WORKING FOR FREE – THE NEW NORMAL

The prevalence of unpaid overtime and the changing nature of work in the AI era

UNIONS NSW
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Each major wave of technological change has carried a familiar promise: that new tools will reduce the burden of work, improve productivity, and deliver higher living standards for workers.

Artificial intelligence (AI) is the latest and most powerful expression of this narrative. It is frequently promoted as a transformative technology that will streamline tasks, eliminate repetitive work, and free workers to focus on more meaningful and higher-value activities. In this vision, AI is expected to shorten working hours, improve work-life balance, and enhance wellbeing across the labour market.

INTRODUCTION

Yet for many workers in Australian workplaces, this promise is not being realised. Instead of reducing the volume of work, AI and digital systems are increasingly being used to intensify it. Productivity gains are not translating into shorter hours or lighter workloads. Rather, they are being absorbed into higher performance expectations, tighter deadlines, and expanding job scope. For many workers, this has meant longer hours, increased monitoring, and a growing expectation to remain available beyond paid time. Rather than freeing workers from work, AI is increasingly being used to extract more of it - faster, longer, and often unpaid.

This report sits within a long history of workers fighting to define and defend fair working hours. The eight-hour day, won through collective action, established the principle that work, rest, and personal time should be kept in balance. That principle shaped Australia's labour standards for generations. Today, however, that boundary is being eroded. Unpaid overtime is no longer an exception or an occasional demand - it is increasingly embedded as a routine and expected feature of working life across many industries.

In 2024, Unions NSW exposed the scale of this issue. A survey of more than 5,000 workers found that over 85 per cent regularly performed unpaid overtime, averaging nine unpaid hours per week - equivalent to more than $21,000 in lost wages each year. These findings made clear that unpaid work is not incidental, but structural.

Two years on, the pressures driving unpaid overtime are evolving and, in many cases, intensifying. While recent industrial relations reforms, including the Right to Disconnect, reflect growing recognition of the need to restore boundaries between work and personal time, the rapid adoption of AI and digital systems is reshaping how work is organised in ways that often undermine these protections. Workers are reporting increasing expectations to do more in less time, to remain constantly responsive, and to absorb additional tasks without additional pay.

To examine these developments, further research has been undertaken into working hours, unpaid overtime, workplace pressures, awareness of industrial rights, and the impact of emerging technologies, including AI. This report draws on that evidence to assess how unpaid overtime is changing, how AI is reshaping work in practice, and whether recent reforms are improving conditions. The findings point to a clear conclusion: while the language of work is changing, the reality for many workers is not. Long hours, unpaid labour, and rising pressure remain defining features of working life in Australia.

This report finds that unpaid overtime remains widespread and deeply normalised across industries, with little evidence of meaningful improvement since the last report. In many workplaces, workers report increasing pressure to work beyond paid hours, contributing to serious impacts on their health, safety, and wellbeing.

KEY FINDINGS

Rather than reducing working time, AI is, in practice, intensifying work and shifting costs onto workers - expanding expectations, extending hours, and embedding unpaid labour more deeply into everyday work. The findings also show that union members are significantly better protected particularly in relation to unpaid overtime, workplace communication, and exposure to technological change than non-members, highlighting the role of collective representation in setting and enforcing boundaries at work.

The evidence points to a clear need for stronger enforcement of existing rights and expanded collective protections, alongside greater worker awareness of recent industrial reforms. It also underscores the urgency of addressing how emerging technologies are reshaping work. Without deliberate intervention, productivity gains from AI risk being captured through longer hours, higher pressure, and unpaid labour - rather than delivering the reduced working time and improved living standards that have long been promised to workers.

88%
of respondents reported working unpaid overtime each week, an increase of 2 percentage points from the 2024 survey.

Respondents reported working an average of
7.8 hours
of unpaid overtime per week, equivalent to approximately 11.6 weeks of unpaid labour each year (based on a 52-week year). While still substantial, this represents a modest decrease from 9.08 hours per week from the 2024 survey.

The financial value of unpaid overtime is approximately
$21,893
per year for a worker earning the average annual salary of $106,660.[1]

3 in 4 respondents **(75%)** reported working unpaid overtime on weekends, an increase of 5 percentage points from the 2024 survey.

More than **8 in 10** **(82%)** respondents believe unpaid overtime is having a negative impact on their life outside of work, up from 77% in the 2024 survey.

83%
of respondents reported that unpaid overtime is negatively affecting their physical or mental health.

