
- Reduce complexity of contract
- Claiming outcomes needs to be simplified there are 50 - 60 types to choose from
- Need ability for providers to give feedback to DEEWR regarding processes

Employers in the forums had interesting discussions about part time work and family and work-life balance strategies. Whilst some employers said they used part time and family and work-life balance policies to attract and retain staff. For example:

“Part time work is important we need people with more admin skills and females have generally proven to be better at this and more approachable for vulnerable people”

Other employers made comments regarding part time work such as “we cannot afford part time employees” and “we are way too busy to be flexible”.

Results - Displaced workers: Job Network transition to JSA

Of the employer representatives that completed their “Transition of workers from Job Network to JSA survey”, eight were from providers that lost market share as a result of the tender.

In the survey employers were asked what happened to impacted staff and how many staff were affected. Only two employer representatives said that they were able to find new positions for all affected staff within their organisation. And one employer representative commented that even in this case, some staff chose to leave the sector altogether and get jobs in an unrelated field.

Employer surveys identified 122 employees from the organisations of the participating employers that were displaced by the loss of employment services as a result of the JSA tender. Of these, 34 were able to find positions within their organisation. Thirty-five found new positions in a new organisations prior to July 1 2009, 46 had their position transferred from the old provider to the new provider (it is unknown if this involved their accrued entitlements being transferred), 15 staff left the sector and got jobs in an unrelated field, and 20 were described by employers as “left organisation at the end of the JSA project and to the best of my knowledge are currently unemployed”.

The following figures need to take into account that some employees are maybe double counted in either of two categories: “staff able to find a another job prior to July 1 2009”, and “staff left the employment sector altogether and found a job in an unrelated field”. This is because it is possible to find new work prior to July 1 2009 and it be in a profession other than employment services work.

Comments from employers demonstrated that whilst the loss of staff through change of contract was viewed by some employers as being a positive for the provider, most tried to retain staff and saw the loss of staff as a loss to the organisation. Two such examples of this are as follows:

“(Ex Job Network staff) have knowledge of the Industry/client types/barriers experienced by job seekers)”

“Many staff (in our organisation) decided to leave the industry as they were very disillusioned with DEEWR and its policies. It is estimated the loss of expertise from these staff would total about approximately 125 years.”

Responses from employers provided valuable insights into how providers, job seekers and staff were affected. These insights are valuable as the impact of the transition in part shapes Job Network employees decision making about remaining in the employment sector as well as how JSA providers view the retention of Job Network employees.

Employer’s reaction to the transition was mixed with some employers having positive comments about consequences of the transition and others having more negative comments. These responses highlight the existence of positive and negative consequences of the transition. In the forums and in one on one sessions employers were asked: “What impact has the JSA tender transition process had on your organisation?”. Below is a representational sample of the responses:

“We now have increased opportunities for partnerships – some sharing of resources with training providers of JSA regional areas

We now have “increased workloads – more administration and pressure on staff to achieve more”

It made a positive impact. We have grown our business, moving from 4-10 sites. We have had to hire additional staff”

“Some of the workers in the new JSA program are floundering, as they don’t have the skills to work with people with major barriers”.

“Funding model doesn’t support the level of skill required to manage the system”

There is “no longer any PSP or JPET and lack of skilled staff to work in this role for specific people.”

“Many staff who’ve moved to the new providers have stated ‘it is all about the money and not the service’. This has made it very hard to transition culturally (and) philosophically”

(The transition) became an opportunity to restructure. (Our organisation) was a PSP, DEN(Personal Support Program, Disability Employment Network) Job Network provider we’ve developed new programs... renewal”

“there are concerns that specialised areas are being forced to become less specialised “this sentiment was echo by all specialised providers that participated to the research. Many talked about even though they were a specialist service set up to meet the needs of a specific target group such as youth or people from a CALD (Culturally and Linguistically Diverse) Background. DEEWR expected them to be generalists. Employers mentioned that this was counterproductive to the whole idea of having a specialist service.

“New JSA System did not provide adequate avenue for youth specialists to transition to”

“It is good to have all employment services under one roof, but programs need to be specific”

Several employers talked about the hope that the JSA would bring about a reduction in the administrative burden placed on staff but this hope has not materialised with some employers saying the administrative burden has in fact increased.

Employers were also asked what effect the transition had on their service users. In the forums, concerns were raised about the impact that the transition had on job seekers, especially in respect to confusion about what they were to expect and providing an ongoing quality of service:

“Job seekers confused over changes ex PSP /JPET job seekers not happy with the change.”

“We continue to struggle to find suitable service options for homeless young people within the new JSA system. Because there are no youth specialist, youth friendly service provision difficult to find.”

“The Government’s concern and expectation of employment services, appears to have lost its edge as a real support for unemployed people.”

“Another employer felt that the impact on job seekers in their organisation was minimal because their staff were well prepared.”

“One employer also noted that a transition causes upheaval for 3 months either side of the commencement of the new contract.”

One employer forum participant talked about the difficulty in managing job seeker concerns regarding the transition as well as staff: *“...they were wondering what is happening to them. Difficult to manage jobseekers concerns as well as own staff”.*

Another said, *“We had 18 months worth of anxiety and staff very worried about loss of jobs.. this stress in turns impacts on performance”.*

One employer described staff as having to deal with *“grief regarding closing sites” (staff) had to divorce themselves from a sense of failure”.*

DEEWR contracts were described by many employers as “very demanding” and causing a “constant grind”. Some employers believed this was causing workers to leave. These concerns are discussed in more detail in the reports section on attraction and retention of workers.

We also asked employer participants what impact the JSA tender had on staff?

“Increased workloads - more administration and pressure on staff to achieve more.”

Role variation and adaption – “ roles have changed especially for those who were once PSP or JPET workers are now doing completely different jobs and some have not adjusted, others are now also finding they are working with stream 4 ongoingly when in the past they could have referred them on and not had to offer them more intensive assistance”

Employers (are having) to make job descriptions broad that cover various roles, making changes to person’s role on needs basis and moving staff around”.

A provider that was successful in the tender said of their organisation’s experience “(We) tried to assimilate PSP workers into the JSA contract, but many of these workers are choosing to leave. The workers from PSP and JPET are commenting that their experience in JSA is different.”

Many people(referring to employment services staff) are leaving the sector altogether”

“staff feel insecure about their future in employment services”

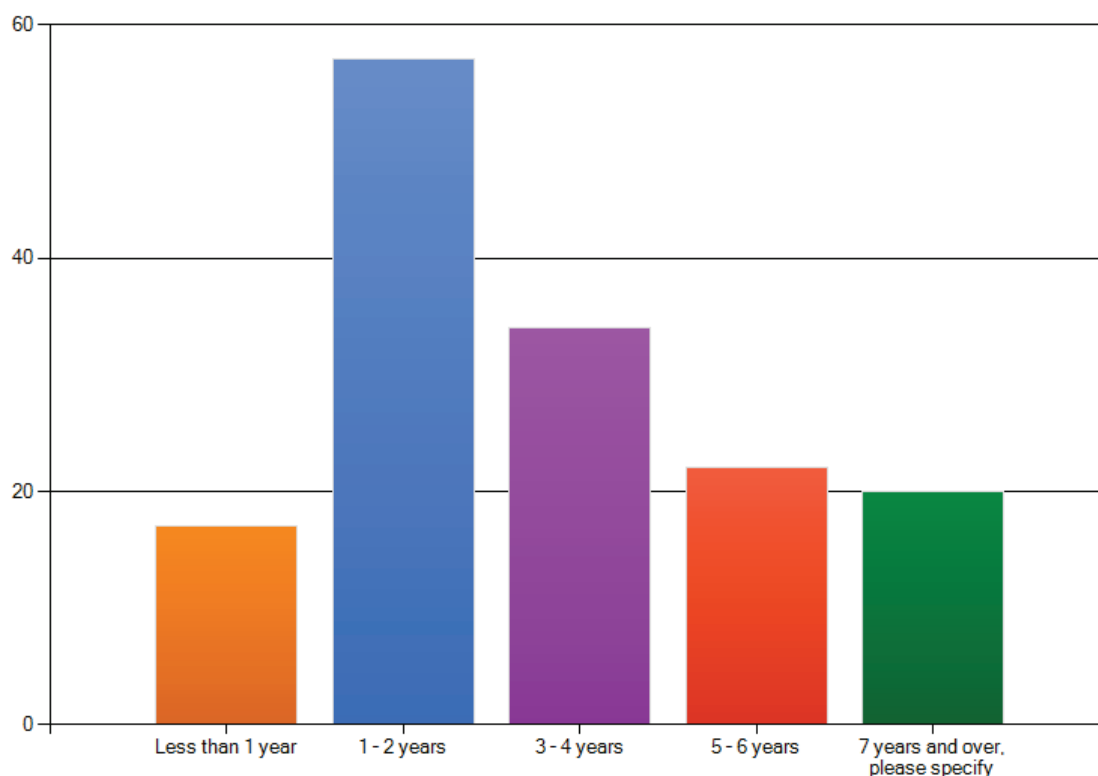
Two providers whilst agreeing that some ex Job Network staff were leaving said that they believed that this was because the staff were not able to complete the work required in the new contract. One employer said of ex Job Network staff when asked the question about retention of former Job Network staff. “Do we want to retain them?”“. Another provider referring the exodus of some Job Network personnel and arrival of new staff as “refreshing”.

The survey responses from employment services workers enables us to delve deeper into the impact of the JSA transition on individual employment services workers.

One hundred and forty-nine respondents (26%) responded ‘yes’ to the question: “Did you work for a Job Network provider that lost funding in the JSA funding round?”. These 149 workers are from every Australian State and from 36 different employers (see demographics for more information).

The following data refers only to respondents who answered ‘yes’ to the above question. The most common length of time an employee had spent with a provider that lost funding was one to two years with 57 respondents (38%) and 20 (13.3%) respondents having over seven years service in the organisation. The longest length of service was 12 years.

How long did you work there?

