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NSW Department of Customer Service  
GPO Box 7057  
Sydney NSW 2001  
[portableLSL@customerservice.nsw.gov.au](mailto:portableLSL@customerservice.nsw.gov.au)

Carers NSW welcomes the opportunity to provide feedback to the NSW Department of Customer Service on the draft Portable Long Service Leave (LSL) Scheme for Community Services. Carers NSW supports the proposed scheme and leave entitlements which aim to expand access to long service leave for community service workers to support greater attraction and retention in the sector. This brief submission will highlight the benefits of expanding access to long service leave for community service workers with caring responsibilities. This submission will also highlight key considerations in the design and implementation of the proposed scheme to ensure that it is inclusive of working carers. Carers NSW believes that supporting carers to sustainably participate in the community service sector will result in improved outcomes for carers, the people they care for, governments, employers and the economy.

Carers NSW is the peak non-government organisation for carers in New South Wales (NSW). A carer is any individual who provides care and support to a family member or friend who has a disability, mental illness, drug and/or alcohol dependency, chronic condition, terminal illness or who is frail. Carers NSW is part of the National Carer Network and a member of Carers Australia. Our vision is an Australia that values and supports all carers, and our goals are to:

- Be a leading carer organisation in which carers have confidence
- Actively promote carer recognition and support
- Actively support carers to navigate a changing service landscape that will be characterised by ongoing policy reform
- Promote connected community experiences and opportunities for carers that are inclusive of diverse carer groups
- Lead and advocate for carer-specific and carer-inclusive policy making, research and service delivery
- Continue to be a quality-driven, responsive and carer-focused organisation.

Thank you for accepting our submission.

Yours sincerely,

## Background

According to the Australian Bureau of Statistics (ABS) 2018 Survey of Disability, Ageing and Carers (SDAC), there are approximately 2.65 million carers in Australia.<sup>1</sup> While the term carer is often used in relation to parents and guardians, or paid care workers, the NSW *Carers (Recognition) Act 2010* defines a carer as an individual who provides ongoing unpaid personal care, support and assistance to any other individual who needs it because that other individual has a disability, medical condition (including a terminal or chronic illness), mental illness or who is frail and aged. This does not include paid care workers, volunteers, and students on placement.

For many, caring is a 24-hour day job with emotional, physical and financial impacts. Caring can also affect participation in employment, education and community activities. To replace the care provided by carers, the NSW Government would have to spend approximately \$25 billion per year.<sup>2</sup> Additionally, anyone can become a carer at any time, and carers are highly demographically diverse, as are the people for whom they care. Using data from Waves 2 to 4 of the Household Income and Labour Dynamics Australia (HILDA) Survey 2001, it has been estimated that between 3–4% of Australian employees become carers each year.<sup>3</sup>

## Introduction

Carers NSW welcomes the introduction of a Portable Long Service Leave Scheme (the Scheme) for community service workers in NSW. As highlighted in the Regulatory Impact Statement, community service workers are often faced with high workloads that can be physically and emotionally demanding, leading to reported burnout, stress, and high turnover.

Over recent years, the strain on the sector has been exacerbated by the growing demand for community services during and beyond COVID-19 and limited resources. For carers accessing formal care services for themselves or the person they care for, workforce shortages across the sector have resulted in increasing difficulty securing services and greater strain on carers to fill service gaps. Additionally, for carers working in the sector who are balancing work and care, increased workloads and reduced opportunities to take breaks due to workforce shortages may result in burnout in their employment or caring roles.

This submission outlines a number of considerations and recommendations that aim to ensure that the Scheme is effective, inclusive of carers, and enables them to access the Scheme equitably.

## Carers working in the community services sector

Employment is critical in promoting independence and financial stability for carers and also supports social and community engagement and a sense of meaningful contribution. While many carers are unable to or choose not to, engage in paid employment, many others do balance their caring responsibilities with paid work. Balancing care and paid work can be a choice, for example, in order to maintain an identity separate from the caring role, but is more often a financial necessity to meet the costs of daily living and the additional costs of caring.

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<sup>1</sup> Australian Bureau of Statistics (ABS) (2019a) *Survey of Ageing, Disability and Carers 2018, Summary of findings*. Australian Government, Canberra. Available online at: [www.abs.gov.au](http://www.abs.gov.au).

<sup>2</sup> Deloitte Access Economics (2020) *The economic value of informal care in Australia in 2020*, Carers Australia.

<sup>3</sup> Hill, T., Thomson, C., Bittmann, M. & Griffiths, M. (2008) *What kinds of jobs help carers combine care and employment?* Family Matters, 80, 27–32.

