

Submission by the Australian Nursing and Midwifery Federation

Improving work health and safety for workers using crowd platforms

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Nursing &
Midwifery
Federation**



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Introduction

1. The Australian Nursing and Midwifery Federation (ANMF) is Australia's largest national union and professional nursing and midwifery organisation. In collaboration with the ANMF's eight state and territory branches, we represent the professional, industrial and political interests of more than 356,000 nurses, midwives and care-workers across the country.
2. Our members work in the public and private health, aged care and disability sectors across a wide variety of urban, rural and remote locations. We work with them to improve their ability to deliver safe and best practice care in each and every one of these settings, fulfil their professional goals and achieve a healthy work/life balance.
3. Our strong and growing membership and integrated role as both a trade union and professional organisation provides us with a complete understanding of all aspects of the nursing and midwifery professions and see us uniquely placed to defend and advance our professions.
4. Through our work with members, we aim to strengthen the contribution of nursing and midwifery to improving Australia's health and aged care systems, and the health of our national and global communities.
5. The ANMF thanks Safe Work Australia for the opportunity to provide feedback on improving work health and safety (WHS) for workers using crowd platforms. Our submission should be read in conjunction with that of the Australian Council of Trade Unions, which we support.



Overview

6. Care work has always carried significant physical and psychosocial risk. Nurses, midwives, and personal care workers face hazards every day such as manual handling injuries, exposure to infection, violence and aggression from clients or family members, fatigue, and the emotional weight of working closely with people in vulnerable circumstances.
7. When workers are directly employed, there is a clear framework for managing WHS risks: the employer is a Person Conducting a Business or Undertaking (PCBU) with defined obligations to provide training, equipment, safe systems of work, and meaningful consultation. Workers have clear avenues to raise concerns and expect action.
8. That framework largely disappears when the same work is organised through a crowd platform. These platforms classify workers as independent contractors and require them to take on responsibility for their own WHS. Yet these same platforms exercise considerable control over how work is found, structured, and performed — through rating systems, service logging requirements, contractual terms, and algorithmic management. Workers are left carrying risks that their platform-operator counterparts have disowned.
9. This submission calls for a clear legislative response: a duty on crowd platform operators that reflects the control they exercise and ensures the workers using their platforms are protected to the same standard as those in conventional employment.

Consultation Questions

Question 1: Do you have any comments on how WHS duties apply to crowd platforms?

10. The ANMF's core concern is straightforward: the platforms our members use to find care work are not passive noticeboards. They shape how work is done, who gets it, and what happens when things go wrong. But the WHS framework has not kept pace with this reality.



The current uncertainty

11. Under existing arrangements, there is genuine confusion about who bears WHS responsibility in a crowd platform arrangement. This has been noted by multiple government inquiries including the Senate Select Committee on Job Security 2021¹, the NSW Legislative Council Select Committee 2022², and the Inquiry into the Victorian On-Demand Workforce 2020³.

The key questions that remain unresolved include:

- a) **Whether the platform operator is a PCBU with WHS obligations.** Platforms say they are merely technology providers facilitating a connection between a worker and a client. Mable's Platform Terms, for example, state that workers are responsible for their own WHS policies and procedures.⁴
- b) **Whether workers are 'at work' in the platform's business or undertaking while using the platform to find and organise work.**
- c) **Whether the client (end user) is a PCBU with obligations,** particularly where work is performed in a private home.
- d) **Whether the worker themselves is a PCBU,** having taken on a primary duty simply by agreeing to operate as an independent contractor through the platform.

12. The practical consequence is that workers do not know who is responsible for their safety, and there is no clear party with an obligation to find out.

¹ Senate Select Committee on Job Security. (2021). *First interim report: on-demand platform work in Australia*. Parliament of Australia. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Job_Security/JobSecurity/Interim_Report

² NSW Legislative Council Select Committee on the Impact of Technological and Other Change on the Future of Work and Workers in New South Wales. (2022). *The gig economy: First report*. New South Wales Parliament. <https://www.parliament.nsw.gov.au/lc/taledpapers/Pages/taled-paper-details.aspx?pk=81875>

³ Industrial Relations Victoria. (2020). *Report of the Inquiry into the Victorian On-Demand Workforce 2020*. Victorian Government. <https://engage.vic.gov.au/download/document/7387>

⁴ Mable. (2025, September 26). *Platform Terms*. Retrieved 26 May 2026 from: <https://mable.com.au/legal/terms/platform-terms/>. The terms provide "...Work Health and Safety. If a Care Service is provided at a Client Premises, You acknowledge and agree that: (a) Support Workers are independent workers and are responsible for adopting their own workplace health and safety policies and procedures..."