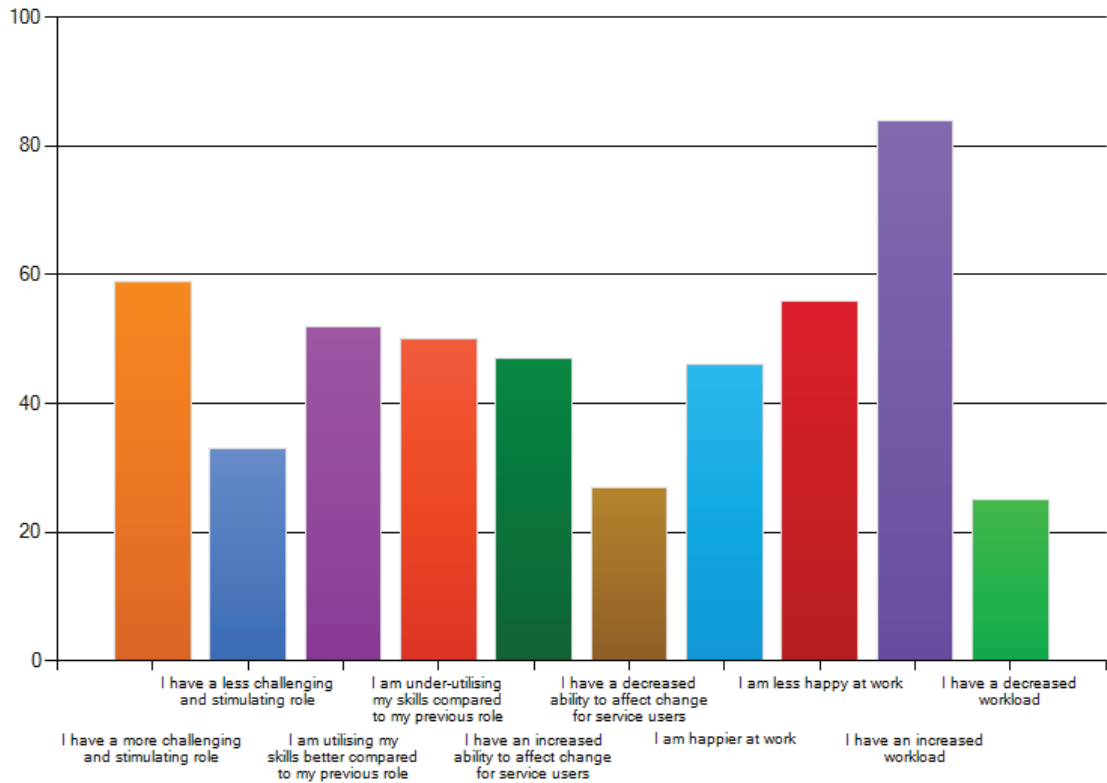


Question 31 asked, respondents: “Are you undertaking a similar role with your new employer?”. Ninety-seven (68.8%) respondents said ‘yes’ whilst 44 (31.2%) responded ‘no’. As a follow up question, we asked people to tick as many statements as appropriate that best described what they feel about their new role. The choices provided were:

- I have a more challenging and stimulating role
- I have a less challenging and stimulating role
- I am utilising my skills better compared to my previous role
- I am under-utilising my skills compared to my previous role
- I have an increased ability to affect change for service users
- I have a decreased ability to affect change for service users
- I am happier at work
- I am less happy at work
- I have an increased workload
- I have a decreased workload

Fifty-six (40.9%) participants reported being ‘less happy’ whilst 46 (33.6%) reported ‘I am happier at work’. Eighty-four (61.3%) respondents reported having an increased workload whilst 25 (18.2%) respondents reported having a decreased work load. Forty-seven (34.3%) respondents indicated having ‘an increased ability to affect change for service users’ whilst 27 (19.7%) respondents believed they had ‘a decreased ability to affect change for service users’. Fifty-nine(43.1%) respondents indicated that they ‘have a more challenging and stimulating role’ with 33 (24.1%) believing that their new role ‘is less challenging and stimulating’.

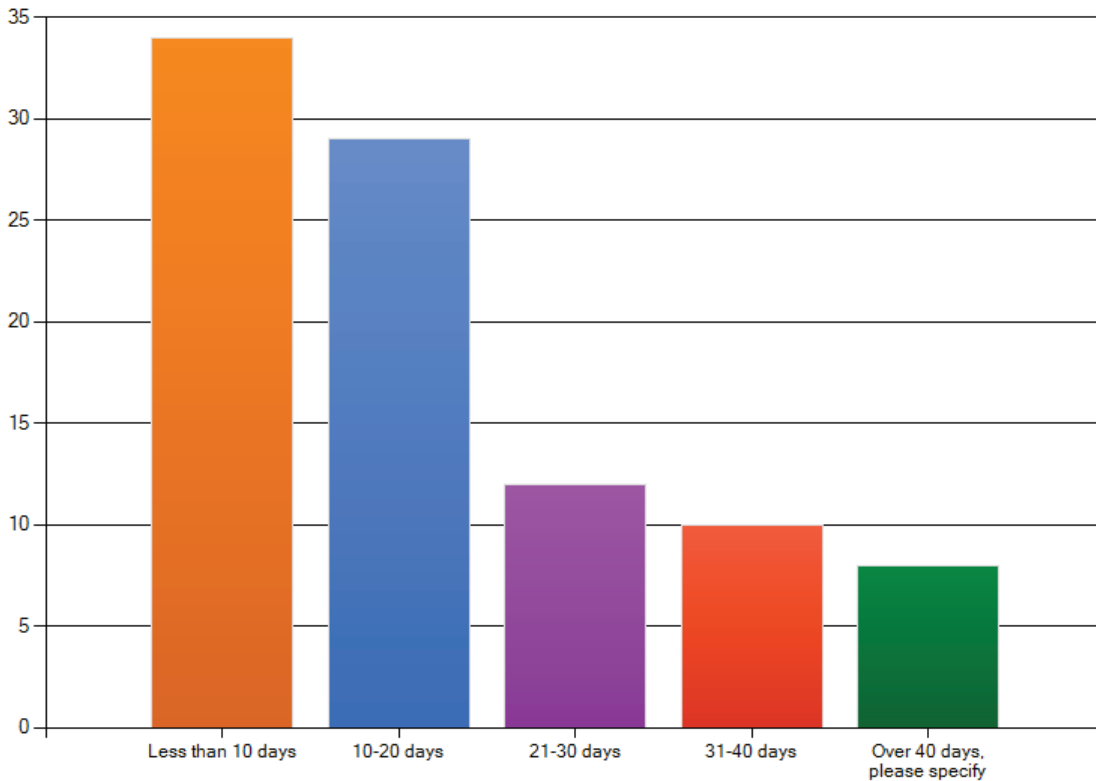
In your new role please select as many of the following statements as apply.



Many of the respondents lost conditions as a result of the change of jobs. This has been demonstrated in a number of areas.

Question 33 asked: “Did you lose any accumulated sick leave as a result of changing employer?”. Ninety-two respondents (66.2%) said ‘yes’ whilst 47 (33.8%) said ‘no’. Thirty-four respondents lost less than 10 days whilst eight people lost over 40 days.

If you answered yes to the previous question, please approximate how many days.



Question 36 asked: “Did you lose access to paid parental leave at full pay as a result of changing employer?”. Nine respondents (6.6%) said ‘yes’ whilst 127 (93.4%) said ‘no’ of those that lost paid parental leave four lost one week, one lost two weeks, one lost four weeks and three lost more than eight weeks or more.

Question 38 asked: “Did you lose accumulated long service leave?” Ninety-seven respondents (71.3%) answered ‘no’ whilst 39 respondents (28.7%) responded ‘yes’. Of those that responded ‘yes’, nine lost one week and eight respondents lost more than six weeks. Of these eight, two had their long service leave paid out by their Job Network employer.

Question 40 asked: “Do you receive less pay as a result of change of employer?”. Seventy-two (53.7%) respondents said ‘no’, with 62 respondents (46.3%) answering ‘yes’.

Question 41 asked respondents who had answered ‘yes’ to question 40 to “please tick as many of the following as applies”. The options provided were

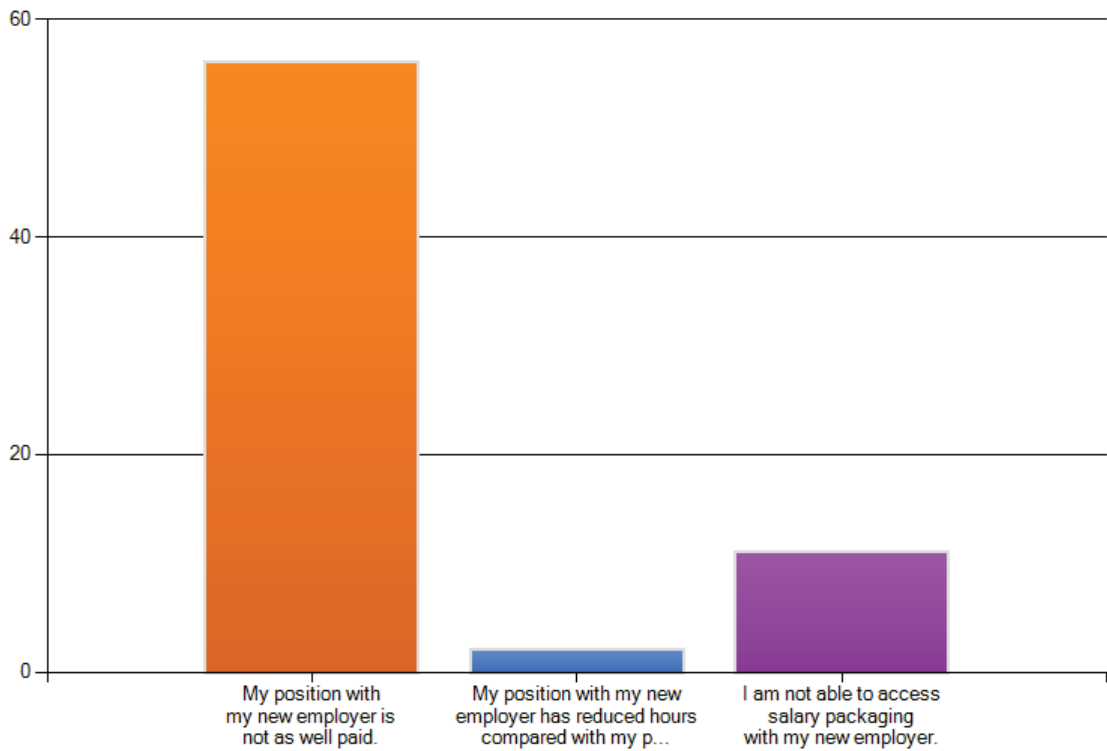
“my position with my new employer is not as well paid”,

“my position with my new employer has reduced hours compared with my previous position” and

“I am not able to access salary packaging with my new employer”.