77%
of respondents believed their workplace is reliant on them doing unpaid overtime, an increase of 9 percentage points from the 2024 survey.

More than **3 in 4** respondents **(78%)** believed their career or employment would be negatively impacted if they didn't work unpaid overtime, an increase of 14 percentage points from the 2024 survey.

63%
of respondents reported that their workplace does not have a formal overtime policy.

More than a quarter
of workers **(26%)** believe their job could be replaced by AI within the next five years, and concerns are significantly higher among younger workers, rising to 67% for workers under 18 and 47% for those aged 18–24.

[1] Based on Australian Bureau of Statistics, *Average Weekly Earnings, Australia,* November 2025, Average Weekly Ordinary Time Earnings (full-time adults, seasonally adjusted), annualised.

Workers describe the pressures, expectations, and personal impacts of unpaid overtime.

'It's pretty much common place and expected in my industry. Turning up to work on time and leaving on time is virtually a walk of shame. And my industry effectively pits workers against other workers in a race to the bottom, as they are encouraged to out-do each other by working longer hours, starting early and finishing late and working on weekends...'

'Overtime is the name of the game for promotion and career advancement. It's baked into the industry's culture.'

'It's joked about by my boss when she leaves to go home and we are still working, unpaid. She calls it the "Suffer Club"'

'I don't have much of a personal life. Fatigue is high and I've considered the fact that I may not be in a position to start a family as I am the breadwinner and the thought of introducing a child into my life when my hours are like this feels impossible.'

'I have no hobbies, because when I start something, I have to stop to finish work off. I can't even think about taking up any activity that has regular times, as I am always late or have to miss out because I have too much work to do. I am not interested in going outside of the house because I'm always anxious and need the peace and quiet of home.'

KEY QUOTES

'My unpaid overtime has significantly impacted my health due to no work life balance. I spend every weekend working, I don't get to spend any time with my family, I have put on 40kgs over the past 3 years and am now struggling with infertility directly related to the stress and weight gain.'

'Employer reminds me that another person is happy to take my place if I am not happy and unfortunately that is true of people - cut your throat to get your job.'

'My home life crumbles during our peak periods. The house is not cleaned, the children get less attention. I told my boss I had insomnia and had only slept for one hour. She just said "oh" and carried on when such lack of sleep is dangerous.'

'Due to long 12-to-13-hour shifts when I'm only supposed to work 76 hours a fortnight, I had a car accident on my way home from work. No one from senior management called to check on me and when I tried calling them, I got cut off, messages like I'll call you back with no return calls. No duty of care.'

'I am a doctor and unpaid overtime work is a longstanding issue which is eroding patient care. We do this for the patients but our limits are fast being reached.'

01

Crack down on unpaid overtime

Legislate a ban on unpaid overtime for workers under the high-income threshold

Strengthen the enforcement of tracking and reporting overtime

Ensure employers can only request overtime when it is reasonable and necessary

02

Give workers their time back

Increase annual leave in the National Employment Standards to 5 weeks

Introduce paid volunteer leave in the National Employment Standards

Align NSW public holidays with other states

SUMMARY OF RECOMMENDATIONS

03

Address the work health and safety risks of unpaid overtime

Recognise unpaid overtime as a WHS risk

Introduce a WHS Code of Practice on unpaid overtime

Ensure WHS guidance addresses the impact of AI

04

Strengthen workers' understanding of rights and new technology

Fund unions to educate workers on AI and workplace rights

Expand WHS education on the risks of excessive overtime

METHODOLOGY

Research for this report was conducted between 17 September 2025 and 8 March 2026 and combined surveys and focus groups to provide depth and scale in understanding workers' experiences of unpaid overtime, workplace change, and the impacts of emerging technologies and industrial relations reform. The research was compared with the Unions NSW 2024 survey to identify changes over time and assess the impact of technological change and recent industrial reforms.

The research was undertaken in two phases. The first phase consisted of three qualitative focus groups conducted in partnership with RedBridge Group in September 2025. These focus groups brought together workers from a diverse range of industries, occupations, and employment types, including full-time, part-time, and casual roles. Participants were non-union members and selected to reflect a cross-section of the workforce, with particular attention to age, gender, and sectoral diversity. The qualitative phase explored workers' lived experiences of unpaid overtime, workplace expectations, and the impacts of AI and digital systems. It also examined awareness of recent industrial relations reforms and attitudes toward rights such as the Right to Disconnect. Insights from this phase informed the design of the quantitative survey used in the second phase.

