

# Data insights in justice

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## Employment-related problems and enquiries to legal assistance services in NSW

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Understanding the characteristics of people who experience employment-related legal problems, such as their age, gender and Indigenous status, is important when planning legal assistance services. The LAW Survey and the New South Wales Legal Assistance Service Data Digest are two sources of information which tell us who has employment problems, what types of problems they experience, and place of residence. This evidence can be used to inform service planning.

### Key messages

- According to the LAW Survey, about 7% of men and 5% of women experience employment-related problems in NSW each year. Age is the most significant predictor, with men and women aged 18 to 24 reporting the highest rates (10.7%).
- LAW Survey respondents in NSW sought advice for 62.5% of employment-related problems. When people sought advice for these problems, it was most often from a legal adviser (24.5% of problems) or from a not-for-profit legal service (7.6% of problems).
- The 2016 data from the Data Digest shows more than half of the 19,500 employment-related enquiries were received by LawAccess NSW (54%), with NSW CLCs (25%) and Legal Aid NSW (21%) accounting for the rest.
- The Data Digest also shows there were 5.4 employment-related enquiries per 1,000 of the NSW working population in 2016, with more enquiries made by women than men (53% vs 47%). The LAW Survey shows that although women have a lower prevalence of employment-related problems, when they do have a problem they are more likely to seek assistance than men.
- Indigenous clients made up 4.3% of 2016 employment-related problem enquiries in the Data Digest, equivalent to 10.8 per 1,000 of the NSW Indigenous working population (vs 5.2 per 1,000 of the non-Indigenous NSW working population).
- By Local Government Area, the rate of enquiries held in the Data Digest for 2016 ranged from 0.6 (Blayney) to 30.2 (Brewarrina) per 1,000 residents. The socio-demographic profile of areas affects the prevalence of problems, and the extent to which people seek, can access and/or qualify for not-for-profit legal assistance.



## Introduction

Employment is the main source of income for most people of working age,<sup>1</sup> and is associated with general health and wellbeing.<sup>2</sup> The experience of work-related problems can therefore have considerable impacts on people's lives. This paper presents findings on employment problems from the Law and Justice Foundation's Legal Australia-Wide (LAW) Survey and the Legal Assistance Service Data Digest (Data Digest).

The LAW Survey provided the first comprehensive measure across Australia of the *experience* of legal problems, the pathways to their resolution and how these vary for different demographic groups.<sup>3</sup> In the Data Digest, the Foundation collates aggregated client data on *enquiries* regarding legal problems received by three generalist public legal assistance providers: Legal Aid NSW, LawAccess NSW and NSW community legal centres (NSW CLCs).<sup>4</sup> This data provides a picture of types of legal problems, client characteristics and variations in problem enquiries from these agencies across NSW.

The LAW Survey data provides insights into the *legal needs* of the population while administrative client data from the Data Digest provides an overview of the *services delivered* by three public legal assistance services in NSW. Together, this data enables the Foundation to compile evidence that can be used to inform policy development and the **planning and delivery of services**.

## The data

This paper presents findings on employment-related problems from the Law and Justice Foundation's LAW Survey and the Data Digest. Together, this data is used to present an overall picture of the types of employment-related problems dealt with by service providers, characteristics of their clients, and variations in problem enquiries across NSW.

The types of employment-related legal problems measured by the LAW Survey include:

- being dismissed or being made redundant
- employment conditions
- review of work performance or conduct
- discrimination and harassment or victimisation.

Employment-related legal problem enquiries in the Data Digest include enquiries about:

- dismissal
- wages/entitlements
- other types of employment problems.

The precise classification of problems may differ between the data sources used in this analysis, and therefore one should use caution when making comparisons.

1 59.2% of people aged 15 years and over and 70.9% of people aged 15–64 years, ABS 2016.

2 Better Health, *Work and your health*, Department of Health & Human Services, State Government of Victoria, Melbourne, 2012.

3 C Coumarelos, D Macourt, J People, HM McDonald, Z Wei, R Iriana & S Ramsey, *Legal Australia-Wide Survey: legal need in Australia*, Law and Justice Foundation of NSW, Sydney, 2012.

4 C Murrells-Black & S Ramsey, *The development of the Legal Assistance Services Data Digest and Data Digest Online*, Law and Justice Foundation of NSW, Sydney, 2014.

## LAW Survey

Based on a representative sample of the general population, the LAW Survey provides information at the national and state/territory levels about the prevalence of legal problems in 2008 and whether or not legal assistance was sought. Due to the sampling methodology of the LAW Survey, it is not possible to distinguish between small geographic areas or subsets of people with rare characteristics. However, it provides a reliable snapshot of the types of legal problems experienced by the general population and the strategies used in response to those problems.

The LAW Survey was a national study with a sufficient sample for many findings at the state/territory level. This paper primarily focuses on findings for NSW, in line with the coverage of the Data Digest. Where the sample for NSW is insufficient, findings for all Australia are presented.

## Legal Assistance Service Data Digest

Administrative client data is collected by services on the enquiries they receive. Within NSW, this information is collated by the Foundation from Legal Aid NSW, LawAccess NSW and NSW CLCs to compile the Data Digest.<sup>5</sup> While enquiries to other services or to private solicitors are not included, the Data Digest provides a comprehensive picture of the types of legal problems enquired about for which a service was provided by the three main public legal assistance services.<sup>6</sup>

The most recent data available is for services provided in 2016, trends analysis is included for the data period 2004 to 2016 where available.

## Experience of employment problems

The LAW Survey provided the first comprehensive measure across Australia of the experience of legal problems, the pathways to their resolution and how these vary for different demographic groups.<sup>7</sup> Based on a representative sample of the population of NSW, the LAW Survey found that 6.2% of respondents aged 15 and over had experienced an employment-related problem in the previous year.<sup>8</sup> Four in ten (40.6%) of these had experienced more than one employment-related problem,<sup>9</sup> and six in ten (62.6%) said at least one of these problems had a moderate to severe impact on their everyday lives.<sup>10</sup>

5 The LawAccess NSW data covers information and advice services LawAccess provides over the telephone. The CLC data covers all the services provided by a CLC, other than information services, and includes both generalist and specialist centres. Data is only available for those CLCs who provided returns to the Community Legal Service Information System (CLSIS). Legal Aid NSW data only includes advice service data. Advice services account for 12% of all services provided by Legal Aid NSW (Legal Aid NSW, Annual report 2017–2018, Appendix 6). No details that would allow identification of clients are included in the data.

6 In practice one service provision could result in multiple problems enquired about. The term enquiry is not, therefore, the equivalent of one service provision; Mirrlees-Black & Ramsey, 2014.

7 Coumarelos et al., 2012a.

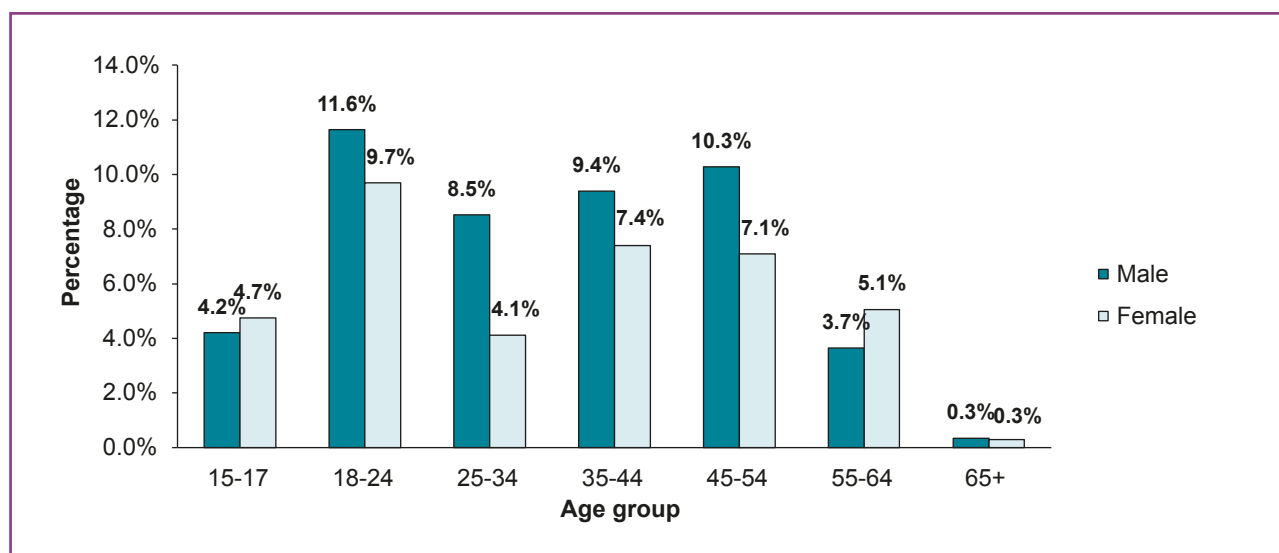
8 C Coumarelos, D Macourt, J People, HM McDonald, Z Wei, R Iriana & S Ramsey, *Legal Australia-Wide Survey: legal need in New South Wales*, Law and Justice Foundation of NSW, Sydney, 2012, Table 3.2.

9 Coumarelos et al., 2012b, Table 3.4.

10 Coumarelos et al., 2012b, Table 3.3.

Men were more likely to say they had experienced an employment problem than women (7.1% versus 5.3%).<sup>11</sup> However, age was found to be the most significant factor,<sup>12</sup> with – not surprisingly – male and female respondents of working age most likely to report such problems. The highest rate was for the 18 to 24 age group (Figure 1). Other characteristics that increased the chance of having recently experienced an employment-related problem were being a single parent, having a post-school qualification and having some form of disability.<sup>13</sup>

**Figure 1: Prevalence of employment problems in NSW by age group, LAW Survey**



Source: Legal Wide-Australia (LAW) Survey new analysis. NSW: N=4,113.

## Response to employment problems

Not everyone who experiences a legal ‘problem’ will recognise it as such or take any action to resolve it. The LAW Survey found that no action was taken for 16.2% of employment-related problems in NSW, with a further 21.4% of employment-related problems handled without advice (Figure 2).<sup>14</sup>

Seeking formal advice was the strategy used in response to 62.5% of employment-related problems in NSW (Figure 2). Even if people do take action, they may not necessarily seek advice from legally qualified advisers. Figure 3 shows the range of adviser types which were used when advice was sought for employment-related legal problems in NSW. The most commonly reported adviser type was a trade or professional association (43.1%), followed by a health or welfare adviser (40.5%) and an employer, boss or supervisor (23.5%) (Figure 3).<sup>15</sup> In NSW, a legal adviser was consulted for 24.5% of employment-related problems where formal advice was sought.<sup>16</sup>

<sup>11</sup> Coumarelos et al., 2012b, Table A3.20.