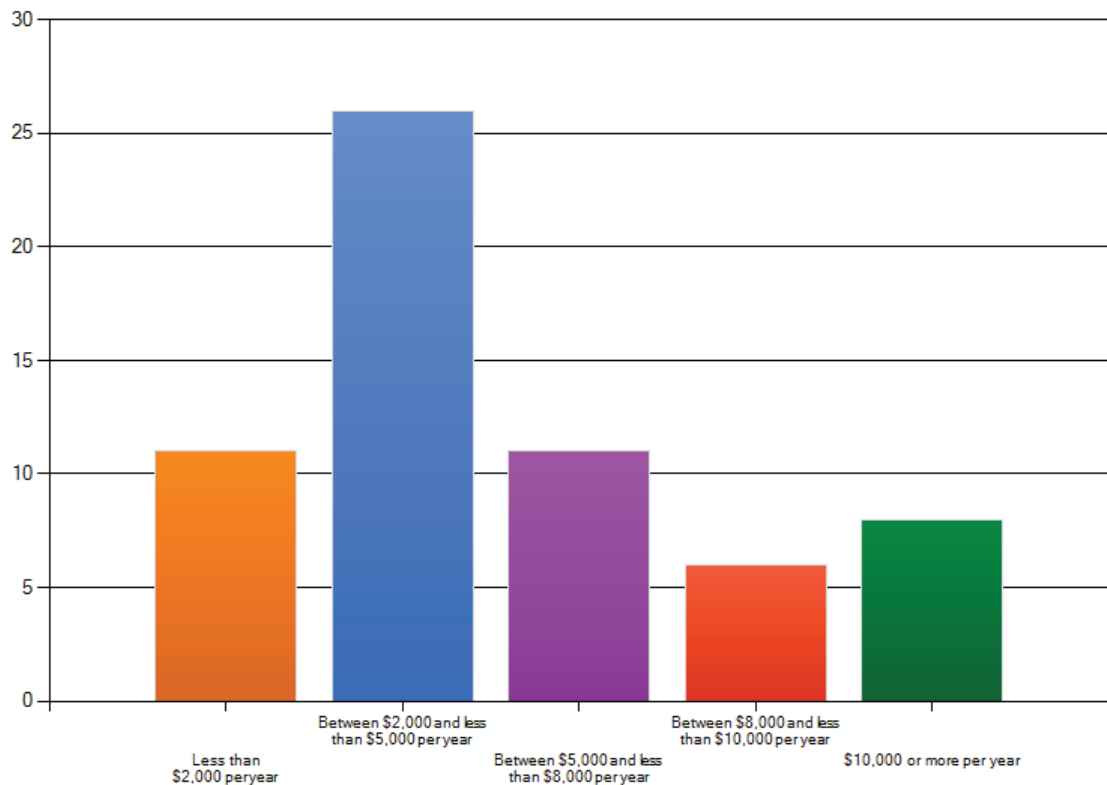
The vast majority, 56 (88.9%) respondents, said that their position with their new employer is not as well paid. With 11 respondents (17.5%) citing the inability to access salary packaging with the new employer.

If you answered yes to the previous question, please tick as many of the following as apply.



Question 42 asked: "If you are being paid less by how much?" The most commonly given response of those that responded, was losing between '\$2,000 and less than \$ 5,000 per year' with 26 respondents (41.9%) reporting this level of loss and eight respondents (12.9%) reported losing more than '\$10,000 or more per year'.

If you are being paid less, by how much?



In question 43, respondents were asked: “Please list any other entitlements/ conditions you believe you lost”. Twenty-nine respondents answered this question. The three most commonly selected losses were seven people reported losing their bonus or incentive pay, five reported losing their time in lieu arrangements and or lost a rostered day off (RDO) and four people reported loss of a company car. Other losses included having to do more unpaid overtime, losing leave loading and other paid leave entitlements, a great job, allowances for working with remote Indigenous communities and having to pay significantly more for travel to work.

In order to get an equal insight into the advantages former Job Network employees that were displaced experienced, we asked the same questions regarding gains as we did regarding losses.

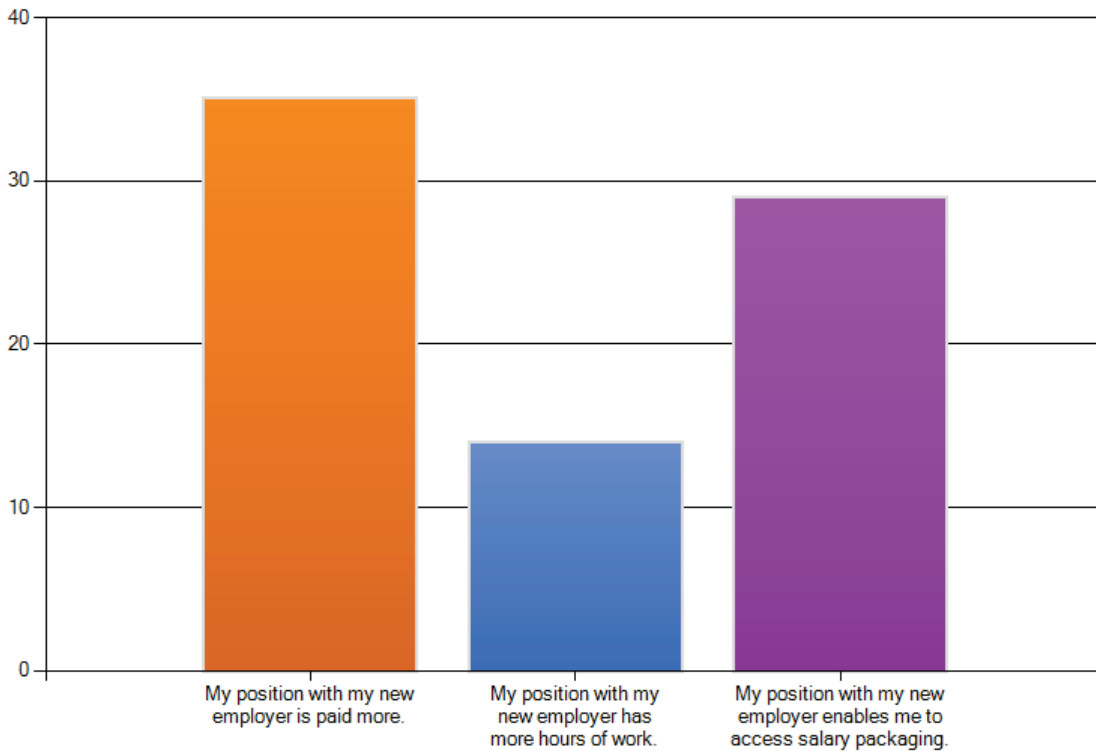
Question 44 asked: “Did you gain any sick leave entitlements as a result of changing employer?”. One hundred and twenty-three respondents (92.5%) said ‘no’ with 10 respondents (7.5%) saying ‘yes’. When asked how much sick leave entitlements they gained, nine respondents said they gained an additional ‘1-5 days per year’ and two respondents said they gained an additional ‘6-10 days per year’.

Question 46 asked: “Did you gain access to paid parental leave at full pay as a result of changing employer?”. One hundred and seventeen respondents (95.9%) reported ‘no’ whilst five (4.1%) reported ‘yes’. Of those that answered ‘yes’, two reported gaining an additional six weeks paid parental leave and one person reported gaining an additional 12 weeks paid leave.

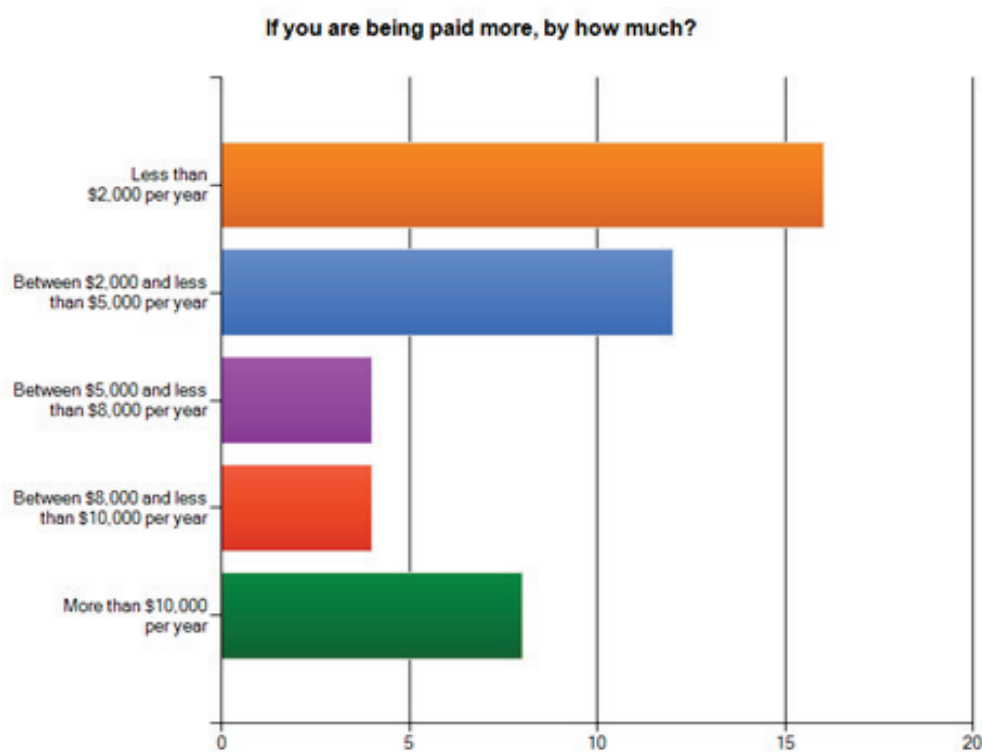
Question 48 asked: “Did you gain improved long service leave as a result of changing employer?”. One hundred and twenty-three respondents (91.1%) said ‘no’ whilst 11 (8.9%) said ‘yes’.

Question 49 asked: “Do you receive more pay as a result of a change in employer?”. Forty-five respondents (35.2%) responded ‘yes’ whilst 83 (64.8%) responded ‘no’. Of those that answered ‘yes’ the most common reason for this with 35 respondents (77.8%) was, “My position with my new employer is paid more” and 29 respondents reported that “My position with my new employer enables me to access salary packaging”.

If you answered yes to the previous question, please tick as many of the following as apply:



As another follow up question, question 51 asked: “If you are being paid more, by how much?”. The most common response with sixteen respondents (36.4%) was getting paid an additional amount not exceeding \$2,000 per year. Twelve (27.3%) respondents reported getting paid between an additional \$2,000.00 but less than \$5,000.00 per year and eight (18.2%) reported that they will earn more than an additional \$10,000.00 per year.



In question 52 we asked respondents: “Please list any other entitlements/conditions you believe you have gained”. Twenty-six people responded to this question. Of those that responded 11 said that in their new position they were receiving salary packaging, five now had access to rostered days off (RDOs) and four said ‘nothing’. Other responses included five days hygiene leave, an extra week annual leave, not managed by fear, less stress working for a not-for-profit, close to sporting facilities and access to time off in lieu of leave. Four respondents mentioned that whilst they had gained in some areas they believed they were worse off overall. For example one respondent made the following comment: “My base salary is higher, although I have lost my salary packaging and company car resulting in approx \$5k less benefit per year.”

Findings - Attraction and retention

The issue of how to retain workers in the employment services sector is critical with 67.8% of respondents in our survey expressing an intention to leave the employment services sector within five years. This research does nothing to allay fears that the current high turnover rate in the sector is going to end. These survey findings are also supportive of data in the “Activating States: Transforming the delivery of ‘Welfare to work’”⁶ research (see page 6 of this report). Urgent action is required to stabilise the workforce.

The staff turnover rate in the sector is well above the national average which according to the “AIM National Salary Survey 2009” is 17% for large companies and less for small to medium companies⁷. The

⁶ Considine, M., Lewis, J., O’Sullivan, S., Activating States: transforming the delivery of ‘welfare to work’ services in Australia, the UK and the Netherlands, Australian feedback to Industry Partners, December 2008

⁷ “AIM National Salary Survey 2009”, AIM (Australian Institute of Management)

average within employment services providers averages between 24.5% and 30%. Only 32.2% of respondents said in the survey that they intended on staying in the employment services industry for five years or more. Meaning the vast majority of respondents, if they follow through with their intentions, will not be in the industry in 2014. Cause for urgent action is the finding that 11% of respondents said that they intend to leave the sector within the next six months. The figures are even more troubling if one takes into account that the question was not how long do you intend on staying with your current employer but how long do you intend on staying in the industry.