What platforms actually do

13. Whatever their terms of service say, crowd platforms are not passive. They shape the conditions of work in ways that directly affect WHS:

- a) **Algorithmic ranking and rating systems determine who gets work.** Workers who respond quickly achieve higher rankings. This creates pressure to be constantly available, which drives fatigue and reduces genuine autonomy.
- b) **Exclusivity clauses constrain worker independence.** For example, Mable prevents workers from providing care to any client they met through the platform for 12 months after that connection is made, limiting their ability to build an independent practice outside the platform.⁵
- c) **Service logging requirements** mean workers must record start and finish times and complete service notes for client approval before payment is released — a level of operational oversight inconsistent with genuine independent contracting.
- d) **Platform contracts and payment systems are mandated.** Workers cannot agree to different terms with clients or receive payment outside the platform's systems. These contracts usually state that the platform is not a party to the contract but still mandate a range of terms that must be included.⁶
- e) **Accounts can be suspended or terminated at the platform's discretion,** which creates a power imbalance that discourages workers from raising safety concerns or declining unsafe work.
- f) **Platforms set entry requirements** such as police checks, working with children checks, infection control training, and vaccination compliance, before a worker's profile is approved.

14. Platforms in the National Disability Insurance Scheme (NDIS) impose requirements aligned

⁵ Mable. (2025, September 26). *Mable Client Member Terms* (Clause 2.2). Retrieved 26 May 2026 from: <https://mable.com.au/legal/terms/client-terms-2/>

⁶ Trilogy Care. (No date). *Third party contractor agreement*. Retrieved 26 May 2026 from: <https://trilogycare.com.au/uploads/Third-Party-Contractor-Agreement-Template-1.pdf>



with the NDIS Practice Standards, demonstrating that they are actively engaged in the governance of care work and are not merely providing a digital marketplace.

15. Platforms attempt to portray themselves as passive outsiders which are simply facilitating connections. For example, Heybubble claims not to be a party to contracts or have obligations to the workers as “The Group simply collects a Service Fee...”. Their website states:

(a) (Introduction service) The Platform provides a medium that facilitates the introduction of Participants and Service Providers for the purposes of providing NDIS services. The Group simply collects a Service Fee in consideration for providing this introduction service and does not have any obligations or liabilities to, and is not a party to any contract between, Participants and Service Providers in relation to such services or otherwise resulting from the introduction.

(b) (Risk) We provide the Platform as-is and you will be responsible for any issues with you and the NDIS, a Service Provider, your nominee, support coordinator or anyone else assisting you.⁷

Question 2: Are there gaps in protections for workers who use crowd platforms? If so, what are they?

16. There are numerous gaps in protections for workers who use crowd platforms. In healthcare and care work, those gaps have direct consequences for worker and patient safety.

17. An employed nurse or personal carer working for a residential aged care facility or home care provider should receive as a baseline:

- a) induction and training;
- b) risk assessments for the environments they work in;
- c) access to appropriate equipment (hoists, personal protective equipment (PPE), sharps disposal, infection control resources);
- d) established WHS policies and procedures; and
- e) meaningful mechanisms to raise concerns.

⁷ Heybubble. (2022, September 19). *Terms and Conditions*. Retrieved 26 May 2026 from: <https://www.heybubble.com.au/legal/terms-conditions>



None of this is guaranteed, or even typical, for workers sourcing equivalent work through a crowd platform.

18. Specific gaps the ANMF has identified include:

- a) **No paid time for training, risk assessment, or induction.** Workers are expected to absorb these costs themselves, often before receiving any income from the platform.
- b) **No provision of WHS equipment.** Workers performing manual handling tasks, delivering personal care, or administering medications through a platform arrangement typically have no access to patient lifters, PPE, or appropriate clinical supplies unless they source and pay for them personally.
- c) **No established safety systems.** Usually there are no standard infection prevention and control protocols, procedures for managing deteriorating clients, nor systems for reporting and responding to incidents equivalent to those in direct employment.
- d) **Unpaid introductory meetings.** Care platforms may require workers to attend an unpaid initial meeting with a prospective client before any service agreement is reached. While nominally a 'fit for job' assessment, these meetings rarely involve structured hazard identification.
- e) **Competitive wage pressure.** Bidding-based platforms create downward pressure on rates, which incentivises workers to take on more work, work faster, or accept conditions they might otherwise decline in the interest of maintaining income.

19. Rating systems are a particularly significant gap. The pressure to maintain high ratings, on which visibility, income, and account status depend, is a structural condition that undermines safe work and has the potential to be a psychosocial hazard. Our members report:

- a) Tolerating violence, aggression, sexual harassment, or racist behaviour from clients or family members rather than risk a negative review;
- b) Performing unpaid additional work (e.g. cleaning, errands, tasks outside the funded care package) because refusing may generate a poor rating and reduce future



bookings;

- c) Accepting work they are not fully equipped nor qualified to perform safely, rather than declining and losing the engagement; and
- d) Choosing not to raise safety concerns with the platform nor the client, knowing that doing so may be reflected in their rating.

20. Rating systems are also opaque and potentially biased. They may reflect a client's personal preferences, prejudices, or frustration at a worker enforcing appropriate limits, rather than any genuine assessment of work quality. For example, at Mable feedback above a rating of 2 is automatically published, while lower ratings may be investigated at Mable's discretion.⁸ Workers have limited ability to challenge unfair ratings, and the lack of transparency about how ratings affect search rankings compounds the problem.