<sup>12</sup> Coumarelos et al., 2012b, p. 73 & Table A3.8.

<sup>13</sup> Coumarelos et al., 2012b, p. 73 & Table A3.8.

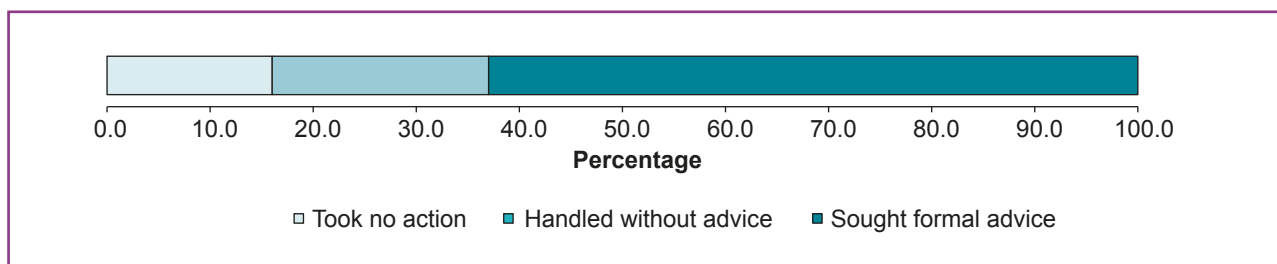
<sup>14</sup> Coumarelos et al., 2012b, Figure 5.7.

<sup>15</sup> Coumarelos et al., 2012b, Table 6.3.

<sup>16</sup> Coumarelos et al., 2012b, Table 6.3.

When action is taken, people may not be aware or have access to a not-for-profit legal service, or may not qualify for support where services are restricted to those with limited financial resources or to those with specific socio-demographic characteristics. Therefore, legal matters dealt with by not-for-profit legal services are a small proportion of legal problems experienced. Where a legal adviser was consulted, this was from one of the not-for-profit legal services for 7.6% of employment-related problems where advice was sought (Figure 3).<sup>17</sup>

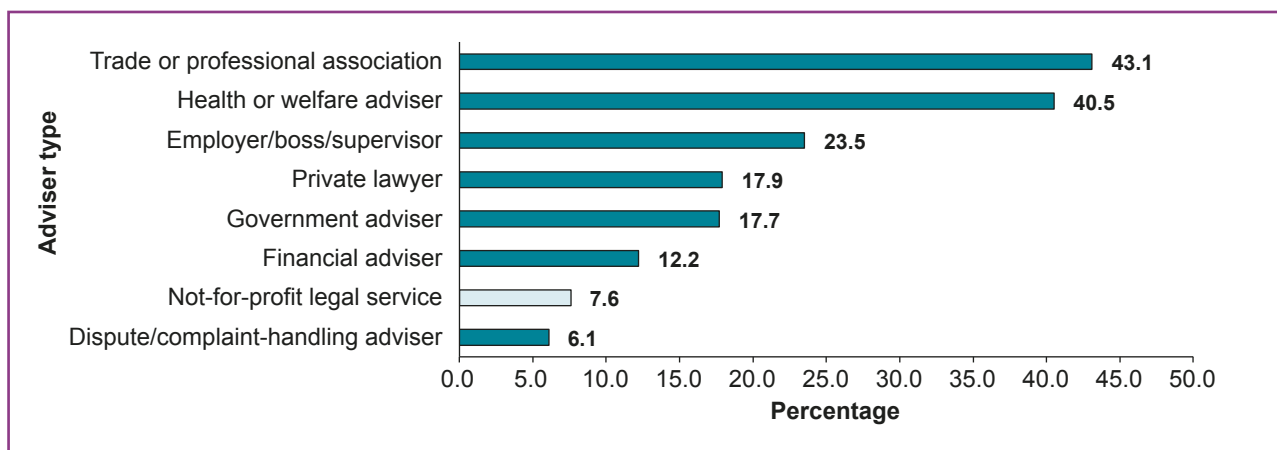
**Figure 2: Strategy in response to employment problems, LAW Survey**



**Source:** Legal Australia-Wide (LAW) Survey, NSW: N=241.

**Note:** The strategy used in response to legal problems often involved more than one type of action. In this graph, the strategy was categorised according to the highest level of action used: (1) sought formal advice, (2) handled without formal advice and (3) took no action.

**Figure 3: Adviser type, where problems sought advice, LAW Survey**



**Source:** Legal Australia-Wide (LAW) Survey, NSW: Table 6.3. N=151.

**Note:** Percentages do not sum to 100 because multiple advisers were reported for some problems.

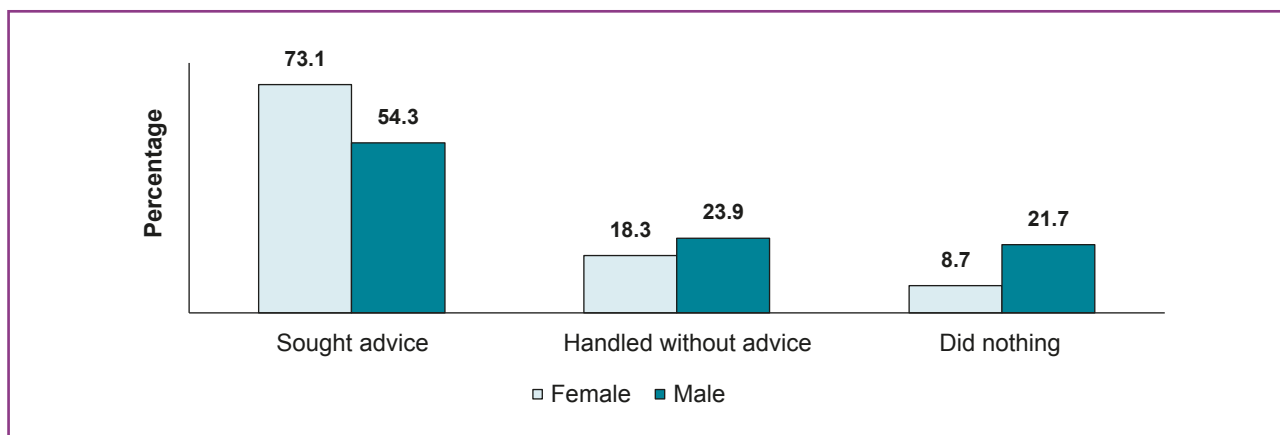
New analysis of the LAW Survey indicates that women are more likely than men to seek advice for employment-related problems, and less likely to take no action: 8.7% of the employment-related problems experienced by women resulted in no action being taken compared to 21.7% of those experienced by men (Figure 4).<sup>18</sup>

<sup>17</sup> Coumarelos et al., 2012b, Table 6.3.

<sup>18</sup> The base for this analysis is problems. The difference in the proportions seeking advice was statistically significant at  $p < .05$ ; the difference in the proportions doing nothing was statistically significant at  $p < 0.1$ .



Figure 4: Women and men's strategy in response to NSW employment-related problems



Source: Legal Wide-Australia (LAW) Survey new analysis. NSW: N=241.

The Foundation collates aggregated client<sup>19</sup> data on enquiries regarding legal problems received by Legal Aid NSW, LawAccess NSW and NSW CLCs in its Data Digest.<sup>20</sup> This data provides a picture of the types of legal problems dealt with, client characteristics and variations in problem enquiries across NSW.<sup>21</sup> Enquiries to other services, such as the Aboriginal Legal Service (NSW/ACT) Ltd, or to private solicitors are not included in the Data Digest.<sup>22</sup> The most recent data available is for services provided in 2016.

Each agency provides services to particular client groups and types of legal problem. They also vary in their geographic coverage, with LawAccess NSW providing a statewide telephone-based service, generalist CLCs based in communities and specialist CLCs focusing on particular types of legal problem and/or client groups. These and other factors, in combination with the prevalence of legal problems, will contribute to the overall distribution of services.

All three agencies provide assistance for employment-related legal problems, with LawAccess NSW accounting for 54% of the approximately 19,500<sup>23</sup> enquiries in 2016 held in the Data Digest. NSW CLCs dealt with 26.3% and Legal Aid NSW with 19.4% (Figure 5). Overall, in 2016, employment-related problem enquiries amounted to 6% of Data Digest enquiries. The data from all agencies is hereafter combined for the purposes of this report.

19 No details that would allow identification of clients is included in the data.

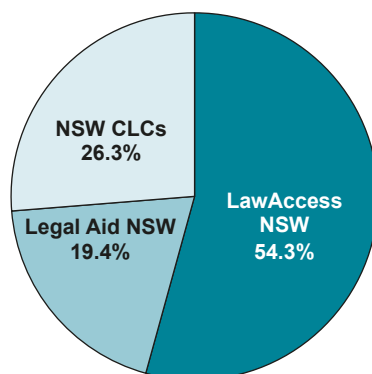
20 The unit record is a matter or problem. In practice one service provision could result in multiple problems enquired about. The term enquiry is not, therefore, the equivalent of one service provision; Mirrlees-Black & Ramsey, 2014.

21 Legal Aid NSW data includes advices only. These account for 12% of all services provided by Legal Aid NSW (Legal Aid NSW 2018, Appendix 6).

22 The Aboriginal Legal Service (NSW/ACT) Ltd focuses mainly on criminal law and some family law issues. Law Society data shows that 11.1% of the 5,615 (18%) practising solicitors responding to a survey stated that employment/industrial law was their main area of practice (Urbis 2016).

23 The basic unit of measurement reported here is each enquiry about a distinct legal problem type. When a client contacts a service provider they may ask about more than one legal problem, for instance if they were dismissed from work because they had questioned whether their rate of pay was lawful, this may be recorded both as a dismissal matter and a pay-related matter. Both would be counted as enquiries here. This will differ from how the agencies themselves count the number of services they provide.