The second phase involved a large-scale public survey administered by Unions NSW between October 2025 and March 2026. The survey was open to both union and non-union members across Australia and collected 6,646 responses. It gathered detailed information on working hours, unpaid overtime, workload pressures, use of digital technologies and AI, awareness of workplace rights, and demographic characteristics including age, gender, industry, and employment type. Responses were screened to include only those who had worked in Australia in the last two years.

PART 1

Unpaid Overtime Remains Widespread and Increasingly Normalised Across Industries

Unpaid overtime continues to be a widespread and normalised feature of working life across Australia. It isn't just a few extra hours, it's a silent and systemic drain on workers' time, energy and income each week.

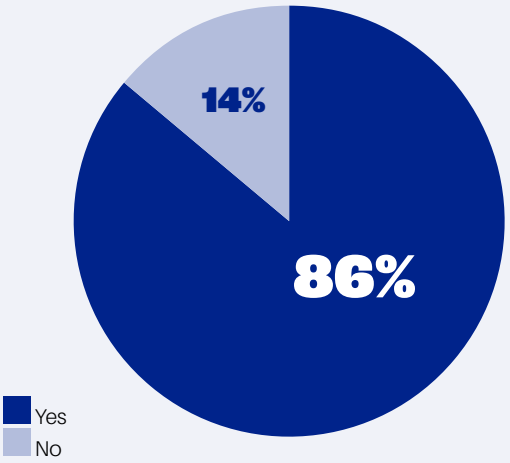
Previous research conducted by Unions NSW identified a long-standing pattern of workers undertaking unpaid hours driven by rising job demands, constrained resourcing and persistent skills shortages. These pressures remain evident in the latest findings, indicating that the underlying drivers of unpaid overtime have yet to be resolved.

Growth in the proportion of workers doing unpaid overtime

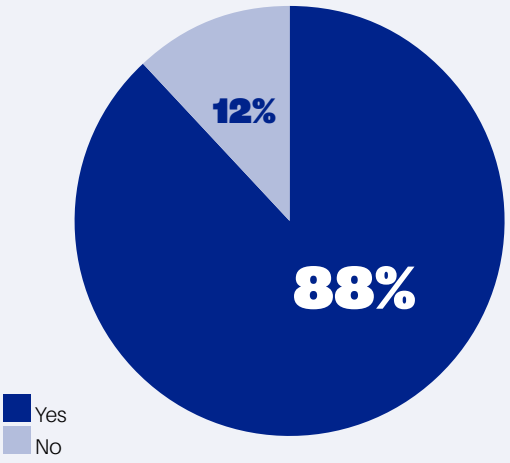
Since the 2024 Unions NSW survey on unpaid overtime, the proportion of workers performing unpaid overtime has increased, even as the average number of total hours reported has declined. In this survey, 88% of respondents indicated they perform unpaid overtime as part of their job, compared with 86% in the previous report. Workers reported an average of 7.8 hours of unpaid overtime per week, equivalent to approximately 11.6 weeks of unpaid labour over the course of a year. This represents a modest decrease from the 2024 findings, where workers reported an average of 9.08 hours per week.

While the reduction in average total weekly hours reflects a marginal shift in intensity, the increase in prevalence indicates that unpaid overtime is becoming more widely distributed across the workforce. This establishes that unpaid overtime remains a systemic feature of employment, rather than an isolated or diminishing practice.

DO YOU WORK UNPAID OVERTIME? (2024)



DO YOU WORK UNPAID OVERTIME? (2026)



These findings further highlight the routine and deeply embedded nature of unpaid overtime, while also revealing how it has become woven into the structure of the working day itself. On average, respondents reported arriving early or staying late on 3.8 days per week, and skipping or working through lunch on 3.4 days per week. This highlights how unpaid overtime is no longer confined to occasional periods of high workload, but instead occurs as a regular feature of day-to-day work practices.

The frequency of these behaviours indicates that unpaid labour is increasingly treated as an ordinary expectation of productivity and availability, rather than as additional work warranting compensation. Arriving early, staying back late, and working through breaks appear to operate as informal extensions of paid working time, allowing workloads to be completed without corresponding increases in pay or rostered hours. The prevalence of missed or interrupted lunch breaks is particularly significant, as it demonstrates that unpaid overtime is increasingly encroaching on time intended for rest, recovery, and basic workplace protections.

'Unpaid overtime feels like an expectation, if we miss lunch breaks we're blamed for poorly managing our time rather than the workload/ acuity being take into account and adequate staffing provided.'

