# UNIT NS tasmania

# **Budget Submission**

Tasmanian Government Budget 2022-23

Per Jessica Munday, Secretary Unions Tasmania 212 Liverpool Street, Hobart

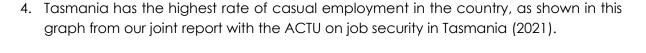
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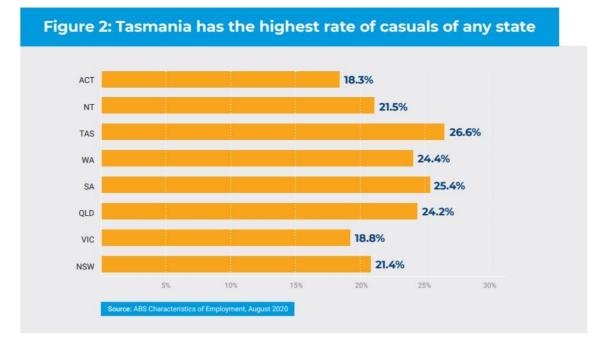
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# About Unions Tasmania

- 1. Unions Tasmania has a long and proud history of advocating for working people in Tasmania. Initially established as the Trades and Labor Council of Hobart in 1883, and now operating as Unions Tasmania, there is no other Tasmanian peak body dedicated to giving a voice to working people. For over 135 years, Unions Tasmania has been advocating for the improvement of wages, conditions, safety and living standards for working Tasmanians and their families.
- 2. Unions Tasmania represents our affiliate unions who comprise approximately 50,000 members. We represent workers across industry, in the private and public sector. Unions Tasmania is also the local branch of the Australian Council of Trade Unions (ACTU).
- 3. A number of our affiliate unions are also making submissions detailing the key issues for workers in their sectors to this consultation process, which we endorse. This submission sets out persistent, widespread issues for workers that we advocate for the Tasmanian Government to prioritise in its economic planning, particularly job security, public services, and sustainable new industry growth, as well as proposing new initiatives to strengthen and protect the workplace rights of Tasmanian people.

# Secure Jobs





- 5. Around 30% of employed people in Tasmania are on insecure, nonstandard work arrangements including casual (55,900), independent contractor (20,800) or fixed term contracts (3,800). The casualisation rate is above average in every region of the state and on top of this, some 20,400 Tasmanian workers are juggling multiple jobs (Unions Tasmania and ACTU, 2021). Multiple job holding and underemployment are too often connected, with workers in disability care for example often holding multiple jobs in a bid to seek enough hours to earn a living.
- 6. Casualisation is widespread across Tasmania, with the biggest numbers of casuals seen in hospitality (accommodation and food services) at 11,400, retail trade at 10,300, and healthcare and social assistance at 7,700 (Unions Tasmania and ACTU, 2021)
- 7. We note that workers in Tasmania continue to earn the lowest full time adult average weekly earnings in the country (Australian Bureau of Statistics, 2021). Weekly wages are highest for the Australian Capital Territory and Western Australia at \$1,908 and \$1,879 respectively. The national average was \$1,737. By contrast, the weekly wage for a Tasmanian worker was significantly less at \$1,520. That's a difference of \$388 per week between the ACT and Tasmania, or a difference of \$216 per week between the national averages.
- 8. This poor wage performance is connected to the prevalence of casual work in our state. Casual workers, of which Tasmania has more than the rest of the country, are more likely to be in award-reliant jobs, working fewer hours and earning less than non-casual workers. Their insecure employment status also diminishes their capacity to defend themselves against employer malfeasance, including wage theft, because they cannot afford the financial risk of suddenly losing shifts.
- 9. Wage theft remains a persistent threat to workers in Tasmania and across the country. Whilst more prominent cases have been reported in the media such as the blatant visa worker exploitation of 100 plasterers on the Royal Hobart Hospital redevelopment who hadn't been paid for nine weeks and were collectively owed almost \$1M (Australian Broadcasting Corporation, 2018a), Tasmanian supermarket contract cleaners at 90% of Woolworths sites who were found not to be complying with workplace laws (Australian Broadcasting Corporation, 2018a), or the 32 Hobart hospitality businesses caught underpaying their staff (Fair Work Ombudsman, 2021), Unions Tasmania knows that there are many cases of wage theft that don't make the papers. We also know there are industries where wage theft is more likely to occur, because of the proliferation of labour hire, or a casualised workforce, or where there are high numbers of young and migrant workers. Our experience tells us where you find groups of vulnerable workers, such as those in insecure work, you will find wage theft.
- 10. About one in two casual workers do not in reality receive the casual loading that they are owed, which is supposed to provide some compensation for missing out on the leave and other entitlements that they would receive as permanent workers (Peetz, 2020). Tasmanian casuals are earning \$30 per week less than the national average for casuals (Unions Tasmania and ACTU, 2021, p. 11).