Figure 5: Percentage of employment-related problem enquiries to each of LawAccess NSW, Legal Aid NSW and NSW CLCs in 2016

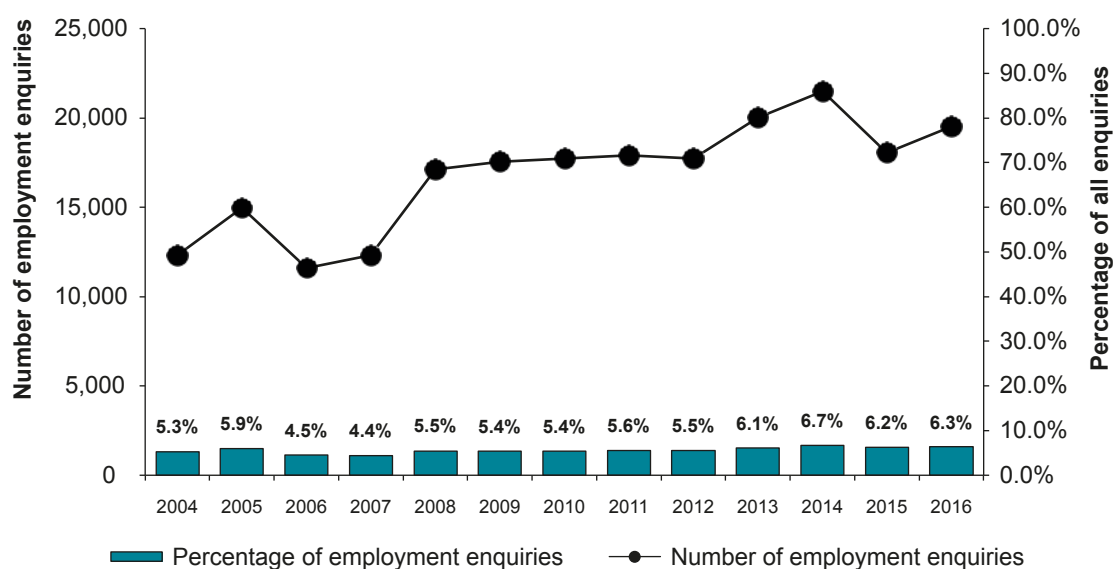


Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

### Trends in the type of employment problems

The number of enquiries about employment-related problems increased by 36.8% over the 13-year period between 2004 and 2016, from approximately 12,320 enquiries in 2004 to about 19,500 enquiries in 2016 (Figure 6). The proportion of enquiries about employment-related problems remained relatively stable during this period, making up an average of 6% of all enquiries held in the Data Digest between 2012 and 2016.

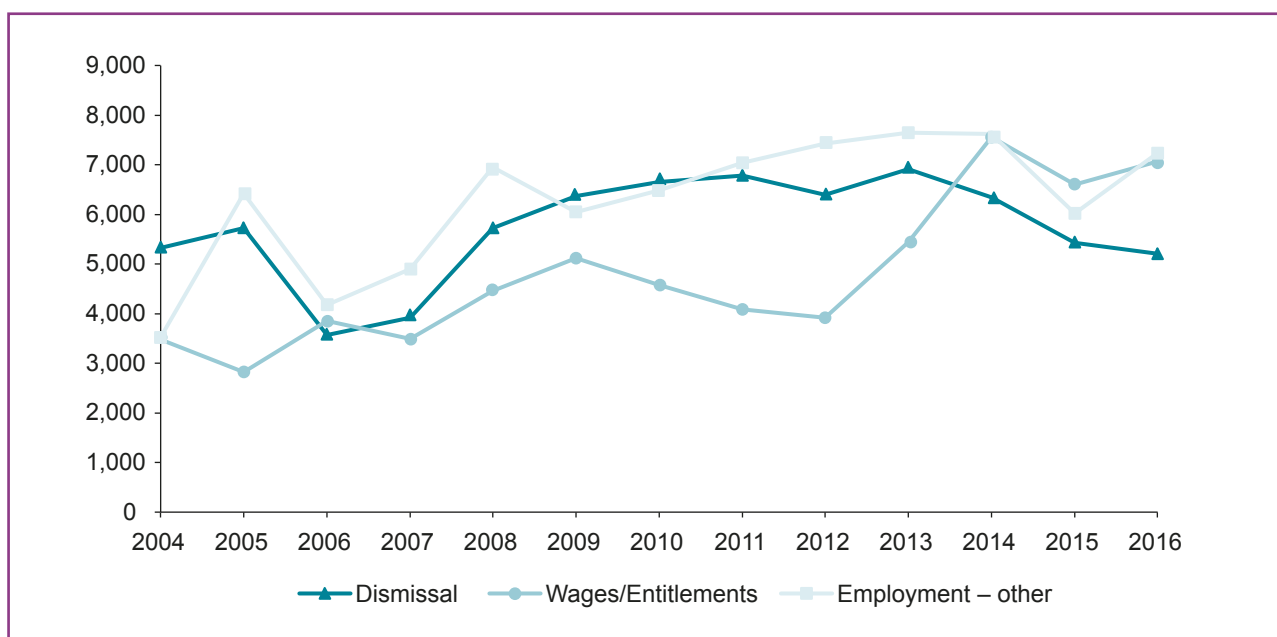
Figure 6: Number and percentage of employment-related problem enquiries, 2004-2016



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2004-2016.

Of the approximately 19,500 enquiries about employment-related problems recorded in the Data Digest in 2016, 26.7% (N=5,204) relate to *Dismissal* and 36.3% (N=7,072) relate to *Wages/entitlements* (Table A.1, Appendix). The remainder (37.1% (N=7,228)) were classified as *Employment – other* which is made up of enquiries relating to *Workplace bullying/harassment* (13.7% (N=987)), *Restriction on employment/occupation* (6.1% (N=442)), *Fair Work Act* (2.0% (N=145)) and *Other non-specific employment-related matters* (78.2% (N=5,654)). Figure 7 indicates the number of employment problem enquiries dealt with by the agencies between 2004 and 2016 by problem type.

**Figure 7: Number of employment-related problem enquiries dealt with by LawAccess NSW, Legal Aid NSW and NSW CLCs, 2004–2016 by problem type**

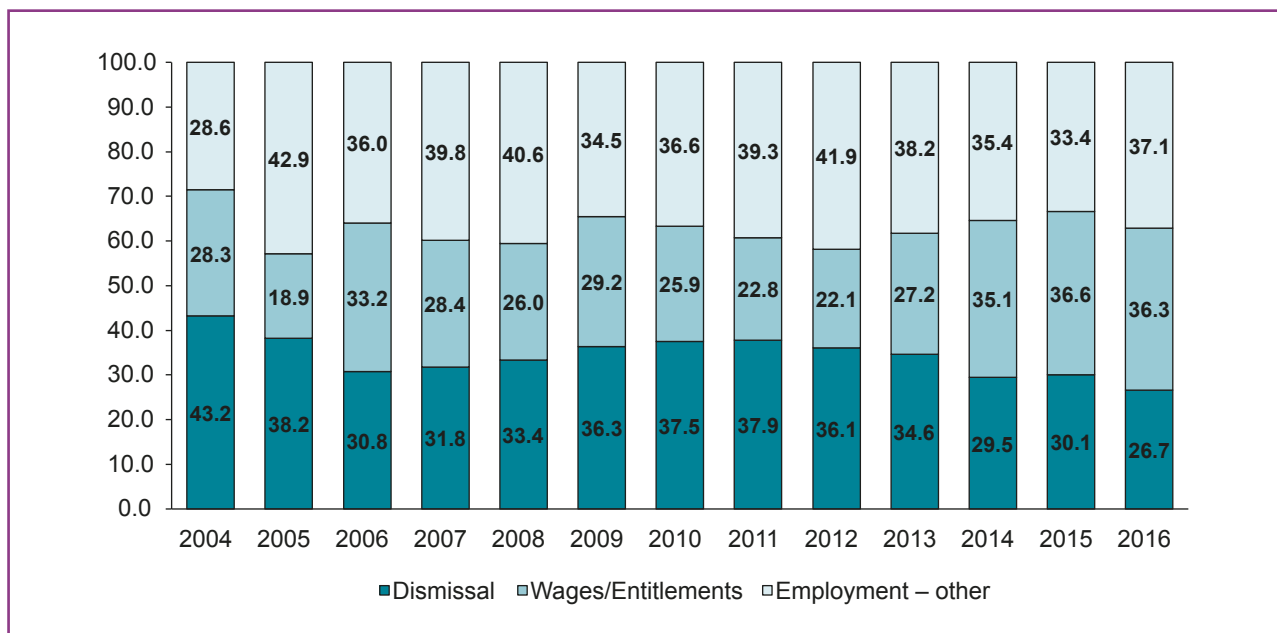


Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

The three problem types made up a varying proportion of all employment-related enquiries between 2004 and 2016 (Figure 8). *Dismissal* accounted for the largest proportion in 2004 at 43.2%, but the smallest proportion in 2016 at 26.7%. *Wages/entitlements* accounted for 28.3% in 2004 and 36.3% in 2016. In 2016, *Employment – other* accounted for the highest proportion of employment-related enquiries (37.1% of enquiries) followed by *Wages/entitlements* (36.3% of enquiries) and then *Dismissal* (26.7%).



**Figure 8: Percentage of employment-related problem enquiries to LawAccess, Legal Aid NSW and NSW CLCs, 2004–2016 by problem type**



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

### Age of clients

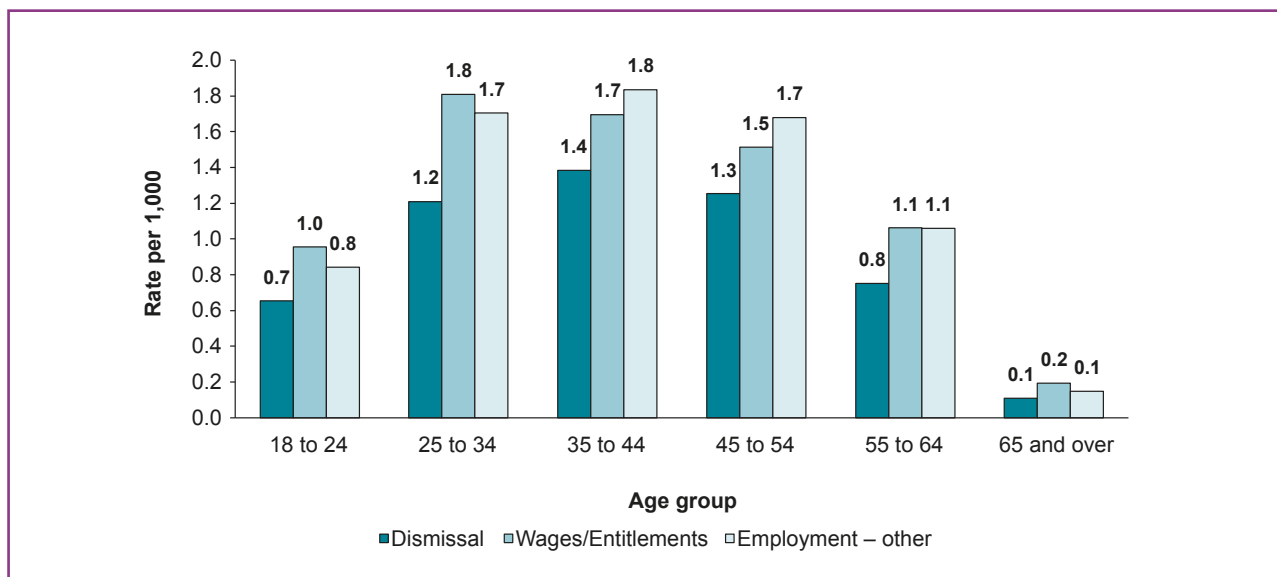
The LAW Survey found that age was the strongest predictor of experiencing employment problems,<sup>24</sup> with the highest prevalence in those aged between 18 and 24.<sup>25</sup> This contrasts with the age profile of Data Digest employment-related enquiries, with the highest rates in 2016 being found in the 25 to 54-year-old cohorts (Figure 9). This differing profile may in part be explained by the LAW Survey finding that 18 to 24-year-olds were relatively unlikely to seek advice for the problems they experience.<sup>26</sup>

<sup>24</sup> Coumarelos et al. 2012b, p. 73 & Table A3.8.