– HEALTH SECTOR WORKER

The data also indicates unpaid overtime is increasingly extending beyond just these traditional patterns and into weekends. Three in four workers (75%) reported performing unpaid overtime on weekends, an increase from 70% in the previous survey. Respondents who reported working unpaid overtime on the weekends worked approximately 4.5 hours of unpaid overtime across an average weekend.

'It's pretty much common place and expected in my industry. Turning up to work on time and leaving on time is virtually a walk of shame. And my industry effectively pits workers against other workers in a race to the bottom, as they are encouraged to out-do each other by working longer hours, starting early and finishing late and working on weekends...'

'...It encourages email checking, task completion, etc on weekends by overwhelming the normal working hours with meaningless or non core work. I feel I would be disadvantaged if I didn't keep up and maintain touch with work over weekends and unfortunately also when I am on substantial leave periods or two or more weeks.'

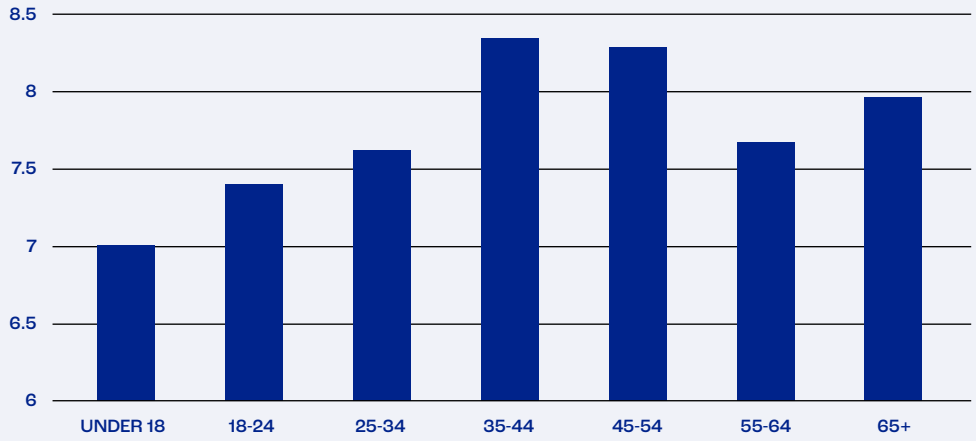
– AGRICULTURE, FORESTRY AND FISHING SECTOR WORKER

While unpaid overtime continues to be embedded within the standard working week through early starts, late finishes, and missed breaks, the data shows an increasing share of this work is now extending into weekends. This indicates that unpaid overtime is no longer being absorbed solely through small extensions of the working day. Workers are increasingly using time that would traditionally be reserved for rest, recovery, family responsibilities, and social life to meet ongoing work demands. This has implications for physical and psychological health, work–life boundaries, and long-term burnout risks, particularly where workers feel pressure to remain constantly connected or available outside formal working hours.

Who is most impacted by unpaid overtime?

Results by age

AVERAGE WEEKLY UNPAID OVERTIME HOURS (AGE)



Average weekly unpaid overtime hours follow a clear life-cycle pattern across age groups, with the highest levels concentrated among mid-career workers. Unpaid overtime increases steadily through the early and mid-career years, peaking among workers aged 35–44. This pattern may reflect combined pressures of career progression, increasing responsibilities, and heightened expectations around availability and performance during peak earning and caregiving years.

Workers aged 45–54 record the second-highest levels of unpaid overtime, indicating that excessive working hours remain deeply embedded for experienced workers. The increase in unpaid overtime among workers aged 65 and over is also notable and may reflect additional pressures and disadvantages faced by older workers required to meet unreasonable workloads. It may also signal how financial pressures, flexible work arrangements, or blurred boundaries between paid and unpaid labour later in life.

The findings also suggest generational differences in attitudes toward unpaid work. Qualitative responses indicate that younger workers may be more willing to challenge expectations of unpaid overtime and place stronger emphasis on work-life balance, while older workers often described a workplace culture that values sacrifice and long hours as a sign of commitment and professionalism.

As one participant observed:

'I feel the younger cohort[s] are working their hours that they're getting paid for, but they're also quite tough on not working overtime if they're not getting paid more … I know that a lot of the older staff that are working with the organisation [are] doing lots of overtime, and they've got that attitude about giving everything to their job.'