Question 3: Do you have comments on a potential new duty for crowd platform operators?

21. The ANMF strongly supports the introduction of a specific duty for crowd platform operators in the model WHS Act. The proposed duty should align with existing WHS principles. This is the most effective way to close the protection gap for platform workers in care settings.

22. In terms of how the duty should be framed, the ANMF makes the following observations:

- a) **The duty should be proportionate to the degree of influence and control the platform exercises** and not determined by whether a worker is classified as an employee or independent contractor.
- b) **The duty should apply so far as is reasonably practicable**, consistent with the approach taken throughout the model WHS Act.
- c) **The duty should sit alongside existing duties, not displace them.** End users, support coordinators, and others in the care chain may also owe obligations depending on the

⁸ Mable. (2025, April 17). *How support worker reviews work on Mable*. Retrieved 26 May 2026 from: https://mable.com.au/help_centre/how-do-support-worker-reviews-work-on-mable/



circumstances.

23. In the care context specifically, the ANMF considers that the duty should be sufficient to require platforms to at least:

- a) **Communicate known or reasonably foreseeable hazards** in a client's environment to workers prior to an engagement commencing. This is particularly relevant in home-based and community care settings where hazards are often undisclosed.
- b) **Provide mechanisms for workers to raise safety concerns** without adverse consequences to their ratings, account status, or future work opportunities.
- c) **Ensure workers have access to relevant training and safety information**, and appropriate safety equipment.

24. Platforms that profit from facilitating care work should bear responsibility for the safety of the workers performing it.

Question 4: Do you have comments on the possible impacts of a new duty on PCBUs, workers and others?

Who platform workers in healthcare actually are

25. It is worth being concrete about the people this duty would protect. Most nursing, care and support workforce workers in Australia are female: approximately 85%⁹. Many are low-paid. Entry barriers are deliberately low on most platforms, meaning some workers may have limited formal qualifications and fewer resources to independently navigate complex WHS risks.

26. These are usually not highly paid professionals who have chosen platform work as a business model. They are care workers doing skilled, physically demanding, emotionally significant work who happen to be finding that work through an app or a website.

⁹ Safe Work Australia. (2025). *WHS Profile: Nursing, Care and Support Workforce*.

Retrieved 26 May 2026 from: <https://data.safeworkaustralia.gov.au/profile/whs-profile-nursing-care-support-workforce>



Impact on workers

27. A new duty on crowd platforms would have direct benefits for workers. They would have:

- a) **Clearer entitlements to safety** information, training, and hazard communication before entering a client's home.
- b) **A genuine avenue to raise concerns** without fear of rating repercussions or account deactivation.
- c) **better protections from systemic pressures** that currently push workers toward unsafe choices.
- d) **protections broadly equivalent to those available to their peers doing equivalent work in direct employment.** This would include the ability to form Work Groups and elect Health and Safety Representatives.

Impact on platforms

28. Platforms would face additional obligations, but these are proportionate to the control they already exercise and the profit they derive from facilitating care work. A clear duty also provides certainty: platforms would know what is expected of them, rather than operating in a grey area where safety responsibility is perpetually contested.

29. A level playing field across platforms reduces the incentive to compete by minimising safety obligations.

Impact on clients and patients

30. **Better protected workers provide better care.** A framework that reduces the pressure on workers to accept unsafe conditions, tolerate harmful behaviour, or perform work they are ill-equipped for is also a patient safety framework. The impact on clients is better protection for them.



Question 5: Are there alternative (legislative or non-legislative) approaches that could be taken?

31. Non-legislative approaches are not adequate. The ANMF has observed the platforms for long enough to say with confidence that voluntary compliance, guidance materials, and industry self-regulation have not produced meaningful WHS outcomes for workers.
32. Platforms have had ample opportunity to incorporate WHS obligations into their operating models. The fact workers lack access to basic safety information, equipment, and grievance mechanisms, despite years of public attention to these issues, shows guidance alone will not change behaviour. **Only a clear legal obligation, backed by enforcement, will do that.**
33. A new duty for crowd platform operators is necessary to close identified gaps and provide clarity. The duty should align with existing WHS principles by applying so far as is reasonably practicable, being based on the degree of influence and control (not the contractual arrangements of the worker) and should operate alongside other existing duties.
34. Guidance materials may still play a useful complementary role: helping platforms understand what compliance looks like in practice and helping workers understand their rights.

Conclusion

35. Nurses, midwives and carers working for crowd platforms deserve the same protection as every other worker in Australia. They do work that is physically demanding and essential to the community. The fact that they access that work through an app or website should not mean they forfeit the safety protections available to their colleagues in direct employment.
36. Crowd platforms exercise real control over how work is structured, rewarded, and governed. They should bear real responsibility for the safety of the workers their systems depend on.
37. The ANMF strongly supports the introduction of a specific statutory duty for crowd platform operators in the model WHS Act. We welcome the opportunity to engage further as the process develops.