- 11. Workers in insecure jobs face immediate barriers to speaking up about pay and conditions. This problem is illustrated in a recent submission to our website by a Tasmanian hospitality worker: "Being casual I don't know how much I will earn every week so I have to think twice before spending on something. I don't feel comfortable to speak up if I am not treated well by employer as if someone speaks employer tries to reduce regular working hours which happened to me."
- 12. It is likewise more difficult for workers to speak up about health and safety concerns in the workplace, if that means challenging an employer who can simply elect to dispose of their job, without warning, because it is insecure.
- 13. In Tasmania, we also see lower median hourly earnings for labour hire workers than other states (Unions Tasmania and ACTU, 2021, p. 11). Unions Tasmania continues to advocate for a labour hire licencing and regulation system in our state, as has already happened in Queensland, the ACT, Victoria, South Australia and soon Western Australia, to help ensure that labour hire workers receive all their entitlements.
- 14. Job and income security are empowering for Tasmanian workers, both at work and at home. We hear regularly from workers that casual incomes are a major barrier to accessing housing. Just this week the release of the latest homelessness data, showing that the largest group of Tasmanians seeking homelessness services are now young women aged 18-34, served as a reminder that casual workers end up disempowered in the community and the housing market because they don't have the income security they need to avoid homelessness (Holmes, 2021).
- 15. The wage suppression that accompanies insecure work threatens in turn the security of businesses in the wider Tasmanian economy, because when wages are unreliable, so is domestic consumption. Heading into the COVID-19 pandemic, household consumption made up more than half (56%) of Australia's GDP and it was even more critical to the Tasmanian economy at 64% of GSP (Nahum, 2020, p.19).
- 16. The Tasmanian Government's COVID recovery planning process also identified high levels of casual and part time work as vulnerabilities for Tasmanians and our economy, and the restoration of demand as a priority (Premier's Social and Economic Recovery Advisory Council, 2020, p.12). However, this year the Federal Government has amended the Fair Work Act 2009 to make it even easier to keep workers casual, without consideration of the dampening effect job insecurity has on local economies such as in Tasmania.
- 17. We strongly recommend the Tasmanian Government to build specific consideration of outcomes such as job security and income security for Tasmanian workers into its economic development planning. The Tasmanian Government should lead by example in offering job security to its workforce. The practice of ongoing, permanent positions being replaced by casual jobs or rolling fixed term contracts needs to end. Employees should have clear pathways to convert from casual to permanent employment. 'Top up' employment practices are an insidious form of job and wage insecurity, whereby the state government is obtaining the benefits of a full-time

workforce, without employees receiving the benefits of income security that should come from that. Workers in various agencies are being employed with minimal guaranteed hours, for example 10 hours per week or 50 hours per year, despite regularly working up to full-time hours, and being expected to always remain available, without that security being reciprocated.

# 18. Unions Tasmania makes the following recommendations on job and income security:

#### 18.1. Plan for Secure Jobs

18.1.1. The Tasmanian Government recognises job security as a critical issue for all working people. We further recommend the Tasmanian Government take measures to ensure job security in its own workforce and then consider what strategies it can employ to encourage business to engage employees in secure work.

# 18.2. Regulate labour hire

18.2.1. The Tasmanian Government develops a licencing scheme for labour hire companies.

# 18.3. Tasmanian inquiry into wage theft

18.3.1. The Tasmanian Government resources and undertakes a comprehensive inquiry into wage theft in Tasmania, with a view to legislating to tackle the problem.

# 18.4. Establish a Workers' Rights Centre

18.4.1. The Tasmanian Government allocates funding of \$250,000 for the establishment of a Workers' Rights Centre within Unions Tasmania to support vulnerable workers. This recommendation is also listed in the Community Consultation Submission Cover Sheet attached to this submission.

# 18.5. Learning about rights at work

18.5.1. The Tasmanian Government allocates resources to build and implement, in partnership with unions and employers, school curriculum content about workers' rights and the roles of employers, government and unions in the world of work.