For many workers in the peak unpaid overtime age brackets, excessive working hours intersect with significant caring and family responsibilities, creating ongoing stress and work-life conflict. One participant described the personal toll of these expectations:

'There are times where I'll come home and I'll get that real mum guilt kind of thing… my partner has sat down and said, "You can't really keep doing this kind of thing."'

Participants also highlighted concerns about the sustainability of increasingly intensive workloads, particularly in professions facing staffing shortages, administrative burden, and rising performance expectations.

'Work is unsustainable, the fewer hours we have to do work in, the more aspects, assessments and processes are added to our jobs. Sometimes in a week we have only a few hours to do the mountain of paperwork necessary for our jobs - we keep going because we are dedicated to the kids and families we work with but we are not coping.'

– COMMUNITY AND DISABILITY SERVICES WORKER

Overall, the data suggests unpaid overtime is most pronounced during prime working-age years, when workers are balancing increasing job demands alongside family and caring responsibilities. However, unpaid overtime remains embedded across the workforce, reflecting workplace cultures and systems that routinely rely on workers performing additional labour without compensation.

Results by income

Average weekly unpaid overtime hours show a clear pattern of concentration among middle-income earners, with relatively stable levels at lower incomes, a sharp increase through the middle to upper-middle income brackets, and a modest decline at the highest income level.

While unpaid overtime is present across all income groups, it is more contained at the lower end of the income distribution. In these roles, work is more likely to be tightly scheduled and supervised, with fewer expectations beyond contracted hours.

Unpaid overtime increases further once income exceeds $90,000, more heavily concentrated among middle to upper-middle income earners, where salaried arrangements, performance-based expectations, and higher levels of responsibility combine to increase pressure for work beyond contracted hours.

One participant highlighted the constraints of salaried arrangements:

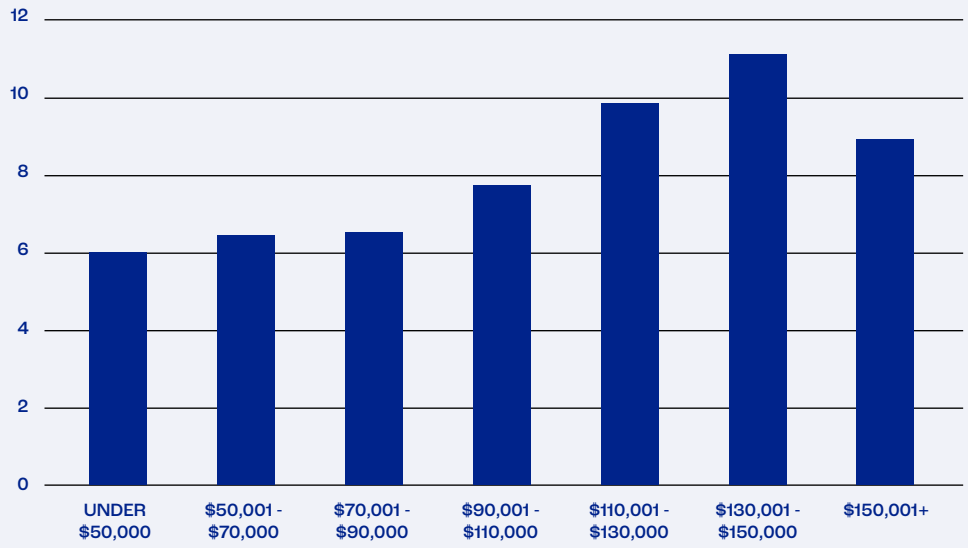
'It's 38 hours a week, and this is a salary, and so if we need to work more hours, we do it. And unfortunately, you can't get paid unless you're specifically asked to do overtime on a Saturday. [Otherwise] they cannot pay you overtime.'