<sup>25</sup> Coumarelos et al. 2012b, Table A3.20.

<sup>26</sup> Coumarelos et al. 2012b, Table 5.8.

**Figure 9: Rate of employment-related problem enquiries per 1,000 to LawAccess NSW, Legal Aid NSW and NSW CLCs, by age group and problem type, 2016**

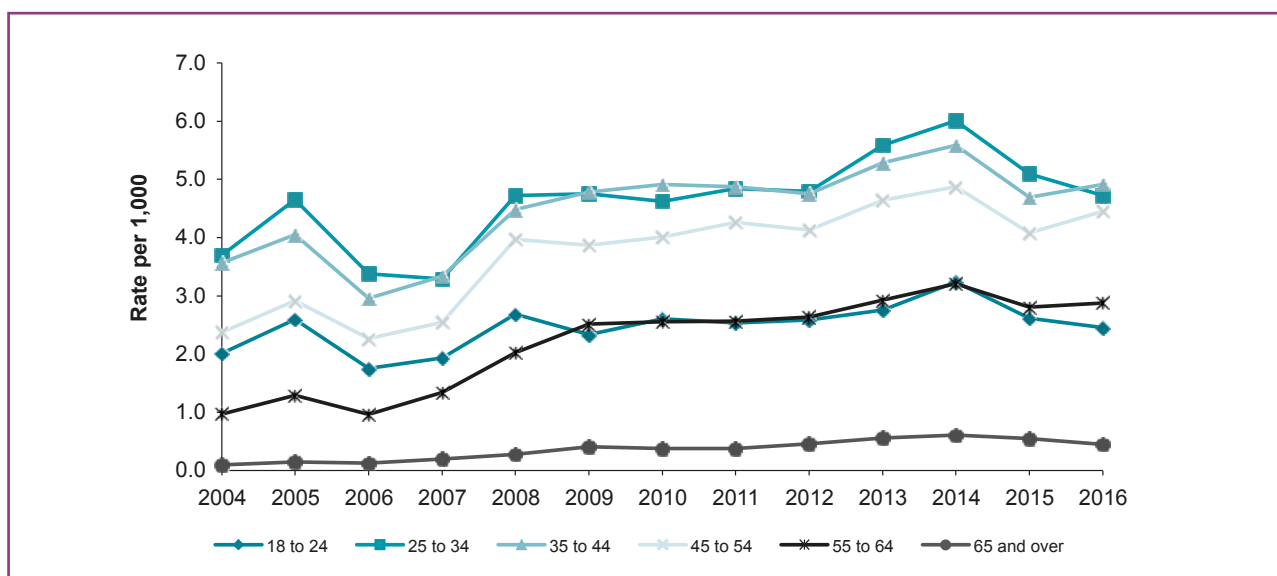


**Source:** Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

**Note:** The 17 and under age group is not shown in Figure 6 as the rate was less than 0.0 per 1,000.

Figure 10 shows the trend for the rates by age group of employment problem enquiries dealt with by the agencies from 2004 to 2016. The 25 to 44 age group consistently had the highest rates of enquiries, closely followed by the 45 to 54 age group. Interestingly, prior to 2008 the 55 to 64 age group had a lower rate than the 18 to 24 age group, but in 2009 the rate for this group met the 18 to 24 age group and remained at a similar level until a further increase in 2016.

**Figure 10: Rate of employment-related problem enquiries per 1,000 to LawAccess, Legal Aid NSW and NSW CLCs, by age group, 2004–2016**



**Source:** ABS 2011, Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

**Note:** The 17 and under age group is not shown in Figure 7 as the rate was less than 0.0 per 1,000.

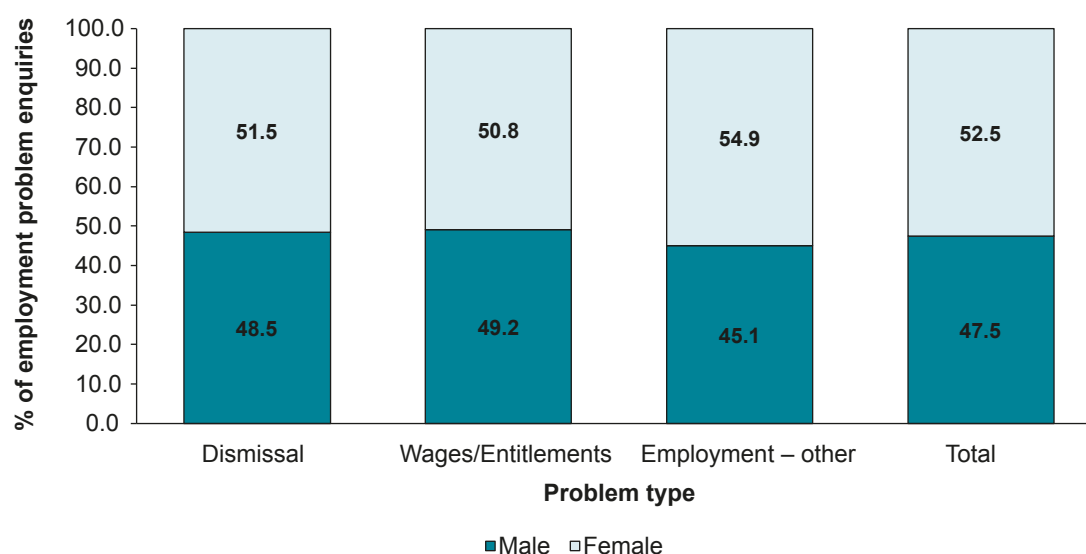
## Gender and age of clients

The 2016 Data Digest shows a higher percentage of employment-related problem enquiries were made by female clients than male clients overall, and for each problem type (Figures 10 and 11). Of the problem types, enquires from female clients made up the highest proportion of *Employment – other* (54.9%), followed by *Dismissal* (51.5%) and then *Wages/entitlements* (Figure 11).

This trend persists across age groups except for the 65 and over age group with 51.2% of the enquiries made by male clients (Figure 12). This may reflect the differing levels of participation in the workforce.<sup>27</sup> Table A.9 (Appendix) demonstrates the differences in the proportions by age group, gender and Indigenous status for the working population of NSW and shows that males make up a greater proportion of the working population aged 65 and over than in the other age groups.<sup>28</sup>

The largest proportion of enquiries (74.8%) came from clients aged between 25 and 54 years. In this age group, female clients accounted for 39.2% of enquiries (Table A.3, Appendix), while the figure for male clients was slightly lower at 35.6%.

**Figure 11: Percentage of employment-related problem enquiries to LawAccess NSW, Legal Aid NSW and NSW CLCs, by problem type and gender, 2016**

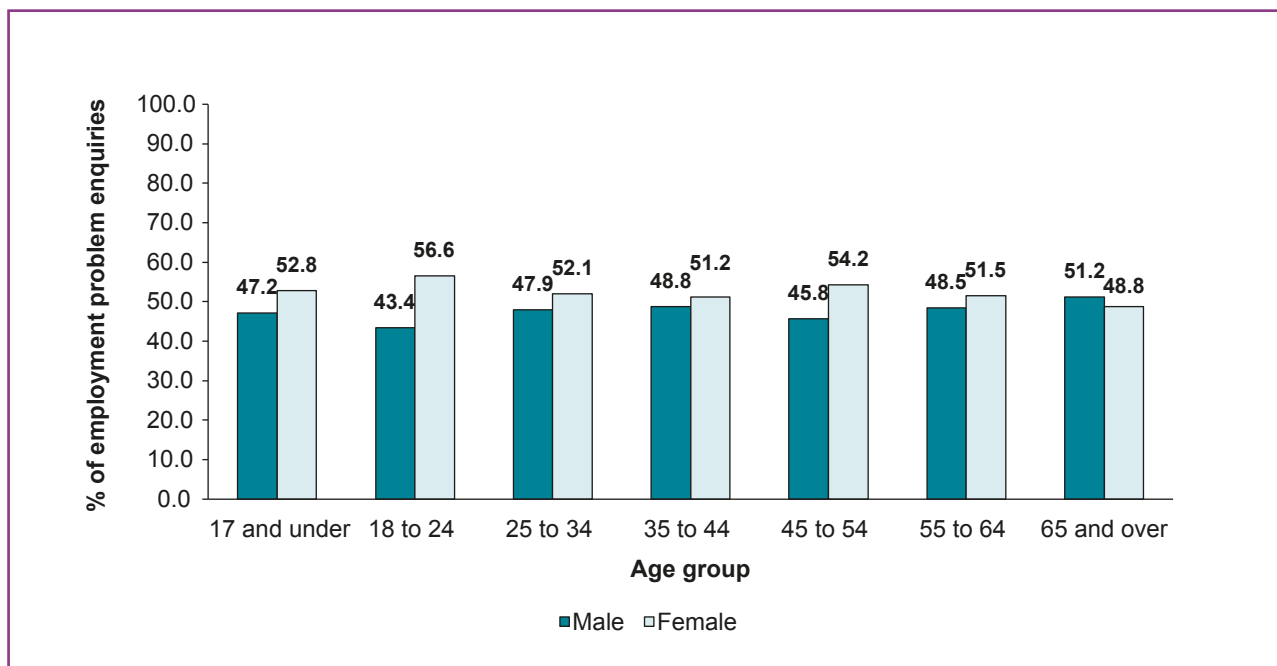


Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

27 In 2016, 60.8% of males aged 65 and over were recorded as participating in the workforce compared to 39.2% of females aged 65 and over (see Table A.9) (ABS 2016).

28 Working population is defined here as persons aged 15 years and over and was either employed, worked full-time; employed, worked part-time; employed, away from work; unemployed, looking for full-time work; or unemployed, looking for part-time work from the (ABS 2016).