# 18.6. Ethical Supply Chain Audit

18.6.1. The Tasmanian Government allocate funds and conduct an ethical supply chain audit of all state procurement, to identify where obligations to workers are not being met, including but not limited to wage theft, and use this to inform future government policy.

### 18.7. Portable Long Service Leave

18.7.1. The Tasmanian Government establishes a Portable Long Service Leave scheme, like that in the construction industry, for the community services, cleaning and security and other contracting sectors.

# A Just Transition and Sustainable New Jobs

- 19. The Tasmanian, Australian and global union movement support ambitious action and targets to cut carbon emissions, and a just transition towards a climate resilient and low carbon economy.
- 20. Tasmanians need ambitious climate and energy policy to limit the impacts of climate change and maximise the benefit of transitioning to a low carbon economy. Tasmanians need coherent industry planning to ensure that no workers or communities are left behind as we transition to Net Zero Emissions and build the sustainable new jobs of the future. Policies and investment that not only support industries but also give direct consideration to job outcomes for the people who work in them, will be essential to ensure that new industry growth in Tasmania delivers for Tasmanians, with sustainable, secure jobs, good pay and safe working conditions.
- 21. Workers across the public and private sector are already living with the impacts of the climate crisis, for example responding on the frontline to increasing extreme weather events like bushfires, floods and storms, treating patients with heat exhaustion and smoke inhalation, working outdoors in heatwaves, supporting families through climate disasters, maintaining power supply while the system is undergoing rapid transformation, adapting work systems to reduce emissions, and dealing with the impact that climate change is having on every job.
- 22. Tasmanian unions are in direct contact with workers across industry and are the only organisations dedicated to giving a voice to working people. Through the global union network, Tasmanian unions also have access to international expertise in just transition to climate resilient and low carbon economies. Locally, a growing body of targeted research and policy development is showing that we can maximise the benefits of climate action while minimising hardships for workers and their communities and must ensure that workers are at the table when climate and energy policy is being made and implemented. See for example Nahum (2020), Australian Council of Trade Unions (2020, 2021), Accenture (2021).
- 23. Tasmania, like other states, is progressing with Net Zero Emissions targets in the absence of clear federal planning for economic transition. Unions Tasmania continues to advocate for a tripartite planning process with Government, business, and unions to

manage change and plan for the jobs of the future. As a starting point, targeted research is needed, to develop an understanding of climate impacts across the Tasmanian workforce and the needs of workers, to inform climate and energy policy. This research should be worker centred and establish an evidence base for policy making that prioritises the creation of safe, well-paid, and secure Tasmanian jobs.

- 24. Tasmania should position itself for new industry growth that is not only strong but importantly, equitable. Tasmania is very well positioned to make a just transition but needs immediate investment in publicly owned renewable generation, manufacturing and distribution to protect consumers, and we need to provide meaningful retraining opportunities for displaced workers in vacating industries. We need the Government investing in new industries that provide good, secure, well-paying jobs in a renewable energy future. And we need genuine collaboration with both unions and employers to plan this growth.
- 25. In addition to publicly owned renewable energy, the Tasmanian government should consider conditional co-investment in strategic industries, which have not only an export orientation and strong supply chain linkages in the local economy, but which also have a strong potential to pay high and rising incomes, such as manufacturing, arts and entertainment, sustainable energy and manufacturing, food production and higher education. We note the analysis of these sectors in the Centre for Future Work report into Tasmania's economic recovery (Nahum, 2020), and support the principles that co-investment in strategic industries should occur in a way that involves strong consultation with workers and the community, and that seeks to maximise social, environmental and longer-term benefits.
- 26. Consideration should also be given to leveraging the demand for Tasmania's Hydroelectricity and the development of a green hydrogen industry in Tasmania, beyond the export of clean energy itself, to attract suitable energy-intensive industries that would diversify our economy, and to build new manufacturing and services industries locally. For example, the Accenture report into Australia's opportunity to create clean export jobs (2021) identifies strong export opportunities for renewable energy and minerals, as well for the technology and services needed to support local production.

# 27. Unions Tasmania makes the following recommendations for a just transition and sustainable new jobs:

#### 27.1. Research into the climate change experience and needs of Tasmanian workers.

27.1.1. The Tasmanian Government allocate funds (\$50,000) for a targeted research project to establish climate impacts on Tasmanian workers and the needs of Tasmanian workers, to form an evidence base for policy making about renewables, climate, and future industries. This research should be

coordinated by Unions Tasmania. A Community Consultation Submission Cover Sheet is attached.

