



Hey Presto! – I'm a self-employed contractor! What's OHS?

Employee Ombudsman's Project Summary

In recent years a significant number of self-employed contractors have contacted the Office of Employee Ombudsman (OEO) seeking advice about workplace predicaments. When questioned, many self-employed contractors revealed a surprisingly poor understanding of their industrial status. In light of these observations the OEO speculated that self-employed contractors might also have a poor appreciation of their occupational health and safety duties.

In February 2008 the OEO successfully sought support for a research proposal under the auspices of their SafeWork SA's OHSW Small Grants Programme.

In undertaking this research much has been gleaned. We are aware that precarious employment issues are a vibrant source of debate in the industrialised world. Our literature review identified that Australian researchers had conducted significant studies concerning precarious employment arrangements. Self-employed contractors would generally be considered to be vulnerable workers. On balance the evidence favours a view that such arrangements generate adverse occupational health and safety outcomes.

At the outset of our research we anticipated looking at a broad group of industries where self-employed contractors were engaged. The literature review and our discussions with researchers and other authorities suggested that our resources would be best utilised if focused on a narrower group. Our records contained details on many self-employed contractors engaged in the transport, cleaning and security industries. Our database maintained information on only a small number of persons engaged in the provision of care and support services. Our instinct told us that this sector was likely to provide the most influential testimony. The review of the research material also confirmed that self-employed contractors providing care and support to vulnerable clients had received little examination from an OHS perspective.

The delivery of care services in private homes and the community is a growing sector of the Australian labour market. In the context of an ageing population, the deinstitutionalisation of health services and changes in service provision, this expansion is likely to continue. The OHS implications attached to this type of work are poorly understood. Australian parliamentary and government departmental inquiries have linked unsatisfactory OHS outcomes in home-based work to economic pressures, disorganisation and the poor regulatory control by enforcement agencies. There has been little specific research undertaken on the OHS implications of care and support work in private homes and the community, and no detailed Australian study has been attempted. The OHS inspectorates, employers and industry associations have struggled to comprehend this category of worker. Industrial associations have tended not to represent this group. Our agency believes that these workers require a forum that will permit their concerns to be articulated.

Throughout the project we have sought guidance from our reference group members. Following the literature review we also engaged in conversations with academics and enforcement agencies that had an understanding of the issues of interest to self-employed contractors.

We sought participation from self-employed contractors working as carers and support workers and received a strong response from our promotion. It was clear that our interest in the topic was well received by the self-employed contractors. Participants appeared ready to voice their experiences. We also believed that the validity and influence of our research would be strengthened by the involvement of academics with a established reputation research.

Our partnership with the Prof Philip Bohle and Prof Michael Quinlan from the Faculty of Health Sciences at The University of Sydney has been very productive. The research technique applied in this study efficiently deduced the key OHS concerns of our participants.

We consider that this report has confirmed the existence of significant OHS shortcomings. Self-employed contractors engaged in personal care and support work have been given an opportunity to raise concerns about the way these services are delivered.

The key OHS concerns raised by the personal care and support work self-employed contractor cohort are:

- Poor risk assessment and hazard identification
- Isolation
- Emotional stress
- Poor industrial conditions
- Hollow workers compensation provisions

We consider that the principal achievement of this project has been to draw attention to a category of worker about whom little is known. To date we have managed to acknowledge this group and recognise some of their significant concerns. We believe that this is an initial step in delivering better outcomes for a growing sector of the workforce. Much more work is required before improved and lasting outcomes are achieved. We are pleased that there is interest in advancing this research.

Particular thanks are due to SafeWork SA and the Working Women's Centre for the generous guidance and information they have provided. Thanks also to the other partners who have assisted this project.

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