Figure 12: Percentage of employment-related problem enquiries to LawAccess NSW, Legal Aid NSW and NSW CLCs, by age group and gender, 2016



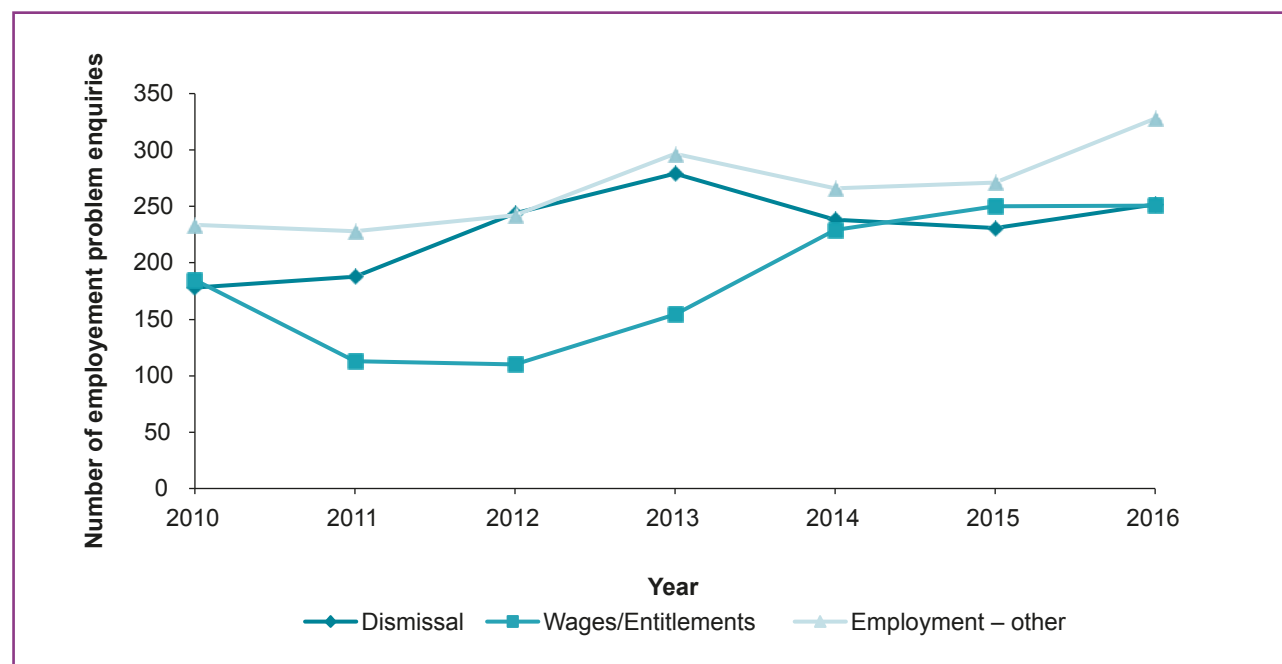
Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

### Indigenous status of clients

There were approximately 830 enquiries in the Data Digest from Indigenous clients about employment-related problems for 2016. Of these, 30.3% (N=252) related to *Dismissal* and 30.2% (N=251) related to *Wages/entitlements*. The remainder (39.5% (N=328)) were classified as enquiries relating to *Employment – other* (Figure 13 and Table A.5, Appendix).

Figure 12 indicates the number of employment-related problem enquiries from Indigenous clients between 2010 and 2016 by problem type. While the percentages of enquiries for all problem types changed during this time, enquiries related to *Wages/entitlements* fluctuated the most with the lowest number of enquiries in 2012 (N=110 (18.5%)) and the highest number of enquiries in 2015 (N=250 (33.2%)).

Figure 13: Number of employment-related problem enquiries by Indigenous clients to LawAccess NSW, Legal Aid NSW and NSW CLCs, 2010–2016, by problem type



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

The percentage of the NSW population identifying as Indigenous in 2016 was 2.9%. The percentage of employment problem enquiries from Indigenous clients for all the agencies in 2016 was 4.3% (Table A.6, Appendix). This contrasts with the LAW Survey which found that, compared to non-Indigenous respondents, Indigenous respondents in NSW reported a lower rate of employment problems (5.8% compared to 6.2%).<sup>29</sup>

Figure 14 shows the rate of employment-related problem enquiries from Indigenous clients for 2016 by age group and gender and indicates that Indigenous males aged 25 to 44 had higher rates of enquiries compared to Indigenous females in the same age group. Figure 13 also shows that Indigenous females aged 18 to 24, as well as those aged 45 to 64, had higher rates of employment-related problem enquiries compared to Indigenous males.

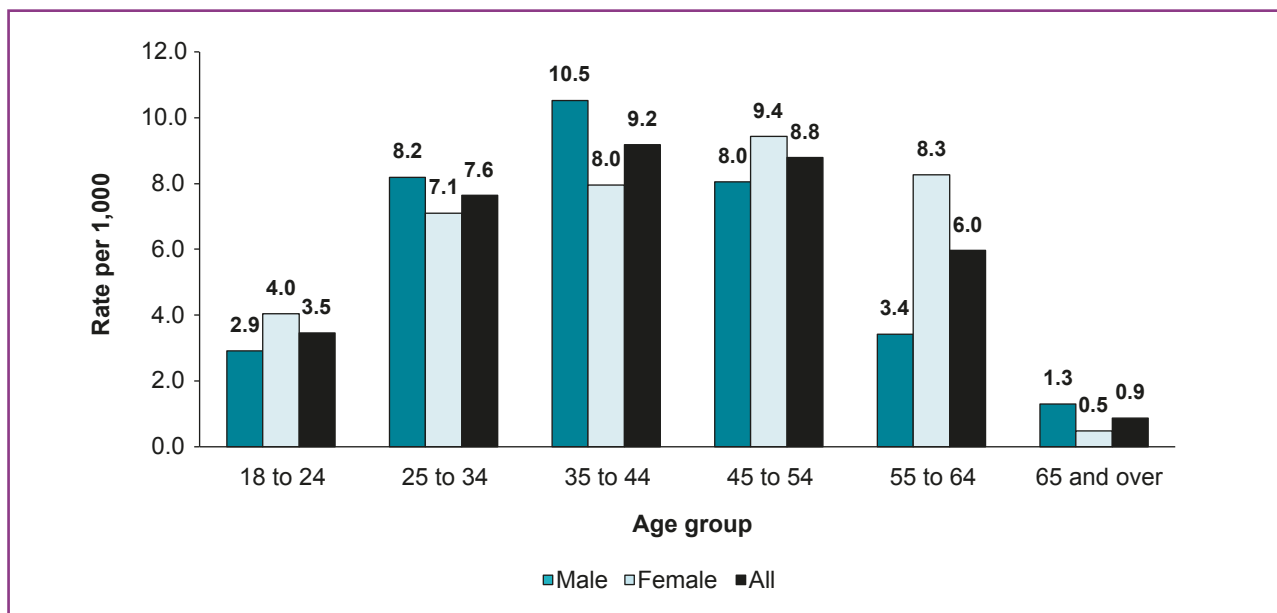
Employment problem enquiries per 1,000 of the working population are shown in Figure 15.<sup>30</sup> Overall, the rate of problems from the Indigenous working population is 10.8 per 1,000 compared to 5.2 per 1,000 for the non-Indigenous working population. Again, this contrasts with the LAW Survey findings raised above, which found that Indigenous respondents in NSW reported a lower rate of employment problems compared to non-Indigenous respondents. This could be due to a range of factors including, as previously noted, the geographic distribution of problems recorded in the Data Digest which will reflect many factors including variations in the availability of services for each agency and the socio-demographic profile of areas, the latter of which affects the prevalence of problems, and the extent to which people seek, can access and/or qualify for legal assistance. Looking at problem type, *Employment – other* had the highest rate of enquiries for the Indigenous working population (4.3 per 1,000), followed equally by *Dismissal* and *Wages/entitlements* (3.3 per 1,000).

<sup>29</sup> Coumarelos et al. 2012b, Table A3.20.

<sup>30</sup> See FN 27.



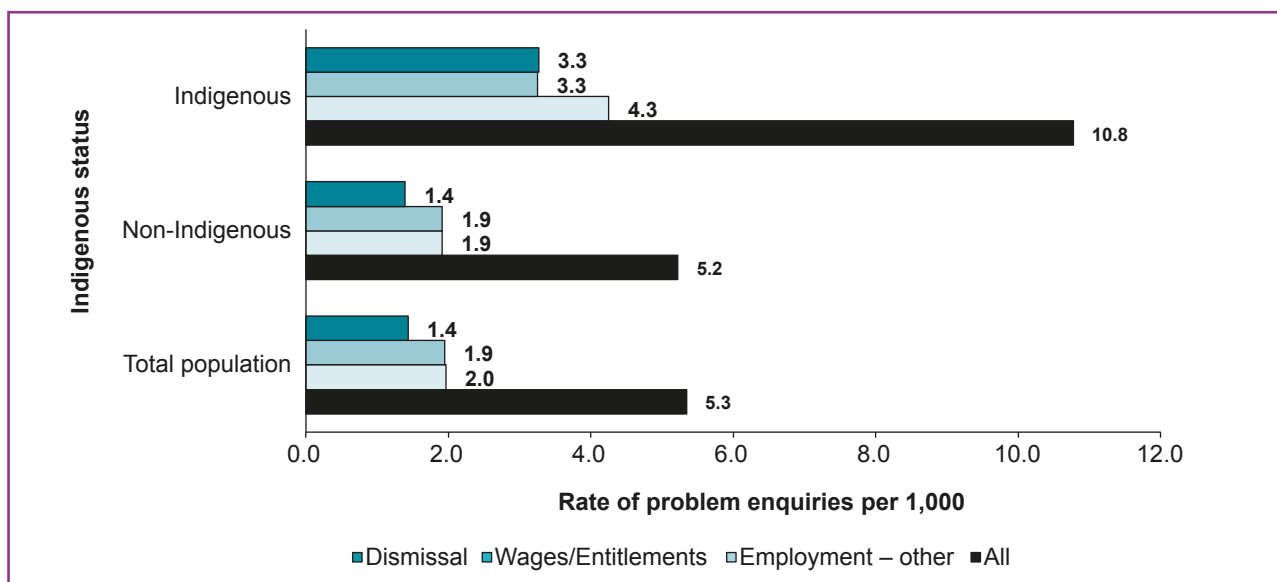
**Figure 14: Rate of employment-related problem enquiries per 1,000 by Indigenous clients to LawAccess NSW, Legal Aid NSW and NSW CLCs, 2016, by gender and age group**



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Note: Rates have been calculated based on the Indigenous population by age group and gender.

**Figure 15: Rate of employment-related problem enquiries per 1,000 of the working population to LawAccess NSW, Legal Aid NSW and NSW CLCs, 2016, by Indigenous status**



Source: ABS 2016, Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Note: Rates have been calculated on working populations.

## Geographic location

Legal assistance service data can be aggregated at postcode level to provide information on the place of residence of clients.