# 27.2. Tripartite planning.

- 27.2.1. The Tasmanian Government establish an Energy Transition Authority at a state level (and advocate for a federal Energy Transition Authority) and commit to a tripartite planning process for a just transition, with Tasmanian unions and employers. This process should be focussed on:
  - Transforming Tasmania into a global renewable energy powerhouse, with a jobs and industry plan to make it work for Tasmanians;
  - Delivering affordable electricity to serve the Tasmanian community; and
  - Growing the Tasmanian economy and creating good jobs.

# 27.2.2. Nurturing strategic industry and jobs growth.

27.2.3. The Tasmanian Government establishes and resources a program of conditional co-investment in strategic industry sectors, that involves strong consultation with workers and the community, and that seeks to maximise social, environmental and longer-term benefits to Tasmanians.

# Public Sector Growth

- 28. The public service supports Tasmanian workers, families, and businesses daily, whether at the most highly cited areas of frontline health, aged care, housing, education and training; or in delivering projects to keep Tasmanians connected, safe and strong, managing resources and infrastructure, supporting economic growth, or the many other roles that keep our state moving.
- 29. Public services are a high priority for Tasmanian workers. When asked what a better Tasmania looks like, a bigger public sector was a clear priority identified by Tasmanian workers, with 39% of those surveyed calling for increased services to build a resilient community and economy (Unions Tasmania, 2020).
- 30. Public services were a recurring theme throughout the survey, and expressly identified by one in three workers as a priority area for government investment. Respondents also highlighted the opportunity to drive economic growth with direct public sector employment. Overall, close to 60% of respondents wanted more public services.
- 31. The Tasmanian Government has an opportunity to boost job and income security for Tasmanians by 'backsourcing' or returning public sector services that have previously been outsourced to the private sector wholly back to the public sector. This is desirable

to ensure quality of services, accountability of public spending and cost efficiency. Profit motives work against good public service outcomes.

- 32. Privatisation of public services is a problem in Tasmania with respect to reliability, access, value for money, as well as job security outcomes. A preference to appoint new positions as casual or fixed term contract rather than permanent is seen in all parts of the state service, or failing that to outsource functions altogether.
- 33. Time and again we have seen secure jobs lost and outsourced in essential public services like utilities after they became GBEs. Unions Tasmania is remains strongly opposed to the privatisation of TasTAFE, which will not improve TAFE but threatens to see our premier public vocational education provider corporatised and turned into a business while hardworking TasTAFE employees face an uncertain and insecure future.

# 34. Unions Tasmania makes the following recommendation on public sector growth and ending privatisation.

# 34.1. A bigger public sector

34.1.1. The Tasmanian Government purposefully expands the size and capacity of Tasmania's public service, to fill gaps in essential service delivery, to implement the government's recovery plans, to return failed privatisation experiments to public hands and as a direct employment measure.

# Apprenticeships and Training

- 43. The apprenticeship and training system should be strengthened to meet Tasmania's needs for economic growth, and to ensure that Tasmanian workers are well positioned for jobs in the future. We use the term apprentice in this submission to refer to both apprentices and trainees.
- 44. Vocational skills are central to the creation of a well-educated, socially capable and resilient population with the skills to face the future. Vocational education and training are essential to creating industries and enterprises that are responsive to changes in technology and the national and world economy and can compete globally and provide secure employment and career path opportunities for workers.
- 45. A skilled and adaptable workforce is essential to productivity and represents a high value public good that is worthy of public investment. However, the number of apprenticeships in Tasmania has dropped in recent years. The Tasmanian Government is a major procurer of building, construction, and maintenance works, and has prioritised construction spending as part of its COVID-19 recovery strategy, so it is well-placed to insist that publicly funded projects deliver real apprenticeships and training

to Tasmanian workers, by mandating and enforcing a ratio for publicly funded projects.