The turnover rate in the sector has a cost to the industry and the workforce and job seekers. Staff replacement costs have been estimated at being \$17,000 per full time position⁸. The figure of \$17,000 takes into account the time taken by management to advertise and recruit a new staff member and the time and resources needed to train a new worker so that they are fully competent in their new role. This money could be better spent on improving the retention rate within the sector and improving service delivery to job seekers rather than oiling the revolving door.

This survey was distributed four months after the roll out of the JSA contract. Employer feedback clearly suggests that some workers are leaving the sector because they feel that JSA cannot provide them with job satisfaction or that the work is so different that some workers are having difficulty skilling themselves up to the new positions. Other employers suggested that displaced workers were leaving their new employers due to cultural and philosophical differences.

One can speculate that the figures regarding intention to stay in the sector indicate that at the time of the survey that nothing had happened since the transition that made the majority of workers in the sector feel that employment services is a career for them.

With so many workers indicating that they are looking to leave the sector or do not view the employment services sector as a long term career, it is timely that this research addresses issues of attraction and retention of staff.

Attraction of workers

What is an employment services worker? Before attraction and retention issues can be solved this question must be answered. "What is an employment services worker?" seems like a basic question but it is complex and currently unanswered.

The labour market assistance industry has changed considerably over the last 10-15 years. The pace of change seems to be increasing, not decreasing. Every time there is a change in direction and a resulting change in contract, such as the transition from the Job Network to JSA, the nature of the work itself changes.

The survey responses from employees provide a picture of a high pressure industry which is often stressful. In the survey 52.5% of respondents said they found their work to be manageable only, 'sometimes', 'rarely' or 'never'. Only 18.5% of respondents reported on rarely being stressed at work. The most common reasons provided for the stress by respondents were high workloads and lack of options for job seekers.

Employers in their responses often acknowledged that the work undertaken by employment services workers is demanding and hard. The long list of qualities and skills employers look for in a worker exemplifies the complexity of the role (see page 23). The demands of the role as well as its complexity and skill base required to adequately perform the functions of the job clearly point to employment services work being a professional role. As such the professional nature of the work needs to be officially acknowledged.

With different providers having a range of cultures and philosophies there will be several variations on the definition of an employment services worker. Saying this there should be enough commonality to define the overarching purpose of an employment services worker and what are the skills required to fulfil the purpose of the position. All aspects of the roles that encompass employment services work need to be identified and labelled, including aspects of the role that are client focussed as well as the compliance/administration aspects of the job. Both

⁸ Work and Family Balance Manual: Better practices for better business, Industrial Relations Victoria, Department of Innovation, Industry and Regional Development, March 2007 p. 20

employers and employees in this research said that the role of an employment services worker needs to be acknowledged as being the role of a professional.

Many professions such as social workers, accountants, financial counsellors and psychologists have developed a code of ethics or professional standards that underpin their practice. Developing a code of ethics and standard for employment services workers with employer peaks, unions, DEEWR and job seeker representatives would propel the status of employment services worker to that of a legitimate profession.

One employer stated a hurdle that their organisation faces is that potential workers are attracted to the position for altruistic reasons but when they learn more about the position of employment services worker they discover they are part of a commercial organisation. In essence, what potential staff expect of their work is not reality. If workers feel that they are performing work they did not expect to perform this is likely to impact on retention. By defining employment services work and having this clearly enunciated to potential workers, this problem may greatly diminish.

One employer mentioned needing to get the balance right between government compliance and social justice. Many survey respondents in their comments also mentioned the existence of this tension. This tension is also reflected in the skill list that employers provided regarding what skills are required of employment services workers. The list is very diverse with workers being required to be compassionate and yet hardline.

The diversity in the skill set required by employers would indicate that this to would reduce the number of people that would fulfil the requirements for the role and be seen as attractive employee material for employers.

In the employer forums, employers gave several reasons why they face difficulty attracting staff. The most repeated reason given was poor wages, which they put down to the low pay rates in the Award that employment services workers are subject to, and inadequate funding of services by Government that does not enable employers to increase wages to a level that would encourage workers to stay. In the employees' survey, poor pay was also the most cited issue that would encourage them to leave an organisation. More on pay and remuneration is discussed on page 37 and 38.

Employers in regional areas pointed to the additional problems they have finding suitably qualified people when the pool of potential workers is reduced. One employer said that the administration load and the complexity of work made it difficult for their organisation to find willing and suitably skilled Indigenous workers. More investigation not allowed by the confines of the research scope of this study should be undertaken into the specific attraction and retention of employment services staff in remote and regional areas.

The survey is very limited in the information that it can provide regarding attraction of workers not currently employed within the sector as the survey was only distributed to people involved in Job Network or the JSA. Thus little comment can be made about what would attract people to the sector that are currently not working in it. In saying this, the responses to the question asking how long people intended on staying in the industry demonstrate that employment services is not viewed as a long term career option for those that are currently in it. Thus, the first step to making the sector attractive to potential workers is to make it attractive to those currently working within it.

From the employer forums, it was clear that some organisations deliberately used family and work-life balance policies as a tool to attract and retain workers. Other providers thought this was not appropriate for their organisation due to the service delivery model required. The provision of family and work-life balance conditions would have a positive impact in attracting people with caring responsibilities into the workforce, in particular women. 42.4% of respondents indicated that family and work life balance would attract them to stay with their employer. Thus, for those organisations with little or no family and work-life balance provisions, their pool of potential employees would be reduced.

Much work has been undertaken across Australia and internationally investigating how workers, service users and employers can be mutually advantaged by the introduction of family and work-life balance policies. In addition a lot of work has already been completed regarding how and what family friendly policies can be introduced into workplaces.

In Victoria the State Government commissioned a report into best practice family and work-life balance for the social and community services industry⁹. The social and community services industry has many parallels to the employment services industry in regards to being responsive to service users, working with service users that are both voluntary and involuntary and, at times, in a state of crisis and organisations having to comply with Government contracts and funding agreements. In addition, both the social and community services industry and the employment services industry are female dominated industries.

A similar report into best practice family and work-life balance policies should be undertaken in the employment services sector and promoted throughout the industry. This is especially the case as there is already some current practice within the employment sector that can be promoted as best practice.

In the survey, the vast majority of survey respondents indicated that they would like parental leave at full pay available to them and their colleagues in the industry. This would be another measure that would both attract workers to the industry as well as encouraging those within the sector to remain.

Retention of workers

The survey and the employer forums provided many insights into what would encourage existing workers to stay within the employment services sector. This ranged from what current employees said would encourage them to stay, to what strategies employers have implemented in order to retain staff and what additional strategies they believe are required.

Support from management was what 47.9% of respondents said would encourage them to stay at their current organisation. Supportive management can be defined in several ways. In the “Flexible Work Manager’s Guide: Achieving Work Life Balance”, developed by the Victorian Department of Education, the following attributes were identified as being those of a supportive and flexible manager

- Creates a climate for flexibility
- Balances workplace and individual needs
- Ensures decision-making is strategic, fair and transparent
- Informs and support individuals
- Implements and sustains arrangements¹⁰

The list of attributes acknowledges family and work-life balance, being open and communicative, being open to change and being able to put arrangements in place that can be sustained are all indicators of good management.

It is of interest that no one from the employer forums said that management processes or style was a factor in retention. This could mean that those managers are unaware of the significance their behaviour has on a worker’s decision to remain in the sector or they believe it is something that cannot be changed. There are several reasons why managers may believe that management style and systems cannot change for example because the manager does not want to change or they believe that the work environment and external demands restricts the ability to change management style.

Whilst employers did not mention the significance of management style, some employers noted that a culture and philosophy of an organisation is an issue that affects retention. Culture of an organisation is embodied in such things as management style and management’s expectations of workers. Thus, based upon the survey results, how a manager promotes and/or influences a workplace culture will impact on retention in a workplace. Feeling connected to the workplace culture and philosophy was an incentive to remaining with their current employer for 42.9% of respondents.

⁹ Best Practice Family and Work Life Balance Manual for the SACS Sector, Australian Services Union Victorian Authorities & Services Branch, August 2006

¹⁰ Flexible Work Managers’ Guide: achieving work life balance, <http://www.education.vic.gov.au/edulibrary/public/hr/equalop/ManagersGuide.pdf>

It is worth closely examining the survey responses regarding workers' perceptions of being respected and consulted with by management in order to ascertain if current staff feel respected by their workplace management.

It is interesting that the 80.8% of respondents that said "management treats me with respect", also felt they were consulted with by management. With such a high correlation, it would be reasonable to assume that the two management attributes are linked. Only 0.8 % of respondents that said management treats them with respect went on to say they were 'never' consulted about things that affect them by management.

The results from this survey indicate that the majority of respondents feel respected by management. Although being treated with respect by management should be a fundamental in any workplace, and the fact that 24.4%, nearly a quarter of respondents, only feel respected 'sometimes', 'rarely' or 'never' demonstrates that many employment services workplaces need to address this issue as a matter of urgency.

Managers at all levels within employment services have high workloads and a great deal of responsibility for ensuring that outcomes are achieved. In this high pressure climate it is easy to imagine that managers would not have the time to be introspective about their practice as a manager and the environment they operate in. Leaving no time to explore different management styles and theories. However, if turnover and retention is to be seriously addressed, these issues must be addressed by managers and the industry. Training that encompasses communication and decision making skills should be made available to managers and promoted by DEEWR.

The other issue that survey respondents cited as encouraging them to stay within an organisation is the 'ability to balance work and family'. From the employer forums, it is very clear that whilst some employment services providers are aware of the value of providing family and work-life balance opportunities to staff as a retention and attraction strategy, others believe that the benefits of attracting and retaining staff are offset by what they perceived as negative impacts on their service delivery models, as mentioned in the attraction findings.

In the survey, out of the 74 respondents that selected inability to balance work and family as having an impact on their preparedness to stay, 51 selected that only 'sometimes', 'rarely' or 'never' to the question 'my employer supports my work-life balance'. Although the sample is small the result indicates that those providers that do not provide work-life balance for their employees risk losing employees as a result.

Providing material to the employment services industry on how family and work-life balance can be implemented within the sector would be a useful strategy to increase retention in the sector. Again as raised in the findings for staff attraction employers having access to best practice family and work-life balance material would assist employers with retention as much as it would attraction.

