

Group Training Association of Queensland and Northern Territory Ltd

ACN: 167762745

Trading as



Response to – Regulation of the Labour Hire Industry 2016

Thank you for the opportunity to respond to this discussion paper.

The Apprentice Employment Network is Queensland's largest employer network of apprentices and trainees. The Network comprises over 5000 apprentices and trainees employed by group training organisations (GTOs) across Queensland.

The Network plays a significant role within Queensland, employing around 500 skilled staff and providing services to over 10,000 businesses in various industries.

This uniquely Australia initiative reaches every corner of the country and operates at the grass roots level in communities throughout Queensland linking students, school leavers, apprentices and trainees to enterprises and training organisations.

The Network extends across diverse markets and plays a pivotal role in creating opportunities for apprentices and trainees with small to medium businesses, many of which would be unlikely to engage in the training system without an intermediary such as the Apprentice Employment Network.

Comments

Before answering the questions listed in the Discussion Paper the Network wishes to make the following comments:

A number of GTOs in Queensland also operate as a Labour Hire providers.

Group Training is a regulated industry and GTOs are required to meet the requirements of legislation to operate in Queensland.

GTOs play an important role in the apprenticeship and traineeship system and invest considerable time and effort into supporting and developing the skills of their apprentices and trainees.

Group Training is a "stand alone" industry and while similar to Labour Hire with the hosting of apprentices and trainees it should be noted that the majority of apprentices and trainees are employed in a full time capacity.

GTOs as the employer are bound by all legislation covering the employment of their apprentices and trainees. GTOs cannot contractually transfer this liability to their host employers.

Discussion Paper Questions

- Q1. What do you think are the important features of a system to effectively regulate the labour hire industry in Queensland?

To operate in Queensland GTO's must comply with a set of standards that cover recruitment, employment and governance. A system with a similar process may be appropriate.

- Q2. What criteria do you consider appropriate to include in a 'fit and proper person' test or otherwise to obtain a licence to operate as a labour hire provider?

Queensland already has a number of "fit and proper person" tests. However the "fit and proper person" guidelines provided by ASIC may be appropriate.

- Q3. What level of fee do you consider appropriate to licence a labour hire operator and how would it be collected?

GTOs are required to undertake an audit process at their own cost to maintain their recognition. A fee similar to this cost would be appropriate.

- Q4. What do you consider to be an appropriate amount for the threshold capital requirement and how should it be calculated?

This would be difficult to calculate. If Labour Hire becomes a regulated industry then annual checks to ensure that the provider can meet employee entitlements may be appropriate.

- Q5. How should a bond for a labour hire operator to operate in Queensland be calculated and what would be an appropriate amount for the bond?

A bond is not required as all companies are required to follow legislative requirements and regulations in Queensland, serious penalties exist if they don't comply.

- Q6. What types of information do you think would be appropriate to be reported regularly by labour hire providers to demonstrate their compliance with their obligations?

A Financial Report similar to that required by ASIC would be appropriate.

- Q7. What additional information and training do you think labour hire firms should receive on their rights, entitlements and obligations and how should this be delivered?

The Queensland Government's Business and Industry portal already provides a wealth of information on all aspects of business.

If the industry is to be regulated then the business owners have an obligation to ensure compliance with all legislation and regulations.

- Q8. What information do you consider appropriate to be included in labour hire contracts to ensure that workplace regulations are met?

Companies in Australia are already under obligation to meet the National Employment Standards that make up the minimum entitlements for employees. A Labour Hire contract can't provide for conditions that are less than these standards.

- Q9. Do you think there are circumstances where a labour hire worker should be able to pursue the host employer for their entitlements in the event the labour hire employer does not meet its obligations e.g., if the host employer was using an unlicensed provider?

No. Employer are bound by all legislation covering the employment of their staff they can't contractually transfer liability to their host employers.

Q10. Do you think it would assist the workers, host employers and labour hire operators if there was access to information and referral services by way of a 'one-stop-shop'?

Information is already available from a number of sources. Guidance on where to find this information may be more appropriate.

Q11. Are there any other issues you would like to raise that are relevant to the Queensland Government's consideration of the labour hire industry and ways to ensure that it operates ethically and meets its legal obligations for workers and the businesses it serves?

No other issues.

Follow Up

As this matter has a potential impact on a number of GTOs in Queensland and may have future implications for any GTO considering the provision of Labour Hire services this Network is willing to participate in any further discussions/forums on this matter.

David Mitchell
Executive Officer

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