- 46. In recent years, we have seen the beginnings of a push by some employers in Tasmania for institutional delivery of apprenticeships, meaning that apprentices would be enrolled with an educational institution but without the security of a training contract to ensure that they emerge at the completion of their apprenticeship with recognised and industry-relevant qualifications. Rather they would be expected to shop themselves around for any work experience they could get, without a structured work experience process or assured quality of training. We remain of the view that such a system should be resisted and dismissed as it would reduce financial security and professional outcomes for the apprentice, as well as deliver second-class apprentices to industry, representing a poor return on investment for public funds.
- 47. Unions Tasmania is dismayed at the passage of legislation in November to turn our public TAFE into a Government Business Enterprise. This move is simply privatisation by another name of an essential public service that supports Tasmania's growth. We echo the concerns of public sector unions that such a move would result in poor employment outcomes for Tasmanian workers at TAFE's 12 locations across the state, as well as diminished accessibility and outcomes for students, especially in regional areas, noting the failed privatisation experiment of TAFE in South Australia, resulting in dozens of campus closures to meet profit imperatives. TAFE must be kept public and returned to its former status as a centre of excellence.

#### 35. Unions Tasmania makes the following recommendations on apprentices and training:

#### 35.1. Apprentice ratios

35.1.1. The Tasmanian Government ensure that a ratio of at least one in five of workers on projects it funds, and likewise in Government Business Enterprises, are apprentices, and resources appropriate agencies empowered to ensure compliance with this ratio.

#### 35.2. Maintain training contract-based apprenticeships

35.2.1. The Tasmanian Government maintains the existing program of training contract-based apprenticeships and rejects any push to institutional delivery.

#### 35.3. Cancel the privatisation of TAFE

35.3.1. The Tasmanian Government reverses its plan to turn TasTAFE into a GBE, keeps TAFE public, and commits to appropriate funding to ensure that TAFE can deliver the quality of programs that the community needs, as well as fund the day to day running costs associated with these programs.

# Strengthening Work Health and Safety

- 36. Secure jobs are important for work health and safety (WHS) as discussed elsewhere in this submission. In this section we advocate for resourcing a bigger WHS inspectorate, legislative reform, and the Workers' Memorial Park.
- 37. We commend the Tasmanian Government's support this year for a psychological health hazards regulation to be introduced into the model WHS laws, as recommended in the Boland Review (2020) and look forward to its eventual introduction into Tasmania's WHS Act. We are disappointed that to date there has not been a commitment from Tasmania to adopt the industrial manslaughter recommendation from the same review. Industrial manslaughter is discussed further below. Unions Tasmania supports all the Boland Review's recommendations and continues to advocate for their adoption.
- 38. Each year, thousands of Tasmanians are hurt on the job, with 7,330 workplace injuries recorded in 2020 alone (WorkSafe Tasmania, 2021). Staffing of the workplace safety regulator, WorkSafe Tasmania, has declined more than 40% from 157 in 2013 (Department of Justice, 2013) to about 92 this year (Department of Justice, 2021). Unions Tasmania remains of the view that there are too few inspectors to adequately cover Tasmanian worksites.
- 39. It is devastating to see that another eight people were killed at work in Tasmania last year (Safe Work Australia, 2021). We know that workplace fatality statistics do not represent the full number of deaths due to work in Tasmania, because they do not include for example suicides of first responders who take their lives at home, a range of transport related fatalities or other illnesses that workers develop because of their job, which lead to their death. Appallingly, in the case of workplace deaths, Tasmanian families have experienced time and again the callous disregard of some employers which, even where they are at fault, seem to treat the fines as simply a cost of doing business.
- 40. Unions Tasmania continues to advocate for the Tasmanian Government to introduce industrial manslaughter laws, because they are necessary to deter employers from risking the safety of Tasmanians in their workplaces. Almost every other state and territory has already moved on this issue, with industrial manslaughter legislation now enacted in NSW, QLD, Victoria, the Northern Territory, the ACT and WA.
- 41. In addition to industrial manslaughter laws, Tasmanian families deserve a fitting place where they can remember their loved ones who did not make it home. The Workers' Memorial (or Commemorative) Park exists in Invermay's Elizabeth Gardens. It was opened in 2011 following years of tireless work from unions, community members, and, in particular, Guy and Karen Hudson whose son Matthew was killed at the Blue Ribbon meatworks in 2004.