Carers balancing work and care are largely overrepresented in the Health Care and Social Assistance sector compared to other members of the community. Data from the ABS 2018 Survey of Disability, Ageing and Carers (SDAC) indicates that 1 in 6 (16.3%) working carers and 1 in 5 (20.7%) working primary carers in NSW are employed in Health Care and Social Assistance.<sup>4</sup> Carers are often well suited to work in the care sector due to skills and experience developed through their caring role. The flexibility of paid care roles is also often well suited to carers who are balancing work and care. Nonetheless, caring can still significantly impact carers' ability to participate in paid work.

The Carers NSW 2022 National Carer Survey (the Survey) found that the demands of caring responsibilities commonly lead to negative impacts on paid work and career progression.<sup>5</sup> The Survey found respondents in paid employment from NSW were balancing an average of 27.6 hours of work with 74 hours of care per week.<sup>6</sup> Additionally, the Survey found that almost 3 in 5 (57.1%) carers in paid work had reduced their working hours, 1 in 2 (50.9%) carers had seriously considered quitting their current job in the past 6 months, and 1 in 9 (11.6%) carers had left their job or ceased looking for work to care.<sup>7</sup>

The introduction of a Portable Long Service Leave Scheme provides significant potential for carers working in the community services sector to more effectively accrue long service leave, enabling longer breaks from employment that will likely support the sustainability of their work and caring roles. However, it is important to ensure that the new Scheme is inclusive and reflects the nuanced experiences of carers across their careers.

### Improving paid leave options for carers

Carers NSW supports the proposed model for taking leave and the potential to improve the availability of paid leave options for carers to manage their own health and wellbeing. While balancing work and care can have some positive impacts on carer health and wellbeing, carers working in the community service sector may face additional challenges and stresses in providing ongoing care and assistance. The 2022 National Carer Survey found that carers balancing work and care reported exhaustion, feelings of inadequacy in both their caring and work roles due to not being able to give their full effort in both, frustration at not being able to access support to better balance work and care, a lack of choice in participating in work and/or care, and low levels of recognition of their caring role<sup>8</sup>. Analysis also suggests that work-life balance and access to leave significantly influence whether or not carers choose to stay in paid work<sup>9</sup>.

Many carers also report to Carers NSW that current leave entitlements are not adequate to enable them to provide care, especially where they may need to take extended breaks from employment to meet increasing care demands or at important transition points. Carers NSW acknowledges that long service leave is not a carer leave entitlement and should be used to support carers in taking a well-deserved and meaningful break from employment. However, Carers NSW believes the proposed Scheme would also support carers in taking a break from work to care, especially if they require a brief period of increased time to focus on establishing new or increased services and supports for the person they care for. By offering flexible options such as staggered blocks of leave or the ability to

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<sup>4</sup> Australian Bureau of Statistics (ABS) (2019b) *Survey of Ageing, Disability and Carers 2018*, TableBuilder Dataset. Australian Government, Canberra. Available online at: [www.abs.gov.au](http://www.abs.gov.au).

<sup>5</sup> Carers NSW (2023) *2022 National Carer Survey: Full report*. Available online at: <http://www.carersnsw.org.au/research/survey>

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

take leave in single blocks of at least two weeks, the proposed Scheme may better meet the diverse needs of carers. This flexibility may allow carers to plan leave according to the demands of caring, whether they require short-term or extended breaks.

Supporting carers to sustainably balance work and care may help retain skilled workers in the workforce who might otherwise leave the workforce entirely to provide care. It is also likely to support the health and wellbeing of carers, and ultimately the sustainability of caring arrangements and economic participation. This aligns with the *NSW Carers Charter* requiring public sector agencies and human service agencies to support optimal carer health and wellbeing and social and economic participation.

### **Recognised service**

Carers NSW believes that the proposed portable Scheme would greatly benefit community service workers with caring responsibilities by improving access to long service leave based on the time employed in the sector rather than their tenure with a single employer. As highlighted in the Regulatory Impact Statement, many community service workers cannot access long service leave because they do not reach 10 years of continuous service with a single employer. This problem may be particularly prevalent among carers who are more likely to need casual, flexible work from multiple employers to enable them to balance care and work, or may need to take breaks from employment to provide care. Recognising continuous service as the time employed in the sector, rather than the hours and days worked with a single employer, may better support carers engaged in multiple and/or consecutive temporary positions to accrue and access paid leave entitlements.

### **Allowing for breaks from employment to provide care**

Carers NSW commends the NSW Government on recognising carers as a key worker group in the sector and welcomes the proposed 4-year break period that will ensure that carers who need to temporarily step away from employment to care are not penalised for doing so. Many carers report the need to reduce their working hours or take breaks from employment to provide care for a family member or friend, restricting their ability to accrue or carry-over leave entitlements to new employment on their return to the workforce. In some instances, carers may need an extended period of time out of the workforce to attend to sudden or longer increases in caring demands. This may include following a period of hospitalisation and hospital discharge, transitioning the person they care for into new accommodation arrangements such as residential aged care, or arranging access to formal care services following a recent diagnosis, injury or sudden deterioration.