In addition to asking questions relating to what encourages employment services workers to remain with their current employer, we asked what issues would impact on their preparedness to stay with their current employer. Interestingly the issues that impact on a worker's preparedness to remain in an organisation differ to what encourages them to stay. The top three issues listed by respondents that impact on their preparedness to stay at an organisation were: poor pay with 291 (60.1%) of respondents; inadequate staffing levels with 217 (44.8%) respondents; and lack of training with 171 (35.3%) respondents. Whilst the top three responses to the question: "What would encourage you to stay?" were 'support from management' with 247 responses (47.9%), 'ability to balance work and family' with 219 respondents (42.4%) and 'I feel connected to the workplace culture and philosophy' with 218 (42.4%) respondents.

There is thus a tension between what encourages people to remain in the sector and what encourages them to leave. The high turnover rate suggests that the incentives to leave often outweigh the incentives to stay. If people feel that they can move to an organisation or industry that has a higher level of remuneration or has a more manageable workload, they may well leave, especially if they believe that organisation has positive attributes such as supportive management. Providers need to put time and effort into strategies that encourage workers to stay as well as strategies that minimise workers wanting to leave.

A large proportion of respondents, 74.5%, do not believe that the pay they receive is appropriate for the work that they perform. This is coupled with 60.1% of respondents saying that poor pay

would impact on their preparedness to stay in their current organisation. In addition, employers highlighted remuneration as an issue that impacts on their ability to attract and retain workers. If turnover rates in the sector are to be reduced, then pay must be addressed and this will encompass looking at issues such as government funding to the sector.

According to the Australian Bureau of Statistics, in August 2009 average time earnings, after being seasonally adjusted for a full time worker, are \$62,498.80 per year. Under the "Labour Market Assistance Industry Award 2010"¹¹ a training and placement officer grade 2 full time will earn between \$40,356.16 and \$44,762.12 Even taking into account that some employees will have access to salary packaging and bonuses, and some may have access to above award payments, the difference between what the average full time employed Australian is earning and what the average employment services worker is earning is enormous and goes a long way to explaining the turnover rate in this high pressure, yet low paid sector.

Out of the 149 respondents who reported that they lost their jobs as a result of the JSA tender, 46.3% said that they were receiving less pay in their new role. Of those that reported being paid less, 88.9% reported that they are being paid less because the position they are in is not paid as well. From the evidence provided in this research, workers that as a result of the transition found employment with providers that pay less would be more likely to leave that organisation or the sector. One is also left to speculate whether some of the workers who lost their jobs as a result of the transition make a decision to leave the sector because the jobs available to them with successful JSA tenders were at a reduced level of remuneration. More about this is discussed in Findings: Job Network transition to JSA (see page 40).

In addition to pay, respondents also highlighted portability of long service leave. The vast majority of respondents (95%) said they would like themselves and their co-workers to have access to portable long service leave. Portability would provide an additional incentive for people to stay and keep their skills within the sector. Other industries that have a transient workforce already have portability of long service leave, for example hospital workers (including nursing staff and allied health professionals), teachers, government public servants as well as construction workers. Long service leave should already be costed in as workers' entitlements by providers, thus portability should not be a financial impost on the employer.

The second most selected issue that would impact on respondents' preparedness to stay within an organisation is 'inadequate staffing levels' with 44.8% of respondents selecting this issue. This is concerning as inadequate staffing levels often, if not always, produce high workloads and 321 respondents cited high workload as an issue that causes them to be stressed.

In question 16, respondents were asked to respond to the statement: "I have a manageable workload" and 52.5% of respondents reported their workload is manageable 'sometimes', 'rarely' or 'never', and only 13.8% saying that their workload is 'always' manageable. It should be a concern that half the respondents believe that their workload is unmanageable. This is a concern not just relating to retention but also occupational health and safety. Whilst it was not in the scope of this research, it would be interesting to see what impact workplace stress is having on workers and providers, particularly in terms of productivity and Workcover claims.

Based upon the information provided in the survey by respondents regarding their preparedness to stay, an unmanageable workload puts pressure on workers to leave if it was caused by unreasonable targets and inadequate staffing levels. Thirty percent of respondents cited unreasonable targets as an issue that would impact on their preparedness to stay and inadequate staffing levels was selected by 44.8% of respondents as an issue that would impact on their preparedness to stay. The issues of inadequate staffing levels, high workload again can be linked to government funding and resource prioritisation of providers.

High turnover also has negative impacts on staffing levels as remaining workers need to cover the workload of vacant positions caused by staff losses.

A protocol or guide as to what is an acceptable workload should be developed and promoted within the employment services industry. Any workload protocol or guide should be set at a level that enables workers to achieve the most positive and efficient outcome for job seekers within

¹¹ 53% of respondents to the survey said that their wages and conditions were governed by the award thus the award has been used as a benchmark to approximate average salary.

the different streams as well as having a workload that enables employment services workers to access necessary training and fulfil their administration duties. This also feeds into the professionalization of the employment services industry.

Training was highlighted as an issue for employers and employees alike. 'Lack of training' was the third most selected issue that would impact on respondents' preparedness to stay within an organisation with 35.3% of respondents selecting it. This is of major concern as only 15% of respondents reported that they are 'always' provided with adequate training to perform their work. A lack of training based upon the survey results will put pressure on people to leave an organisation. Over half the respondents (53.6%) reported that they are provided with adequate training to perform their work only 'sometimes', 'rarely' or 'never' thus making training an issue that must be addressed in order to tackle high turnover rates.

The three major impediments to receiving training as highlighted by employers and employees in the research was lack of time to attend training, the cost to an organisation to have workers attend training and only being able to access training online. These barriers must be addressed if workers across the board are to receive adequate training. There is also the possibility that workers are accessing training but they do not believe it is meeting their needs, thus employment services workers themselves should be asked what training they believe they require and, based upon this information, training modules and course content can be modified or created.

Currently training is provided mostly by online modules. People learn in a variety of ways including on the job, in the class room and through reading information either in books or online. New workers come into the sector with a variety of backgrounds ranging from completion of a high school education to tertiary level qualifications. Some workers will have considerable life experience, others less so. There will also be existing workers in the sector requiring up-skilling every time there are major contract changes.

A one-size-fits-all style of learning is not appropriate for a sector as diverse as employment services. By providing a variety of training methods to employers and employees the needs of both can be best met. An ongoing committee should be established of employer peaks, unions, job seeker representatives, representative from the Community Services & Health Industry Skills Council (CSHISC)¹² academic experts and DEEWR to look at the training needs of the workforce and to monitor the ongoing appropriateness of the training as well as looking at promoting VET (Vocational Educational Training) courses to people wishing to work in the sector for the first time.

Conclusion – attraction and retention

In order for the employment services sector to provide high quality services to the unemployed of Australia as well as providing a value for money service to the taxpayers of Australia, a skilled and experienced workforce is required. A high staff turnover rate is an inhibitor to this requirement.

Currently employment services providers, employees and job seekers must bear the cost of constant staff turnover. This cost includes inconsistency for job seekers who will be allocated new employment services workers, the job seeker may also not have access to a fully trained worker as up-skilling and networking takes time and resources. Providers also have to bear the cost of recruiting new workers and skilling them up in order to perform at a high level. Remaining workers also bear the strain of carrying the workload of workers that have left until a replacement is found and is in place within the organisation

The information provided in this research clearly indicates that to prevent people from leaving the sector they should be paid appropriately for the tasks they are undertaking, receive ongoing and relevant training so that they feel able to take on the tasks required for the job and staffing

¹² Community Services & Health Industry Skills Training Council (CSCHISC) is a not for profit public company funded by the Commonwealth Government to provide integrated industry intelligence and advice to Skills Australia, government and enterprises on workforce development and skills needs in the employment services sector amongst other industries. CSCHISC engages with State and Territory governments, State and Territory industry advisory bodies and peak representative bodies in their area of industry coverage including employment services. For more information go to www.cshisc.com.au

should be at a level that would enable workloads to be manageable and productive. Workers also need to feel supported by their management, have the ability to balance work and family and feel connected to the workplace's culture and philosophy.

Issues that attract a worker to remain in a workplace as well as those that encourage them to leave must be addressed. It will not be enough to retain staff by just increasing worker remuneration if workloads are exceptionally high and management is not seen as supportive. Conversely, if remuneration is low but management is supportive and workloads are manageable, workers may still leave. Retaining staff is about providing staff with a suite of measures that encourages them to stay in an industry that is demanding and requires many skills.

Employers in the employment services industry require highly skilled workers with a range of personal and professional attributes. Employment services work needs to be seen as professional work and treated as such.

Employers and workers alike view the job as demanding, highly skilled and involving high pressure. Again, workers and employers also highlighted the issue of combining the social inclusion / justice aspects of the work against the compliance and administrative aspects of the work. The skills desired by employers definitely demonstrate that many employers ideally want employees to be able to straddle the demands of compliance and a high administrative workload as well as being compassionate and people orientated. Thus, in a few instances, the skills required by employers appeared to be contradictory, for example hardline and compassionate.

To enhance attraction and retention of workers within the industry, stakeholders need to work together to find solutions for issues such as defining an employment services worker, appropriate workload and the skill set required. Stakeholders also need to tackle issues such as the training needs of the industry, a professional code of ethics which apply to the workforce and how workers can be appropriately remunerated and supported. Stakeholders need to include employer peaks, unions, job seeker representatives, academic experts and DEEWR.

Findings - Job Network transition to JSA

With all tender processes there are winners and losers and this was clearly reflected in the responses from employers and employees. In addition, in the 2009 JSA tender there were some organisations that lost services in one ESA (Employment Services Area) whilst gaining in other ESAs.

Some employers saw the transition as an opportunity to get new blood, refresh and reenergise the workplace, whilst others lamented the new contract had made it harder to utilise the skills of PSP and JPET workers who were more likely to be qualified in the fields of social work, counselling or psychology and that highly skilled staff had left the industry. Some employers saw the tender and transition as an opportunity to expand and improve their service delivery whilst others found the tender and transition as limiting service delivery models that they believe provides the best outcomes.

The JSA transition resulted in many providers having to shed staff and adapt to the new contract. This was clearly difficult for many employers and most were acutely aware of the stress that it placed on their staff. Some employers in their responses spoke about the stress that the transition placed on management that had to manage the fear and confusion of workers along with that of job seekers.

Change whether positive or negative produces stress for those that are affected by the change. Change has consistently been cited as a significant factor causing stress: "During times of significant change to organisations in strategies and structures, employees can experience high levels of stress as their jobs, areas of responsibility and roles also change."¹³

Our research did not look at whether the transition from Job Network to JSA was stressful because we know it has to be as it resulted in significant change for workers, job seekers and providers. This was also borne out by information provided by employers at employer forums who commented on the stress the transition caused workers, job seekers and themselves as managers before the transition, during the transition and now. Employers identified this stress being caused by job losses, workers

¹³ Callan, J. Victor, "Individual and Organizational Strategies for Coping with Organizational Changes", Work & Stress 1464-5335, Volume 7, Issue 1, 1993, pages 63-75, p63

needing to change role and, in many cases, needing to change employers as a result of the transition. Stress was also caused by changes in work practices and in some cases changes in work philosophy as a result of a worker moving to a new employer or their current employer having a change of direction.