- 42. Plans were designed for the Park with Stage 1 being completed to allow for opening eight years ago. Since then, the Park has remained unfunded and unfinished. The Park was intended to include a BBQ area, walkways and work-related installations. Without these additions, the Park is not being utilised to its full potential by the public and there exists a missed opportunity to use the Park to educate the community on the importance of safety at work.
- 43. Unions Tasmania would gladly facilitate tours of the Park and other education initiatives if it were completed to its original design or similar. This year Unions Tasmania submitted a grant application to the WorkCover Tasmania Board for funds of \$287,250 to complete the park, endorsed by the City of Launceston. We were advised by the Board that funding for this project unfortunately would not fall within its remit, and that it does not have the power to fund the park's completion. We attach copies of the submission and correspondence for reference. We seek your support for the completion of the Park, which would mean so much to the families of workers killed on the job, many of whom attend our service to mark their passing each year on International Workers' Memorial Day.
- 44. Unions Tasmania strongly endorses the recommendations of the Australian Human Rights Commission's Respect@Work report into workplace sexual harassment (Jenkins, 2020). It is abundantly clear that safety from gendered violence is a high priority issue that must urgently be addressed in the workplace. Following significant public pressure, the Federal Government has agreed to partially implement this report's recommendations. All 55 recommendations need to be implemented and we encourage the Tasmanian Government to make its own changes where it has jurisdiction, and to press the Federal Government to act where they do not.

# 45. Unions Tasmania makes the following recommendations to strengthen work health and safety:

#### 45.1. More WorkSafe Inspectors

45.1.1. The Tasmanian Government increases staffing of WorkSafe Tasmania, to increase the number of inspectors overall, as well as to ensure that individual inspectors with industry-specific expertise are in place to manage safety issues for specific industries.

#### 45.2. WHS Penalty Provisions and Collection

45.2.1. The Workplace Health and Safety Act 2012 should ensure that there is regular indexation of penalties in line with other penalties outlined in legislation. A steady reduction in the real-terms value of penalties will lead to unsafe workplaces and provide less incentive for penalties to be pursued by the Regulator as the cost of recovery will often be greater than the penalty itself. Consideration should be given to permitting trade unions to

take court action including the collection of monetary penalties under the same Act.

#### 45.3. Industrial Manslaughter

45.3.1. The Tasmanian Government introduce industrial manslaughter legislation and appropriately resource its implementation.

#### 45.4. Boland Review

45.4.1. The Tasmanian Government commit to resourcing and fully implementing all 34 recommendations of the Boland Review.

#### 45.5. Respect@Work

- 45.5.1. The Tasmanian Government advocates for the Federal Government to fully implement all 55 recommendations of the Australian Human Rights Commission's Respect@Work report into workplace sexual harassment.
- 45.5.2. The Tasmanian Government works with unions to implement Respect@Work recommendations at a state level.

#### 45.6. Workers' Commemorative Park

45.7. The Tasmanian Government provide funding for the completion of the Workers' Commemorative Park. A Community Consultation Submission Cover Sheet is attached to this submission.

# Promoting gender equality

- 46. This year Unions Tasmania released the Preventing sexual harassment & promoting gender equality in Tasmanian workplaces report (2021). In addition to work health and safety reform, the report calls for Tasmanian legislation similar to the Victorian Government's Gender Equality Act 2020 to be introduced and a Tasmanian Public Sector Commissioner for Gender Equality to be established, to drive positive change in our State.
- 47. We note that development is now underway of the Tasmanian Women's Strategy 2022-25. The introduction of a gender equality act and commissioner for Tasmania's public sector is an opportunity for the Tasmanian public sector to use its size and reach to boost progress in the strategy's priority areas of Financial security; Safety; Leadership and participation; and Health and Wellbeing.

# 48. Unions Tasmania makes the following recommendation to strengthen gender equality in Tasmania:

### 48.1. Legislate for a Gender Equality Act and Commissioner.

48.1.1. Specifically, a Tasmanian Gender Equality Act would:

- Require all entities run by or on behalf of the Tasmanian Government, including the University and local councils to take positive action towards achieving workplace gender equality.
- Require these organisations to consider and promote gender equality in their policies, programs, and services.
- Establish a properly resourced and empowered Public Sector Gender Equality Commissioner to provide education, support implementation and enforce compliance.
- 48.1.2. These organisations would be required to undertake specific actions to achieve gender equality, such as undertaking a gender equality audit of their workforce, developing action plans and tracking progress against defined gender equality indicators, and conducting gender impact assessments on their policies, programs and services to ensure that they are designed to benefit all Tasmanians.

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# List of Attachments

- 1. Community Consultation Submission Cover Sheet
- 2. Unions Tasmania Funding Submission To The Workcover Tasmania Board: Workers' Commemorative (Memorial) Park (2021)
- 3. Letter from WorkCover declining funding submission (19 August 2021)