Carers NSW believes the proposed 4-year break period, available to those with caring responsibilities, may better support the balance of work and care by enabling carers to access a break of up to 4 years from employment without forfeiting their accrued long service leave balance under the Scheme. This ability to retain their accrued long service leave balance may also work as an incentive for carers to return to employment in the community service sector if or when their caring role reduces. Carers NSW also believes that if a shorter break period is explored, this must maintain special considerations or exceptions for those with caring responsibilities.

### **Minimising administrative requirements**

Carers NSW understands the need for strict record-keeping given the complex nature of the Scheme, however, Carers NSW has some concerns regarding the potential impact of the administrative load that may be placed on workers with caring responsibilities. The proposed Scheme requires workers to annually review their information and address service credit discrepancies within 2 years. Carers NSW notes that carers often have limited time available due to their caring role and are often overburdened with the administration to access available services and supports for themselves and

the person they care for. The requirement to review and rectify discrepancies within a specific timeframe may increase pressure and strain on carers to meet administrative deadlines.

Moreover, the model requires workers to keep the NSW Long Service Corporation (LSC) updated about their situation to avoid suspension or cancellation of registration through an online worker portal. Carers NSW acknowledges that some carers may require additional support and assistance in navigating the online worker portable and updating their circumstances. Therefore, Carers NSW recommends the NSW Government emphasise flexibility and support in the administrative processes that accommodate the needs of carers balancing work and care.

## Transition and implementation

While Carers NSW welcomes the suggested one-year transitional period for the sector to understand and prepare for the commencement of the Scheme, Carers NSW encourages the NSW Government to consider specific actions that could be taken to ensure there is a high level of awareness and understanding of leave entitlements, obligations, and rights among both employers and workers.

Carers NSW has heard from carers that employment entitlements are not generally well known or understood by carers or employers. Carers may be unaware of their entitlements or have limited understanding of the redress pathways available to them where they are unable to access these entitlements or feel discriminated against for doing so. Therefore, Carers NSW recommends the implementation of the Scheme be supported by accessible information and resources outlining leave entitlements, rights, and appeal processes related to worker registration and service credits. Furthermore, Carers NSW recommends the NSW Government consider extending the appeal period beyond 21 days to allow carers sufficient time to gather information and seek assistance if they wish to appeal a decision related to their registration or service credits.

## Ensuring ongoing access to support for carers

In addition to direct benefits to carer employment conditions, Carers NSW believes that the introduction of the Scheme is likely to support the broader longevity of staff in the community services sector. Carers are often highly reliant on the community services sector for formal care services for the person they care for, including replacement care that enables them to participate in social, economic or health activities themselves. Carers may also be accessing a range of practical or emotional services and supports on their own behalf through the community services sector. With significant ongoing workforce shortages across the sector, Carers NSW welcomes initiatives that support the growth and sustainability of the sector. However, a number of factors must be considered in order to ensure that the implementation of the Scheme is viable, efficient and equitable.

Carers NSW understands the need for a sustainable approach to the funding of the Scheme and the need for a levy to cover costs. However, Carers NSW believes that to enable community services organisations, many of whom are already underresourced, to meet these costs, relevant current grants must be adequately indexed and future funding opportunities must account for these additional costs. Furthermore, administrative requirements for employers must be minimal, especially for smaller organisations that have reduced administrative capacity, otherwise there is likely to be reduced or inequitable uptake across the sector.

Finally, while the Scheme is likely to encourage more secure employment in the sector, there is a possibility that a significant proportion of the sector may enter the Scheme simultaneously, especially if they are encouraged rewarded to do so. If this occurs, there may be a significant portion of the sector that become eligible for long service leave at the same time. Carers NSW acknowledges that

workers may not all choose to take leave at the same time, with some choosing to take leave as soon as it becomes available, and others choosing to accrue a larger amount of leave before taking it. However, Carers NSW believes that consideration must be given to the potential implications how this can be managed proactively to minimise impacts on workforce availability.

## Conclusion

Carers NSW again thanks the NSW Department of Customer Service for the opportunity to provide feedback on the proposed Portable Long Service Scheme for Community Workers. Carers NSW welcomes and supports the proposed Scheme, recognising the potential to better support carers balancing work and care and improve paid leave entitlements that facilitate optimal carer health and wellbeing, economic participation, and ultimately the sustainability of caring arrangements. Carers NSW also welcomes initiatives that aim to address ongoing workforce shortages impacting the community services sector and those they support, including carers and the people they care for.