Tender processes are stressful for employers and employees alike. It needs to be kept in mind that stress in the workplace is an occupational health and safety issue. Occupational Health and safety is an issue not only for employers but for DEEWR and every effort should be made to stabilise the workforce in order to minimise workplace stress.

Employers in our research who lost services as a result of the tender made it clear that, where possible, they tried to find workers positions within their organisation but, in some cases, these jobs just did not exist or jobs that were available were not suitable due to location or tasks required in the role. Out of the 149 respondents that were former Job Network employees that were displaced as a result of the tender we estimate that at least 33.8 % found a new role with their existing employer. This finding is based on question 33. In this question displaced workers were asked if they lost sick leave entitlements as a result of the transition. As sick leave is not transferable between employers those employees that did not lose sick leave would in all probability have remained with their pre JSA employer. Whilst this figure is purely estimation, if this figure is consistent across the industry this would mean that the majority of displaced workers needed to find new employment outside of their workplace.

Many displaced workers found jobs with successful providers by individually applying for jobs. We expect that unless a worker received a new job with their existing employer, job entitlements in the vast majority of cases would not have transferred. This is because successful providers were not merging or subjecting unsuccessful tenders to a company take over, but instead successful providers were taking over a DEEWR contract and thus not subject to 'transmission of business requirements'. Workers displaced as a result of the transition but who gain employment with a successful provider doing the same work even in some cases working with the same job seekers lose all their accrued long service leave¹⁴ and all their accrued sick leave. This is a heavy cost for an employee to bear for working for an employer that loses market share and would lead many workers to feel insecure about their employment. In our survey 21.7% of respondents reported that they always felt their job was secure. With 42.8% reporting only feeling secure in their jobs 'sometimes', 'rarely' or 'never'.

In America the plight of displaced workers has also been an issue and to that end the Executive Order of US President Barack Obama of 30th January 2009 was developed which details that administration's view overtly expressed that "The Federal Government's procurement interests in economy and efficiency are served when the successor contractor hires the predecessor's employees". The Executive Order details how this can be affected in service contracts with new providers. While much of the Order deals with the US circumstance and there are some exclusions we would not support (e.g. managerial and supervisory positions), the tenor of the principle of "first refusal" for employees has a lot of merit. Executive Order of US President Barack Obama of 30th January 2009 can be found in appendix C.

In some cases it appears that employers were not keen to employ workers from unsuccessful providers. Some employers expressed an interest in employing 'new blood' and to be 'refreshed'. Providers did not get the opportunity to employ all displaced workers as some workers decided to leave the sector for good. In addition to this, some that did transition to new providers have since left the sector because they were disillusioned with their new employer or the JSA service system.

Of those that did transition to a new position there have been a variety of outcomes. Outcomes ranged from being very happy in the new role, being very unhappy but remaining in that position and being unhappy in the new position and leaving after a short period of time (either voluntarily or involuntarily).

In the survey, we asked respondents that were displaced by the transition questions about their new position. Unfortunately, the survey results do not indicate if the changes they experienced are solely because of the new employer and/or role or because of the differences in JSA as compared to the Job Network.

¹⁴ In different States, employment services workers have different legislative entitlements to long service leave. In New South Wales, Queensland, Northern Territory, Western Australia, Tasmania and South Australia: access to long service leave after 10 years, pro rata on termination after 5 years. In Victoria: access after 10 years, pro rata after 7 years. In the Australian Capital Territory: access after 7 years, pro rata after 5 years. Some employment services workers may have a better long service leave entitlement as part of an enterprise agreement.

Of those respondents that were displaced by the JSA transition, 68.8% said that they were undertaking a similar role with their new employer. We asked respondents to tick appropriate statements. These statements provide insight into how happy and/or satisfied people are in their new role. When looking at these responses we need to take into consideration that all but three of the respondents answering still work in the employment services sector although some are not working as a JSA employment services worker.

The survey showed that some former Job Network employees are feeling happier and more satisfied in their new positions. Of those surveyed 43.1% said they feel that the new role is more challenging and stimulating, 38% said that they are utilising their skills better compared to their previous role, 34.3% felt that they have increased their ability to affect change for service users, 18.2% have experienced a decrease in workload and 33.6% reported that they are happier at work. Thus, definitely some people who were displaced as a result of the transition to JSA have experienced positive outcomes.

However, for others the story is not so cheery with 61.3% reporting an increased workload and 40.9% reporting that they are less happy at work and 36.5% reporting that they are under utilising their skills compared to their previous role. If these respondents continue to be less happy in their positions and under increased workload strain it is reasonable to assume that some or maybe even many will leave either their current employer or leave the sector for good.

Comments made by respondents in the survey and employers suggest that some of the displaced workers that are unhappy after the transition with their new employers are those that have come from a service they considered to be client focus to one that is they perceive to be profit focussed. The main conflict seems to be a cultural one and in practices relating to service delivery to job seekers as well as workload.

“Many staff who have moved to a new providers have stated, ‘its all about the money and not the service’. This has made it very hard to transition culturally and philosophically.”

It is not in the scope of this research to draw conclusions about whether these comments are correct nor did we examine which providers have high turnover rates.

Repeatedly in the survey and in the employer forums we were given feedback that JSA is very burdensome with administrative tasks and that workers and providers saw a conflict between their DEEWR contractual obligations and being client focussed. This tension and the administration burden has made employment services work untenable for some, whilst others find it a burden they constantly have to bear. DEEWR again needs to examine the effect this has on turnover in the industry and how they can assist providers retain skilled and valued staff.

Apart from satisfaction and happiness with their new employer/role, displaced workers were asked if in their new jobs they lost conditions and pay. All employees that had to change employer would have lost their accumulated sick leave as this is not currently transferrable. Thus workers that transferred to a new employer will not have access to the sick leave they had accumulated with their previous employer. This leaves these workers being disadvantaged if they become seriously unwell or injured and do not have accumulated sick leave to rely on. A large proportion (66.2%) of respondents indicated that they lost accumulated sick leave. Due to the high turnover rate in the sector, the level of accumulated sick leave lost for the majority of workers (67.8%) was less than 20 days. However, eight respondents (8.6%) lost more than 40 days accumulated sick leave.

A large proportion (71.3%) of displaced workers lost their accumulation of long service leave and will have to start accumulating from scratch again.

More than one third (35.2%) of displaced workers are getting more pay as a result of change of employer/role and 71.4% said this was because their position was paid more, with 28.6% citing the reason for extra pay being working more hours. The most common wage increase with 36.4% being a wage increase of less than \$2,000 a year. There were a lucky eight respondents (18.2%) who reported their wage increase as being in excess of \$10,000.00 per year. Four respondents commented that whilst they have had an increase in salary they have lost other entitlements such as salary packaging or are expected to do more unpaid overtime. Those that had an increase in pay and saw income as an incentive to remain in the sector may be more likely to remain because of the wage increase.

The biggest loss to displaced employees was pay, with 46.3% of respondents saying that they are being paid less in their new role and 88.9% of these respondents cited the reason being “my position with my new employer is not as well paid” and 17% citing the loss of salary packaging. The dollar amount

respondents' wages were reduced by varies. Of those surveyed 41.9% of respondents lost between \$2,000 and \$5,000 per year with 12.9% losing \$10,000 or more per year, which for anyone is a massive drop in income. Some respondents also noted that they lost the ability to participate in bonus and other reward schemes.

Taking on board that the average earnings in the employment services sector for front line workers is below the average earning in Australia, any drop in wages is concerning and once again will put pressure on people to leave the industry for better paid work. The ABS statistics of the average full time ordinary time earnings for Australians being \$62,498.80 per year is a far cry from the average wage of a full time employment services work. Under the "Labour Market Assistance Industry Award 2010" a training and placement officer, grade 2, full time will earn between \$40,356.16 and \$44,762.12

The loss of wages and conditions whilst not occurring to all displaced workers did occur to a significant proportion. This forces us to consider, do employment services tenders and reallocations which occur as part of the condition of the contract put a downward pressure on wages? Of respondents that gained pay as a result of moving to a new role after the transition, the most common salary increase was less than \$2,000 per year, but for those respondents that lost salary the most common salary cut was more than \$2,000 but less than \$5,000 per year. Of course all employers must abide by the Fair Work ACT 2010 and not pay their workers below Award but this protection does not stop displaced workers losing many of their accrued entitlements or having to find employment with a provider that offers employees reduced wages and conditions as compared to their previous employer. DEEWR and the Australian Government have a responsibility to ensure that the process of allocating market share of employment services to providers does not result in a race to the bottom for the wages and conditions of employment services workers.

On a positive note DEEWR has established a working committee that will look at future purchasing with JSA and one of the criteria that the committee is looking at is workplace security. Although, as long as a tender process remains, there will always be job insecurity in the employment services sector.

Conclusion – Job Network transition to JSA

In conclusion, job losses are stressful for employers and employees. Undertaking any process that will make people redundant should never be taken lightly as the economic and psychological effect can be profound, not only to the individual worker, but on their entire family. We also don't know how many displaced Job Network employees are still unemployed as the survey distribution method of emailing people at workplaces has limitations which would make it difficult for an unemployed former Job Network employees to participate. However, we do know that some workers have not found employment since the transition or are now underemployed.

Some former Job Network people have obviously recovered well from being displaced and have not only found new work but found work that has a higher salary and with increased levels of work satisfaction. However, the overwhelming majority of displaced respondents lost conditions and/or pay as a result of the tender. If tender applicants were successful because they were undercutting workers' conditions and pay, this needs to be taken into serious consideration by DEEWR and the Australian Government. Steps need to be put in place by DEEWR to make sure that the entitlements and wages of workers are protected throughout the tender process and/or a process should be put in place that does not result in ongoing job instability.

Low wages and job insecurity will result in the continuation of the high turnover of staff that currently exists within the industry. The high staff turnover is a cost to government, employment services workers, job providers and job seekers. Money used to constantly recruit and train up new staff would be better spent on improving the retention rate within the sector and improving service delivery to job seekers rather than oiling the revolving door.

ASU recommendations

When the phrase Industry stakeholders is used this refers to employer peaks, job seeker and community advocates, unions representing employment services workers, and relevant academics with expertise in employment services.

