RESEARCH NOTE

ACTU's claims a dangerous throw-back to the 1970s

	ACTU Assertion	The Facts
1	That casual employment is increasing in Australia	ABS statistics show that casual employment has been stable in Australia for the past 20 years at about 20% of the workforce.[1]
2	That labour hire is increasing in Australia	ABS statistics show that approximately 1% of all employed persons across Australia are labour hire employees.[1] This remains a very small proportion of the workforce.
3	That independent contracting is increasing in Australia	ABS statistics show that self-employed independent contractors make up about 8.5% of employed people. This proportion has decreased from 9.1% in 2014. By far, the biggest group of independent contractors are engaged in the construction industry (e.g. plumbers and electricians).[1]
4	That a large proportion of workers are "gig economy" workers	The number of people who work for Uber, Airtasker, Foodora and other "gig economy" businesses is a tiny fraction of the workforce – much less than 1%.
5	That the definition of casual employment has changed in recent years and a new definition is needed.	The standard definition of casual employment in awards is *"an employee engaged as a casual and paid as a casual".* This sensible and clear definition has been the same for decades. The ACTU wants to introduce a new definition based on the work patterns of an employee, which would be uncertain and unworkable. The ACTU's arguments for a new definition were recently rejected by a Full Bench of the Fair Work Commission.
6	That casual employees should have the right to convert to permanent employment after 6 months, with an employer having no right to refuse	Under standard award clauses, casual employees have the right to seek to convert to permanent employment after 6 or 12 months of regular employment. An employer can only refuse on reasonable business grounds. The ACTU's claim to remove an employer's right of reasonable refusal was recently rejected by a Full Bench of the Fair Work Commission as this would impose unreasonable restrictions on businesses and potentially lead to widespread job losses.

[1] ABS Catalogue 6333.0 - Characteristics of Employment

7	That unions should have the right to bargain, including taking industrial action, across entire industries and supply chains,	This proposal would be extremely damaging for businesses and the economy.
8	That employees should have the right to take up to 10 days of paid domestic violence leave per year	This claim has recently been rejected by the Fair Work Commission. Paid leave for employees who experience domestic violence needs to be dealt with at the enterprise level because different employers have different capacities to provide assistance.
9	That workers should have the right to pursue unfair dismissal claims for labour hire workers against host employers	The employer of a labour hire worker is the relevant labour hire company. Businesses that use labour hire should not be exposed to unfair dismissal claims from labour hire workers.
10	That the *Fair Work Act 2009* is unfair upon workers and unions	The *Fair Work Act* introduced by the Labor Government in 2009 markedly increased worker entitlements and union power. Since its introduction it has been amended on several occasions by the Labor and Coalition Governments to increase worker entitlements and to impose much higher penalties on employers. Since the Act was introduced, there have been no significant amendments to address issues of concern for businesses, despite a major Productivity Commission inquiry recommending a series of important changes to support productivity improvements.