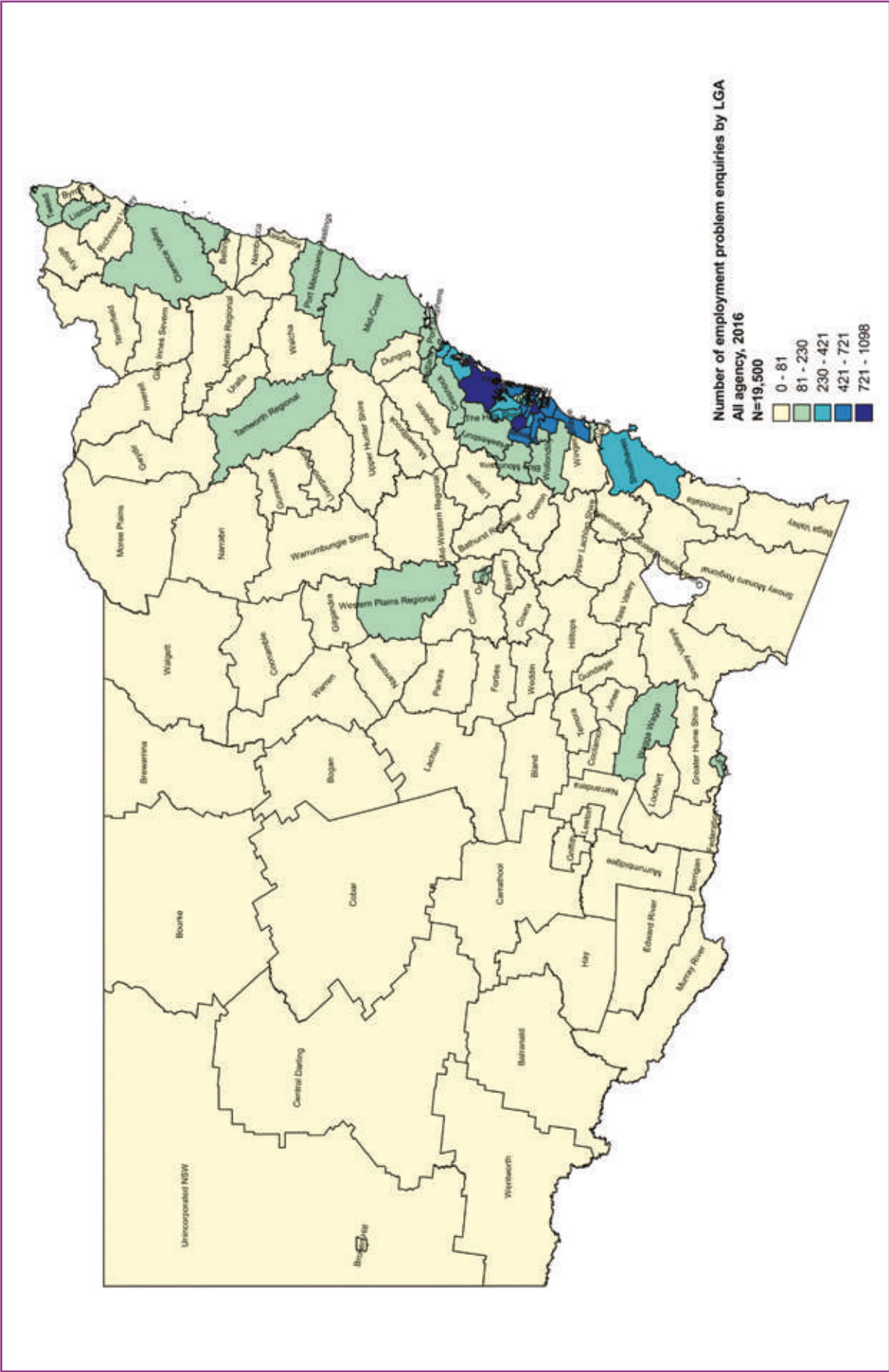
Figures 16 and 18 show the number of employment-related enquiries by Local Government Area (LGA) in 2016 across NSW and Sydney, respectively. The LGA with the highest number of employment-related problem enquiries in 2016 was Sydney (N=1,098), followed by Blacktown (N=1,056). To some extent, the number of enquiries will reflect variations in the size of the working population. Figures 17 and 19 therefore show the rate of employment-related problem enquiries per 1,000 of the working population in NSW and Sydney, respectively.<sup>31</sup> The five LGAs with the highest rates of employment-related enquiries based on the working population were Brewarrina (30.2 per 1,000), Bourke (18.6 per 1,000), Central Darling (15.8 per 1,000), Unincorporated NSW (14.9 per 1,000) and Walgett (14.7 per 1,000).<sup>32</sup>

As previously noted, the geographic distribution of problems recorded in the Data Digest will reflect many factors including variations in the availability of services and the socio-demographic profile of areas, the latter of which affects the prevalence of problems, and the extent to which people seek, can access and/or qualify for legal assistance.

<sup>31</sup> See FN 27.

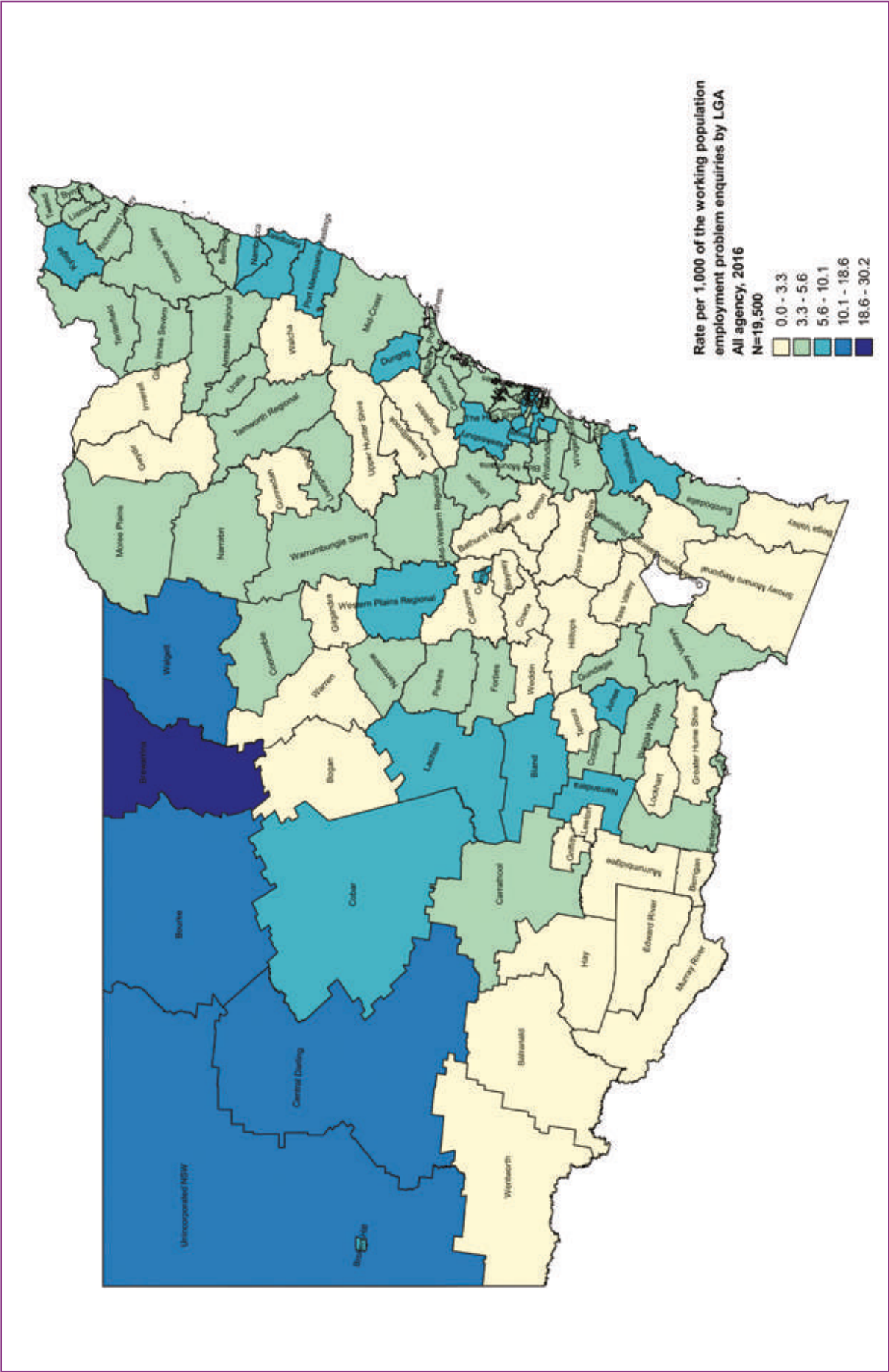
<sup>32</sup> Unincorporated NSW are areas in NSW that are not included in any LGA. This includes regions such as Lord Howe Island and the Far West of NSW.

Figure 16: Number of employment-related problem enquiries, to all agencies, in NSW by LGA, 2016



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

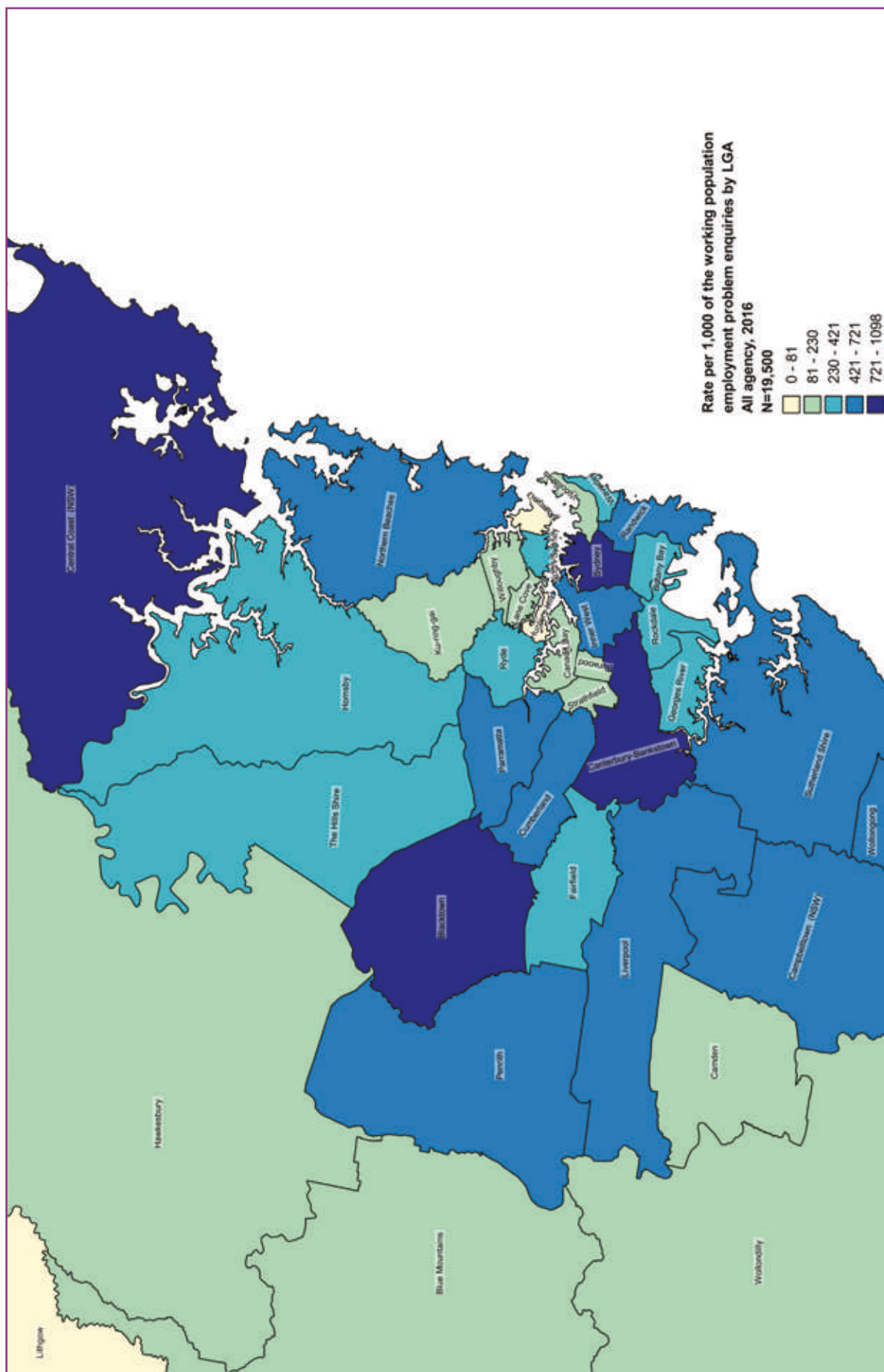
Figure 17: Rate of employment-related problem enquiries to all agencies per 1,000 of the working population in NSW by LGA, 2016



Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016 & ABS 2016 Census of Population and Housing.



**Source:** Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.







## Using data for service planning

Findings from the LAW Survey and the Data Digest enable the Foundation to report on the experience of legal problems, as well as the characteristics of people who received assistance for their legal problems. Together, this data enables the Foundation to compile evidence that can be used to inform policy development and the planning and delivery of services.

From the LAW Survey we know that 6.2% of respondents aged 15 and over in NSW experienced an employment-related problem in the previous year, and when advice for an employment-related problem was sought, this was from a not-for-profit legal service in 7.6% of employment-related problems. The 2016 Data Digest shows that the largest number of employment-related enquiries was received by LawAccess NSW (54%), followed by NSW CLCs for (25%) and Legal Aid NSW (21%). The distribution of services by provider is affected by the differences in the way the agencies provide services.

LAW Survey findings and analysis of the Data Digest reveal that both age and gender are important characteristics for employment-related problems. Analysis of the Data Digest also found that the rate of employment-related problem enquiries (per 1,000 of working populations) was higher for Indigenous clients. However Indigenous respondents in the LAW Survey reported slightly lower prevalence of employment-related problems. The characteristics of clients for different legal problems are important considerations when planning services.

In practice, the planning of legal assistance services is complex and takes place in the context of limited resources, existing services and strategic priorities, and political priorities. The LAW Survey and Data Digest are two valuable sources of information that can be used for planning legal assistance services alongside others, such as ABS Census data. The features of the local environment (such as existing services, infrastructure, public transport, shopping centres, hospitals, courts, prisons etc.) which have an impact on the extent and nature of demand for services should also be taken into account alongside the existing evidence.

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## Appendix

**Table A.1: Number of employment-related problem enquiries to LawAccess NSW, Legal Aid NSW and NSW CLCs by problem type (2004–2016)**

| Year | Dismissal | Employment – other | Wages/Entitlements | Total  |
|------|-----------|--------------------|--------------------|--------|
|      | N         | N                  | N                  | N      |
| 2004 | 5,322     | 3,482              | 3,520              | 12,324 |
| 2005 | 5,723     | 2,823              | 6,418              | 14,964 |
| 2006 | 3,569     | 3,853              | 4,175              | 11,597 |
| 2007 | 3,915     | 3,493              | 4,893              | 12,301 |
| 2008 | 5,725     | 4,456              | 6,953              | 17,134 |
| 2009 | 6,372     | 5,121              | 6,044              | 17,537 |
| 2010 | 6,649     | 4,581              | 6,487              | 17,717 |
| 2011 | 6,779     | 4,089              | 7,039              | 17,907 |
| 2012 | 6,396     | 3,914              | 7,423              | 17,733 |
| 2013 | 6,917     | 5,438              | 7,651              | 20,006 |
| 2014 | 6,341     | 7,551              | 7,618              | 21,510 |
| 2015 | 5,423     | 6,599              | 6,024              | 18,046 |
| 2016 | 5,204     | 7,072              | 7,228              | 19,504 |

Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

**Table A.2: Number, percentage and rate of employment-related problem enquiries to LawAccess NSW, Legal Aid NSW and NSW CLCs for 2016 by problem group and original problem enquiry**

| Problem type       | Original problem enquiry                     | Number        | Percentage   | Rate/1,000 |
|--------------------|--|---------------|--------------|------------|
| Dismissal          | Dismissal (Cwth)                             | 2,473         | 12.7         | 0.3        |
|                    | Dismissal (State)                            | 112           | 0.6          | 0.0        |
|                    | Unfair Dismissal                             | 2,619         | 13.4         | 0.4        |
| Wages/Entitlements | Wages/Entitlements                           | 3,060         | 15.7         | 0.4        |
|                    | Wages/entitlements (State)                   | 165           | 0.8          | 0.0        |
|                    | Employment conditions/entitlements           | 1,876         | 9.6          | 0.3        |
|                    | General Protections                          | 845           | 4.3          | 0.1        |
|                    | Employment Contracts                         | 1,126         | 5.8          | 0.2        |
|                    |  |               |              |            |
| Employment – other | Restriction on Employment/occupation (Cwth)  | 242           | 1.2          | 0.0        |
|                    | Restriction on Employment/Occupation (State) | 200           | 1.0          | 0.0        |
|                    | Workplace Bullying/Harassment (State)        | 202           | 1.0          | 0.0        |
|                    | Workplace Bullying/Harassment (Cwth)         | 785           | 4.0          | 0.1        |
|                    | Fair Work Act (Cwth)                         | 145           | 0.7          | 0.0        |
|                    | Employment – other                           | 2,324         | 11.9         | 0.3        |
|                    | Employment – other (Cwth)                    | 3,330         | 17.1         | 0.4        |
|                    |  |               |              |            |
| <b>Total</b>       |  | <b>19,504</b> | <b>100.0</b> | <b>2.6</b> |

Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Table A.3: Number and percentage of employment-related problem enquiries to LawAccess NSW, Legal Aid NSW and NSW CLCs by gender and matter group for 2016

|        | Age group    | Dismissal    |              | Wages/<br>Entitlements |              | Employment –<br>other |              | Total         |              |
|--------|--------------|--------------|--------------|------------------------|--------------|-----------------------|--------------|---------------|--------------|
|        |              | N            | %            | N                      | %            | N                     | %            | N             | %            |
| Female | 17 and under | 4            | 0.2          | 18                     | 0.5          | 16                    | 0.4          | 38            | 0.4          |
|        | 18 to 24     | 254          | 9.6          | 350                    | 9.9          | 327                   | 8.5          | 931           | 9.3          |
|        | 25 to 34     | 666          | 25.1         | 998                    | 28.2         | 952                   | 24.8         | 2,616         | 26.1         |
|        | 35 to 44     | 681          | 25.6         | 828                    | 23.4         | 1,010                 | 26.3         | 2,519         | 25.1         |
|        | 45 to 54     | 641          | 24.1         | 771                    | 21.8         | 938                   | 24.4         | 2,350         | 23.4         |
|        | 55 to 64     | 344          | 13.0         | 457                    | 12.9         | 518                   | 13.5         | 1,319         | 13.1         |
|        | 65 and over  | 65           | 2.4          | 118                    | 3.3          | 83                    | 2.2          | 266           | 2.6          |
|        | <b>Total</b> | <b>2,655</b> | <b>100.0</b> | <b>3,540</b>           | <b>100.0</b> | <b>3,844</b>          | <b>100.0</b> | <b>10,039</b> | <b>100.0</b> |
| Male   | 17 and under | 8            | 0.3          | 15                     | 0.4          | 11                    | 0.3          | 34            | 0.4          |
|        | 18 to 24     | 186          | 7.5          | 290                    | 8.5          | 238                   | 7.6          | 714           | 7.9          |
|        | 25 to 34     | 622          | 24.9         | 924                    | 27.1         | 860                   | 27.3         | 2,406         | 26.6         |
|        | 35 to 44     | 708          | 28.4         | 868                    | 25.4         | 826                   | 26.2         | 2,402         | 26.5         |
|        | 45 to 54     | 581          | 23.3         | 708                    | 20.8         | 695                   | 22.0         | 1,984         | 21.9         |
|        | 55 to 64     | 326          | 13.1         | 489                    | 14.3         | 426                   | 13.5         | 1,241         | 13.7         |
|        | 65 and over  | 65           | 2.6          | 118                    | 3.5          | 96                    | 3.0          | 279           | 3.1          |
|        | <b>Total</b> | <b>2,496</b> | <b>100.0</b> | <b>3,412</b>           | <b>100.0</b> | <b>3,152</b>          | <b>100.0</b> | <b>9,060</b>  | <b>100.0</b> |

Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Note: 405 records recorded as missing or not disclosed.