Attraction and retention

1. That a body or working group be established as soon as possible that focuses on the sustainability of the employment services sector and works in partnership with DEEWR as required. This group should be made up of representatives from employer peaks, relevant unions, stakeholder representatives, the Community Services & Health Industry Skills Council, relevant academics and DEEWR and report to the Employment Services Minister. This body/working group should examine and make recommendations regarding:
 - Remuneration issues for the employment services industry including portability of long service leave.
 - A code of ethics and professional standards for all employment services workers.
 - A definition of employment services worker and the broad skill set required to fulfil the function of an employment services worker satisfactorily.
 - A training strategy that will enhance attraction and retention within the industry. These strategies will include professional development as well as promoting existing VET (Vocational Education and Training) courses regarding employment services.
 - Work patterns and work flow within the employment services industry as it relates to sustainability and worker satisfaction.
 - Developing and promoting information to providers regarding attraction and retention of workers including promoting family friendly and work-life balance strategies.
 - Developing and promoting strategies to make employment services work a professional career option for current workers and potential workers.
2. Industry stakeholders in partnership with DEEWR to develop material for the sector regarding implementing of family friendly and work-life balance policies within the employment services sector. Material should include case examples from employment services providers that already implement family friendly and work-life balance policies, outline the positive outcomes that can be achieved by implementing these strategies and provide examples of best practice policies.
3. Industry stakeholders in partnership with DEEWR to develop materials for the sector that recognises and promotes a positive workplace culture. Materials should include best practice examples and policies from employment services providers that already implement strategies to improve and/or maintain a positive workplace culture.
4. Industry stakeholders in partnership with DEEWR and the Community Services & Health Industry Skills Council to develop training material specifically for professional development for new and existing employment services managers. Training to include management theory, communication and creating a supportive workplace culture
5. Industry stakeholders in partnership with DEEWR to develop, distribute and analyse a survey of employees and employers across the employment services sector aimed at pinpointing the knowledge and skills gaps that employees and employers believe exist relating to professional skills. The survey will also investigate which method of training delivery they feel best meets their needs. This information to be used to enhance current training delivery and to fill the identified gaps.
6. Employment services providers to be encouraged to provide paid parental leave at full pay to staff as both an incentive for current workers to stay as well as an enticement to attract new skilled workers in to the workplace.

Job Network to JSA

1. That DEEWR move to an accredited provider model. Once accredited, providers can retain the employment services they currently have without needing to constantly retender for their existing market share. They will also have the ability to tender for new employment services contracts. If a provider breaches its obligations as an accredited provider, they can lose their accreditation and thus their employment services market share. This system provides workers with more job security as well as giving providers more security regarding income streams. Quality in this model does not suffer as quality is a key requirement in order to obtain and retain accreditation. This system will also stop the possibility of tenders being a force that puts downward pressure on employment services workers' wages and conditions.
2. If a reallocation of market share does occur, then DEEWR needs to ensure that measures are in place to protect workers job security and workers entitlements. This can in part be achieved if workers displaced by a reallocation process have the right of first refusal for work that may be available with the successful employment services provider. For more information see appendix C

Appendix A

A full copy of the survey is on the following 13 pages.

Introduction

Employment Services: not just a job

This is an Employment Service Worker Reconnection project which is undertaken by the ASU with funding from the Australian Government Department of Education, Employment and Workplace Relations (DEEWR). The project is investigating the migration of workers from Job Network providers to Job Services Australia (JSA) providers and the attraction and retention of a skilled workforce for JSA providers.

Your insights as workers in the employment services industry are invaluable and will provide important information to DEEWR.

This survey has two main points of enquiry:

1. What happened to workers that as the result of the JSA tender needed to find new employment; and
2. What strategies can be implemented to attract and retain a skilled workforce within JSA service providers.

By completing this survey you not only have an opportunity to have your say but you will be assisting us to provide the Government with accurate information regarding the opinions of workers in employment services.

All responses will be confidential.

The survey takes approximately 5 – 10 minutes to complete.

WIN an iPod: Complete this survey by 30 November 2009 and answer our competition question, to enter the competition for an 8GB iPod Nano. For conditions of entry please visit www.employmentservicesunion.org.au

For more information about this survey or the ASU please contact Julie Kun, the ASU JSA National Project Coordinator on (03) 9342 1450 or help@employmentservicesunion.org.au.

Current workplace information

1. Name (optional)

2. Occupation

Branch/site manager

CEO/Director

Employer marketing and liaison

Employment consultant

Information technology and support officer

Other (please specify)

Job placement support and administration officer

Professional counsellor

Specialist employment consultant

Team leader/coordinator

3. Employer

APM

Break Thru Employment

Campbell Page

Employment Services QLD

Madec Employment

Max Employment Solutions

Mission Australia

Other (please specify)

ORS Employment Solutions

Ostara Group

Salvation Army Employment Plus

Sureway Employment and Training

Worksolutions

Workways

4. Location – state/territory

NSW/ACT

QLD

SA/NT

TAS

VIC

WA

5. Location – town/suburb

6. In your current position are your wages and conditions governed by:

Award

Individual contract

Union enterprise agreement

Don't know

Non-union agreement

7. Length of service in a JSA and/or Job Network provider (may include previous employment).

Less than 1 year

1 – 2 years

3 – 4 years

5 – 6 years

7 years and over, please specify

8. Please state how many employers you have worked with during that time.

1

2

3

4

More than 4, please specify how many

Strategies to attract and retain a skilled workforce

9. Please indicate if there are any issues in your workplace that may impact on your preparedness to stay at the organisation. Choose as many options as apply.

- Excessive monitoring
 - Lack of training
 - Lack of support from management
 - Unreasonable targets
 - Difficulties accessing leave
 - Inability to balance work and family
 - Inadequate staffing levels
 - Poor pay
 - Other (please specify)
- Lack of portability of long service leave
 - Lack of career structure
 - Lack of support from management
 - Intimidation, bullying and harassment
 - A lack of variety of work
 - Workplace violence
 - I feel disconnected from the workplace's culture and philosophy

10. Please indicate if there are any issues in your workplace that encourage you to stay at the organisation. Choose as many options as apply.

- Good monitoring
 - The variety of training opportunities
 - Support from management
 - Targets
 - Ease at accessing leave
 - Ability to balance work and family
 - Adequate staffing levels
 - Well paid
 - Other (please specify)
- Long service leave
 - Access to a career structure
 - Support from management
 - Absents of intimidation, bullying and harassment
 - No workplace violence
 - Ability to undertake a variety of work
 - I feel connected to the workplace's culture and philosophy

11. Management treats me with respect.

- Always Often Sometimes Rarely Never

12. I feel that my job is secure.

- Always Often Sometimes Rarely Never

13. Management consults me about changes in my workplace that affect me.

Always Often Sometimes Rarely Never

14. I get on well with my co-workers.

Always Often Sometimes Rarely Never

15. I am provided with adequate training to perform my work.

Always Often Sometimes Rarely Never

16. I have a manageable workload.

Always Often Sometimes Rarely Never

17. I feel stressed at work.

Always Often Sometimes Rarely Never

18. If you answered "Always", "Often" or "Sometimes" to the previous question please tell us what makes you feel stressed or pressured at work. Choose as many options as apply.

- | | |
|---|--|
| <input type="checkbox"/> High workload | <input type="checkbox"/> Workplace violence |
| <input type="checkbox"/> Conflict with management | <input type="checkbox"/> Issues with other colleagues |
| <input type="checkbox"/> Dealing with service users | <input type="checkbox"/> Lack of suitable employment options for service users |

Other (please specify)

19. My employer supports my work-life balance.

Always Often Sometimes Rarely Never

Strategies to attract and retain a skilled workforce, cont.

20. I believe that the pay I receive is appropriate for the work I do.

Yes

No

21. How long do you intend on staying in the industry?

Less than 6 months

6 months to 1 year

More than 1 year up to 3 years

More than 3 years up to 5 years

More than 5 years

22. I would like for myself and my co-workers to have access to paid parental leave at full pay.

Yes

No

23. I would like for myself and my co-workers to have access to a portable long service leave system.

Yes

No

* 24. Did you work for a Job Network provider that lost its funding in the JSA funding round?

Yes

No

Job Network provider transition

25. Which Job Network provider did you work for that lost its funding in the JSA funding round?

Sarina Russo

Centacare Melbourne

Salvation Army Employment Plus

Mission Australia

Other (please specify)

26. Location – state/territory.

NSW/ACT

TAS

QLD

VIC

SA/NT

WA

27. Location – town/suburb.

28. How long did you work there?

Less than 1 year

1 – 2 years

3 – 4 years

5 – 6 years

7 years and over, please specify

29. Did you receive a redundancy payout?

Yes

No

30. Did you get re-employed with a service that took over many of the services of your old employer?

Yes

No

31. Are you undertaking a similar role with your new employer?

Yes

No

32. In your new role please select as many of the following statements as apply.

- I have a more challenging and stimulating role
- I have a less challenging and stimulating role
- I am utilising my skills better compared to my previous role
- I am under-utilising my skills compared to my previous role
- I have an increased ability to affect change for service users
- I have a decreased ability to affect change for service users
- I am happier at work
- I am less happy at work
- I have an increased workload
- I have a decreased workload

33. Did you lose any accumulation of sick leave as a result of changing employer?

- Yes
- No

34. If you answered yes to the previous question, please approximate how many days.

- Less than 10 days
- 10-20 days
- 21-30 days
- 31-40 days
- Over 40 days, please specify

Job Network provider transition, cont.

35. Did you lose access to unpaid parental leave as a result of changing employer?

Yes

No

36. Did you lose access to paid parental leave at full pay as a result of changing employer?

Yes

No

37. If you answered yes to the previous question, how much parental leave did you lose?

1 week

5 weeks

2 weeks

6 weeks

3 weeks

7 weeks

4 weeks

8 weeks

More than 8 weeks, please specify

38. Did you lose any accumulated long service leave?

Yes

No

39. If you answered yes to the previous question, how much accumulated long service leave entitlement did you lose as a result of changing employer?

1 week

4 weeks

2 weeks

5 weeks

3 weeks

6 weeks

More than 6 weeks, please specify

40. Do you receive less pay as a result of change of employer?

Yes

No

41. If you answered yes to the previous question, please tick as many of the following as apply.

My position with my new employer is not as well paid.

My position with my new employer has reduced hours compared with my position at my last employer.

I am not able to access salary packaging with my new employer.

42. If you are being paid less, by how much?

Less than \$2,000 per year

Between \$2,000 and less than \$5,000 per year

Between \$5,000 and less than \$8,000 per year

Between \$8,000 and less than \$10,000 per year

\$10,000 or more per year

43. Please list any other entitlements condition you believe you lost.

44. Did you gain any sick leave entitlements as a result of changing employer?

Yes

No

45. If you answered yes to the previous question, please approximate how many additional days.

1 – 5 additional days per year

6 – 10 additional days per year

More than 10 additional days per year, please specify

46. Did you gain access to paid parental leave at full pay as a result of changing employer ?

Yes

No

47. If you answered yes to the previous question, how much parental leave did you gain? Please specify in number of weeks.

48. Did you gain improved long service leave entitlement as a result of changing employer?

Yes

No

49. Do you receive more pay as a result of change of employer?

Yes

No

50. If you answered yes to the previous question, please tick as many of the following as apply:

- My position with my new employer is paid more.
- My position with my new employer has more hours of work.
- My position with my new employer enables me to access salary packaging.

51. If you are being paid more, by how much?

Less than \$2,000 per year

Between \$2,000 and less than \$5,000 per year

Between \$5,000 and less than \$8,000 per year

Between \$8,000 and less than \$10,000 per year

More than \$10,000 per year

52. Please list any other entitlements/conditions you believe you have gained.

Final section

Please note this survey remains completely confidential at all times. Nothing identifying you or your workplace will be released to anyone.

53. Are you a member of a union?

No

Yes, please specify (eg. ASU)

You can join the ASU online either by [clicking here](#) or on the image below.



54. If you are not a member of the ASU, would you like information about joining?

Yes

No

55. Are you interested in learning more about the Australian Services Union (ASU) and our involvement in employment services? (The ASU is the union for workers in the non-government employment sector for both profit and not for profit employers.)

Yes

No

56. If you answered yes to receiving information about joining the ASU or learning more about the ASU please provide your name and email address.

Name

Email address

57. If you would like to subscribe to the National ASU email news service please provide your email address.

Email address

58. To enter the competition for the iPod Nano please answer the following questions.

What does "ASU" stand for?

Your name

Workplace

Contact number

Email address

Appendix B

One page employer survey.

Transition of workers from Job Network to JSA

Name (optional)

Name of organisation (optional)

How many staff are employed in your organisation

List the state and/or territories your service operates in

Was your organisation a Job Network provider? Yes/No

Was your organisation successful in the JSA tender? Yes / No

If unsuccessful how many staff were impacted?

What happened to these impacted staff (tick as many as appropriate)?

- Organisation was able to find them new jobs within our organisation, how many staff __
- Impacted workers were able to find jobs within the employment sector prior to July 1 2009, how many staff __
- Impacted workers were not able to find jobs in the employment sector prior to their jobs terminating. How many staff __
- Employment of impacted workers was transferred from our organisation to the new provider in our area, how many staff __
- Impacted workers left the employment sector altogether and got jobs in an unrelated field, How many staff __
- Impacted workers left organisation at end of our JSA contract and to the best of my knowledge are unemployed, how many staff __
- other _____ how many staff __
- other _____ how many staff __

If your organisation was successful in the JSA tender did your organisation hire staff from the unsuccessful Job Network Providers?

If Yes how many?

Why did your organisation employ ex-Job Network staff?

If no, why did your organisation not employ ex- Job Network staff?

Any other comments regarding the transitions of staff from unsuccessful Job Network providers to JSA providers?

Thank you for your cooperation.

Appendix C

The “Executive Order 13495 of January 30, 2009, Nondisplacement of Qualified Workers Under Service Contracts” is on the following four pages.

Presidential Documents

Executive Order 13495 of January 30, 2009

Nondisplacement of Qualified Workers Under Service Contracts

When a service contract expires, and a follow-on contract is awarded for the same service, at the same location, the successor contractor or its subcontractors often hires the majority of the predecessor's employees. On some occasions, however, a successor contractor or its subcontractors hires a new work force, thus displacing the predecessor's employees.

The Federal Government's procurement interests in economy and efficiency are served when the successor contractor hires the predecessor's employees. A carryover work force reduces disruption to the delivery of services during the period of transition between contractors and provides the Federal Government the benefits of an experienced and trained work force that is familiar with the Federal Government's personnel, facilities, and requirements.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 101 *et seq.*, and in order to promote economy and efficiency in Federal Government procurement, it is hereby ordered as follows:

Section 1. Policy. It is the policy of the Federal Government that service contracts and solicitations for such contracts shall include a clause that requires the contractor, and its subcontractors, under a contract that succeeds a contract for performance of the same or similar services at the same location, to offer those employees (other than managerial and supervisory employees) employed under the predecessor contract whose employment will be terminated as a result of the award of the successor contract, a right of first refusal of employment under the contract in positions for which they are qualified. There shall be no employment openings under the contract until such right of first refusal has been provided. Nothing in this order shall be construed to permit a contractor or subcontractor to fail to comply with any provision of any other Executive Order or law of the United States.

Sec. 2. Definitions.

(a) "Service contract" or "contract" means any contract or subcontract for services entered into by the Federal Government or its contractors that is covered by the Service Contract Act of 1965, as amended, 41 U.S.C. 351 *et seq.*, and its implementing regulations.

(b) "Employee" means a service employee as defined in the Service Contract Act of 1965, 41 U.S.C. 357(b).

Sec. 3. Exclusions. This order shall not apply to:

(a) contracts or subcontracts under the simplified acquisition threshold as defined in 41 U.S.C. 403;

(b) contracts or subcontracts awarded pursuant to the Javits-Wagner-O'Day Act, 41 U.S.C. 46-48c;

(c) guard, elevator operator, messenger, or custodial services provided to the Federal Government under contracts or subcontracts with sheltered workshops employing the severely handicapped as described in section 505 of the Treasury, Postal Services and General Government Appropriations Act, 1995, Public Law 103-329;

(d) agreements for vending facilities entered into pursuant to the preference regulations issued under the Randolph-Sheppard Act, 20 U.S.C. 107; or

(e) employees who were hired to work under a Federal service contract and one or more nonfederal service contracts as part of a single job, provided that the employees were not deployed in a manner that was designed to avoid the purposes of this order.

Sec. 4. Authority to Exempt Contracts. If the head of a contracting department or agency finds that the application of any of the requirements of this order would not serve the purposes of this order or would impair the ability of the Federal Government to procure services on an economical and efficient basis, the head of such department or agency may exempt its department or agency from the requirements of any or all of the provisions of this order with respect to a particular contract, subcontract, or purchase order or any class of contracts, subcontracts, or purchase orders.

Sec. 5. Contract Clause. The following contract clause shall be included in solicitations for and service contracts that succeed contracts for performance of the same or similar work at the same location:

“NONDISPLACEMENT OF QUALIFIED WORKERS

“(a) Consistent with the efficient performance of this contract, the contractor and its subcontractors shall, except as otherwise provided herein, in good faith offer those employees (other than managerial and supervisory employees) employed under the predecessor contract whose employment will be terminated as a result of award of this contract or the expiration of the contract under which the employees were hired, a right of first refusal of employment under this contract in positions for which employees are qualified. The contractor and its subcontractors shall determine the number of employees necessary for efficient performance of this contract and may elect to employ fewer employees than the predecessor contractor employed in connection with performance of the work. Except as provided in paragraph (b) there shall be no employment opening under this contract, and the contractor and any subcontractors shall not offer employment under this contract, to any person prior to having complied fully with this obligation. The contractor and its subcontractors shall make an express offer of employment to each employee as provided herein and shall state the time within which the employee must accept such offer, but in no case shall the period within which the employee must accept the offer of employment be less than 10 days.

“(b) Notwithstanding the obligation under paragraph (a) above, the contractor and any subcontractors (1) may employ under this contract any employee who has worked for the contractor or subcontractor for at least 3 months immediately preceding the commencement of this contract and who would otherwise face lay-off or discharge, (2) are not required to offer a right of first refusal to any employee(s) of the predecessor contractor who are not service employees within the meaning of the Service Contract Act of 1965, as amended, 41 U.S.C. 357(b), and (3) are not required to offer a right of first refusal to any employee(s) of the predecessor contractor whom the contractor or any of its subcontractors reasonably believes, based on the particular employee’s past performance, has failed to perform suitably on the job.

“(c) In accordance with Federal Acquisition Regulation 52.222–41(n), the contractor shall, not less than 10 days before completion of this contract, furnish the Contracting Officer a certified list of the names of all service employees working under this contract and its subcontracts during the last month of contract performance. The list shall also contain anniversary dates of employment of each service employee under this contract and its predecessor contracts either with the current or predecessor contractors or their subcontractors. The Contracting Officer will provide the list to the successor contractor, and the list shall be provided on request to employees or their representatives.

“(d) If it is determined, pursuant to regulations issued by the Secretary of Labor (Secretary), that the contractor or its subcontractors are not in compliance with the requirements of this clause or any regulation or order of the Secretary, appropriate sanctions may be imposed and remedies invoked against the contractor or its subcontractors, as provided in Executive Order (No.) _____, the regulations, and relevant orders of the Secretary, or as otherwise provided by law.

“(e) In every subcontract entered into in order to perform services under this contract, the contractor will include provisions that ensure that each subcontractor will honor the requirements of paragraphs (a) through (b) with respect to the employees of a predecessor subcontractor or subcontractors working under this contract, as well as of a predecessor contractor and its subcontractors. The subcontract shall also include provisions to ensure that the subcontractor will provide the contractor with the information about the employees of the subcontractor needed by the contractor to comply with paragraph 5(c), above. The contractor will take such action with respect to any such subcontract as may be directed by the Secretary as a means of enforcing such provisions, including the imposition of sanctions for non-compliance: provided, however, that if the contractor, as a result of such direction, becomes involved in litigation with a subcontractor, or is threatened with such involvement, the contractor may request that the United States enter into such litigation to protect the interests of the United States.”

Sec. 6. Enforcement. (a) The Secretary of Labor (Secretary) is responsible for investigating and obtaining compliance with this order. In such proceedings, the Secretary shall have the authority to issue final orders prescribing appropriate sanctions and remedies, including, but not limited to, orders requiring employment and payment of wages lost. The Secretary also may provide that where a contractor or subcontractor has failed to comply with any order of the Secretary or has committed willful violations of this order or the regulations issued pursuant thereto, the contractor or subcontractor, and its responsible officers, and any firm in which the contractor or subcontractor has a substantial interest, shall be ineligible to be awarded any contract of the United States for a period of up to 3 years. Neither an order for debarment of any contractor or subcontractor from further Government contracts under this section nor the inclusion of a contractor or subcontractor on a published list of noncomplying contractors shall be carried out without affording the contractor or subcontractor an opportunity for a hearing.

(b) This order creates no rights under the Contract Disputes Act, and disputes regarding the requirement of the contract clause prescribed by section 5 of this order, to the extent permitted by law, shall be disposed of only as provided by the Secretary in regulations issued under this order. To the extent practicable, such regulations shall favor the resolution of disputes by efficient and informal alternative dispute resolution methods. The Secretary shall, in consultation with the Federal Acquisition Regulatory Council, issue regulations, within 180 days of the date of this order, to the extent permitted by law, to implement the requirements of this order. The Federal Acquisition Regulatory Council shall issue, within 180 days of the date of this order, to the extent permitted by law, regulations in the Federal Acquisition Regulation to provide for inclusion of the contract clause in Federal solicitations and contracts subject to this order.

Sec. 7. Revocation. Executive Order 13204 of February 17, 2001, is revoked.

Sec. 8. Severability. If any provision of this order, or the application of such provision or amendment to any person or circumstance, is held to be invalid, the remainder of this order and the application of the provisions of such to any person or circumstances shall not be affected thereby.

Sec. 9. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

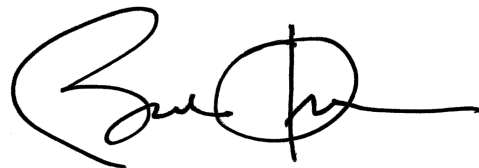
(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. This order is not intended, however, to preclude judicial review of final decisions by the Secretary in accordance with the Administrative Procedure Act, 5 U.S.C. 701 *et seq.*

Sec. 10. *Effective Date.* This order shall become effective immediately and shall apply to solicitations issued on or after the effective date for the action taken by the Federal Acquisition Regulatory Council under section 6(b) of this order.

A handwritten signature in black ink, appearing to be Barack Obama's signature, consisting of a large 'B' followed by a circle and a horizontal line.

THE WHITE HOUSE,
January 30, 2009.



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