Table A.4: Number and rate (per 1,000) of employment-related problem enquiries to LawAccess NSW, Legal Aid NSW and NSW CLCs by gender and matter group for 2016

|        | Age group    | Dismissal    |            | Wages/<br>Entitlements |            | Employment –<br>other |            | Total        |            |
|--------|--------------|--------------|------------|------------------------|------------|-----------------------|------------|--------------|------------|
|        |              | N            | Rate       | N                      | Rate       | N                     | Rate       | N            | Rate       |
| Female | 17 and under | 4            | 0.0        | 18                     | 0.0        | 16                    | 0.0        | 38           | 0.0        |
|        | 18 to 24     | 254          | 0.8        | 350                    | 1.1        | 327                   | 1.0        | 931          | 2.8        |
|        | 25 to 34     | 666          | 1.2        | 998                    | 1.8        | 952                   | 1.8        | 2,616        | 4.8        |
|        | 35 to 44     | 681          | 1.3        | 828                    | 1.6        | 1,010                 | 2.0        | 2,519        | 5.0        |
|        | 45 to 54     | 641          | 1.3        | 771                    | 1.5        | 938                   | 1.9        | 2,350        | 4.7        |
|        | 55 to 64     | 344          | 0.8        | 457                    | 1.0        | 518                   | 1.1        | 1,319        | 2.9        |
|        | 65 and over  | 65           | 0.1        | 118                    | 0.2        | 83                    | 0.1        | 266          | 0.4        |
|        | <b>Total</b> | <b>2655</b>  | <b>0.7</b> | <b>3540</b>            | <b>0.9</b> | <b>3844</b>           | <b>1.0</b> | <b>10039</b> | <b>2.6</b> |
| Male   | 17 and under | 8            | 0.0        | 15                     | 0.0        | 11                    | 0.0        | 34           | 0.0        |
|        | 18 to 24     | 186          | 0.5        | 290                    | 0.8        | 238                   | 0.7        | 714          | 2.1        |
|        | 25 to 34     | 622          | 1.2        | 924                    | 1.8        | 860                   | 1.6        | 2,406        | 4.6        |
|        | 35 to 44     | 708          | 1.4        | 868                    | 1.8        | 826                   | 1.7        | 2,402        | 4.9        |
|        | 45 to 54     | 581          | 1.2        | 708                    | 1.5        | 695                   | 1.5        | 1,984        | 4.1        |
|        | 55 to 64     | 326          | 0.8        | 489                    | 1.1        | 426                   | 1.0        | 1,241        | 2.9        |
|        | 65 and over  | 65           | 0.1        | 118                    | 0.2        | 96                    | 0.2        | 279          | 0.5        |
|        | <b>Total</b> | <b>2,496</b> | <b>0.7</b> | <b>3,412</b>           | <b>0.9</b> | <b>3,152</b>          | <b>0.9</b> | <b>9,060</b> | <b>2.5</b> |

Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Note: 405 records recorded as missing or not disclosed.

**Table A.5: Number and percentage of employment-related problem enquiries from Indigenous clients to LawAccess NSW, Legal Aid NSW and NSW CLCs by problem type, 2010–2016**

| Year         | Dismissal    |             | Wages/Entitlements |             | Employment – other |             | Total        |              |
|--------------|--------------|-------------|--------------------|-------------|--------------------|-------------|--------------|--------------|
|              | N            | %           | N                  | %           | N                  | %           | N            | %            |
| 2010         | 178          | 29.8        | 185                | 31.0        | 234                | 39.2        | 597          | 100.0        |
| 2011         | 188          | 35.5        | 113                | 21.4        | 228                | 43.1        | 529          | 100.0        |
| 2012         | 244          | 40.9        | 110                | 18.5        | 242                | 40.6        | 596          | 100.0        |
| 2013         | 279          | 38.2        | 154                | 21.1        | 297                | 40.7        | 730          | 100.0        |
| 2014         | 238          | 32.5        | 229                | 31.2        | 266                | 36.3        | 733          | 100.0        |
| 2015         | 231          | 30.7        | 250                | 33.2        | 271                | 36.0        | 752          | 100.0        |
| 2016         | 252          | 30.3        | 251                | 30.2        | 328                | 39.5        | 831          | 100.0        |
| <b>Total</b> | <b>1,610</b> | <b>33.8</b> | <b>1,292</b>       | <b>27.1</b> | <b>1,866</b>       | <b>39.1</b> | <b>4,768</b> | <b>100.0</b> |

Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Note: 4 records are recorded as missing.

**Table A.6: Number and percentage of employment-related problem enquiries to LawAccess NSW, Legal Aid NSW and NSW CLCs by Indigenous status 2009–2016**

| Year         | Indigenous  |            | Non-Indigenous |             | Not disclosed |            | Total          |              |
|--------------|-------------|------------|----------------|-------------|---------------|------------|----------------|--------------|
|              | N           | %          | N              | %           | N             | %          | N              | %            |
| 2009         | 1,164       | 6.6        | 13,645         | 77.8        | 2728          | 15.6       | 17,537         | 100.0        |
| 2010         | 597         | 3.4        | 16,935         | 95.6        | 184           | 1.0        | 17,716         | 100.0        |
| 2011         | 529         | 3.0        | 17,200         | 96.1        | 176           | 1.0        | 17,905         | 100.0        |
| 2012         | 596         | 3.4        | 16,952         | 95.6        | 185           | 1.0        | 17,733         | 100.0        |
| 2013         | 730         | 3.6        | 19,061         | 95.3        | 214           | 1.1        | 20,005         | 100.0        |
| 2014         | 733         | 3.4        | 20,520         | 95.4        | 257           | 1.2        | 21,510         | 100.0        |
| 2015         | 752         | 4.2        | 17,078         | 94.6        | 216           | 1.2        | 18,046         | 100.0        |
| 2016         | 831         | 4.3        | 18,435         | 94.5        | 238           | 1.2        | 19,504         | 100.0        |
| <b>Total</b> | <b>5932</b> | <b>4.0</b> | <b>139,826</b> | <b>93.2</b> | <b>4198</b>   | <b>2.8</b> | <b>149,956</b> | <b>100.0</b> |

Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Note: Not disclosed number is higher for 2009 as Indigenous status was collected from March 2009. 4 records are recorded as missing.



**Table A.7: Number and rate of employment-related problem enquiries to LawAccess NSW, Legal Aid NSW and NSW CLCs by Indigenous status 2009–2016**

| Year         | Indigenous   |             | Non-Indigenous |             | Not disclosed |            | Total          |             |
|--------------|--------------|-------------|----------------|-------------|---------------|------------|----------------|-------------|
|              | N            | Rate        | N              | Rate        | N             | Rate       | N              | Rate        |
| 2009         | 1,164        | 6.7         | 13,645         | 2.1         | 2728          | 0.4        | 17,537         | 2.5         |
| 2010         | 597          | 3.5         | 16,935         | 2.6         | 184           | 0.0        | 17,716         | 2.6         |
| 2011         | 529          | 3.1         | 17,200         | 2.7         | 176           | 0.0        | 17,905         | 2.6         |
| 2012         | 596          | 3.5         | 16,952         | 2.6         | 185           | 0.0        | 17,733         | 2.6         |
| 2013         | 730          | 4.2         | 19,061         | 3.0         | 214           | 0.0        | 20,005         | 2.9         |
| 2014         | 733          | 4.2         | 20,520         | 3.2         | 257           | 0.0        | 21,510         | 3.1         |
| 2015         | 752          | 4.4         | 17,078         | 2.7         | 216           | 0.0        | 18,046         | 2.6         |
| 2016         | 831          | 3.8         | 18,435         | 2.7         | 238           | 0.0        | 19,504         | 2.8         |
| <b>Total</b> | <b>5,932</b> | <b>27.4</b> | <b>139,826</b> | <b>20.5</b> | <b>4198</b>   | <b>0.6</b> | <b>149,956</b> | <b>21.7</b> |

Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Note: Not disclosed number is higher for 2009 as Indigenous status was collected from March 2009. 4 records are recorded as missing.

**Table A.8: Number and rate per 1,000 of the working population of employment-related problem enquiries to LawAccess NSW, Legal Aid NSW and NSW CLCs by Indigenous status, 2016**

| Number             | Indigenous |             | Non-Indigenous |            | All           |            |
|--------------------|------------|-------------|----------------|------------|---------------|------------|
|                    | N          | Rate        | N              | Rate       | N             | Rate       |
| Dismissal          | 252        | 3.3         | 4,915          | 1.4        | 5,167         | 1.4        |
| Wages/Entitlements | 251        | 3.3         | 6,763          | 1.9        | 7,014         | 1.9        |
| Employment – other | 328        | 4.3         | 6,757          | 2.0        | 7,085         | 2.0        |
| <b>All</b>         | <b>831</b> | <b>10.8</b> | <b>18,435</b>  | <b>5.2</b> | <b>19,266</b> | <b>5.3</b> |

Source: Data Digest LawAccess NSW, Legal Aid NSW (Advice) and NSW CLCs 2016.

Note: 238 records are recorded as not disclosed for Indigenous status.

Table A.9: Working population of NSW by gender, age group and Indigenous status, number and percentage

| Indigenous status | Age group    | Male             |             | Female           |             | Total            |
|-------------------|--------------|------------------|-------------|------------------|-------------|------------------|
|                   |              | N                | %           | N                | %           | N                |
| Indigenous        | 17 and under | 1,870            | 45.2        | 2,269            | 54.8        | 4,137            |
|                   | 18-24        | 9,625            | 54.0        | 8,216            | 46.1        | 17,832           |
|                   | 25-34        | 9,602            | 54.1        | 8,140            | 45.9        | 17,747           |
|                   | 45-54        | 6,685            | 48.3        | 7,145            | 51.6        | 13,834           |
|                   | 35-44        | 7,387            | 49.7        | 7,478            | 50.3        | 14,869           |
|                   | 55-64        | 3,865            | 51.9        | 3,571            | 48.0        | 7,444            |
|                   | 65+          | 766              | 59.9        | 519              | 40.6        | 1,279            |
|                   | <b>Total</b> | <b>39,804</b>    | <b>51.6</b> | <b>37,342</b>    | <b>48.4</b> | <b>77,145</b>    |
| Non-Indigenous    | 17 and under | 37,120           | 46.4        | 42,941           | 53.6        | 80,061           |
|                   | 18-24        | 227,625          | 51.4        | 214,864          | 48.6        | 442,490          |
|                   | 25-34        | 424,321          | 52.7        | 381,147          | 47.3        | 805,465          |
|                   | 45-54        | 379,627          | 51.5        | 357,367          | 48.5        | 736,994          |
|                   | 35-44        | 408,826          | 53.0        | 363,223          | 47.0        | 772,042          |
|                   | 55-64        | 280,726          | 53.5        | 243,792          | 46.5        | 524,514          |
|                   | 65+          | 89,900           | 60.8        | 58,047           | 39.2        | 147,944          |
|                   | <b>Total</b> | <b>1,848,134</b> | <b>52.7</b> | <b>1,661,373</b> | <b>47.3</b> | <b>3,509,516</b> |
| Total             | 17 and under | 38,990           | 46.3        | 45,210           | 53.7        | 84,200           |
|                   | 18-24        | 237,250          | 51.5        | 223,080          | 48.5        | 460,330          |
|                   | 25-34        | 433,923          | 52.7        | 389,287          | 47.3        | 823,210          |
|                   | 45-54        | 386,312          | 51.5        | 364,512          | 48.5        | 750,824          |
|                   | 35-44        | 416,213          | 52.9        | 370,701          | 47.1        | 786,914          |
|                   | 55-64        | 284,591          | 53.5        | 247,363          | 46.5        | 531,954          |
|                   | 65+          | 90,666           | 60.8        | 58,566           | 39.2        | 149,232          |
|                   | <b>Total</b> | <b>1,887,938</b> | <b>52.6</b> | <b>1,698,715</b> | <b>47.4</b> | <b>3,586,653</b> |

Source: ABS Census of Population and Housing 2016.

Note: 19,222 records are recorded as not disclosed for Indigenous status.

Topics for further research and analysis are invited.  
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