– SALARY-BASED WORKER

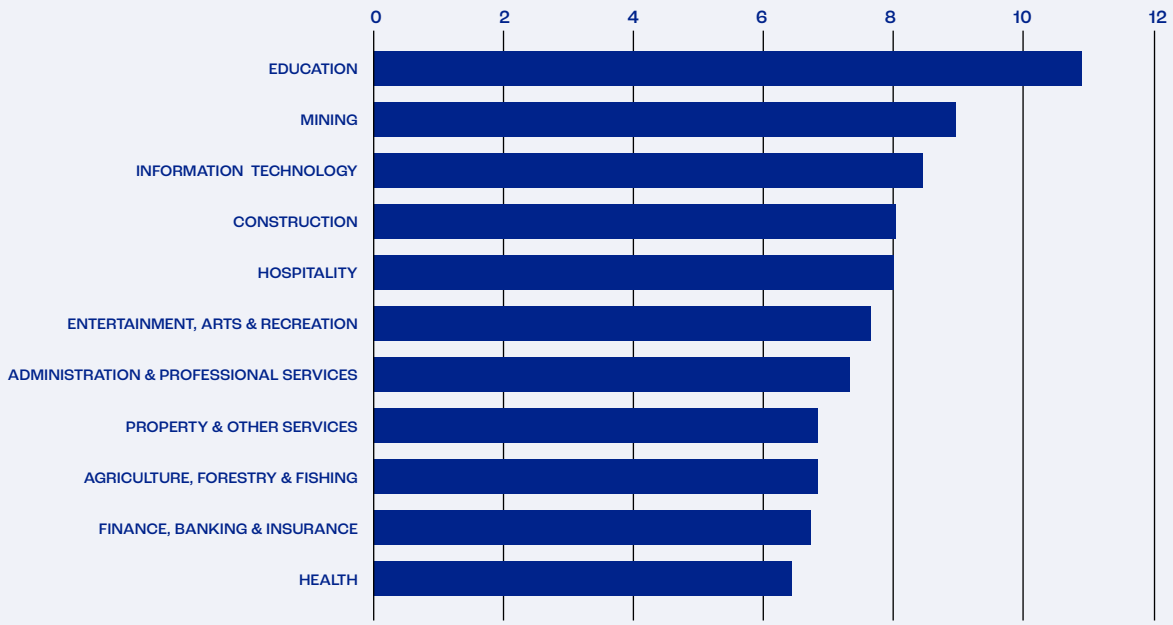
Accounts illustrate how fixed salary structures can normalise additional unpaid work, particularly where remuneration is decoupled from hours worked and performance is assessed on outputs and deadlines rather than time.

Qualitative findings also suggest that in middle-income brackets, unpaid overtime is often normalised as part of professional identity and progression. Some participants describe additional hours as an investment in career development, while others indicate that extended working time is treated as an implicit expectation within salaried and results-driven environments.

AVERAGE WEEKLY UNPAID OVERTIME HOURS (INCOME)



Results by industry



Unpaid overtime is not experienced uniformly across industries. It is shaped by sector-specific staffing models, funding pressures, regulatory settings, and workplace cultures that determine how work is allocated, resourced, and extended beyond contracted hours. Across all sectors, however, a consistent pattern emerges: where workload demand exceeds resourced capacity, unpaid overtime becomes embedded as a structural feature of work rather than an exception. Qualitative findings reinforce this pattern, while also highlighting how industry and occupation shape both the intensity and normalisation of unpaid labour.

At the highest end of the distribution, education records the greatest average unpaid overtime at approximately 11 hours per week, with school teachers experiencing even higher levels at around 11.6 hours. This reflects a sector where unpaid work is structurally embedded in job design, including lesson preparation, marking, student support, and administrative requirements that extend well beyond formal teaching hours. It also reflects a system in which workload is routinely absorbed through unpaid labour rather than matched with equivalent resourcing or protected time.

One teacher describes the long-term impact on family life:

'Since making the transition from primary school to high school teaching... I feel I have missed out on 30 years of living as a primary teacher - including never forgetting the sad words spoken from my son as a little boy - "Mummy, you must love the children in your class more than me..." and that, sadly, was the bitter truth.'

– HIGH SCHOOL TEACHER

Mining follows at approximately 9 hours per week: a sector characterised by operational intensity, shift structures that extend beyond nominal hours, and expectations of continued availability during production cycles.

Within health, average unpaid overtime sits lower at approximately 6.5 hours per week; however, occupation-level data shows a more pronounced burden among doctors, who report around 8.1 hours. This highlights significant within-industry variation, with unpaid overtime concentrated in high-responsibility clinical roles where workload, staffing constraints, and administrative demands exceed available time.

'I am a doctor and unpaid overtime work is a longstanding issue which is eroding patient care. We do this for the patients but our limits are fast being reached.'

– DOCTOR

Nurses similarly describe the tension between patient care responsibilities and procedural barriers to claiming overtime:

'We work short a lot as they don't approve overtime frequently... You are supposed to call for prior approval but how can you when you are actively with a patient... Workload expectations are unachievable.'

– NURSE

Private sector employment is more often described as involving stronger expectations of extended availability and output pressure:

'Private sector does squeeze you a lot... you feel they really wrung you dry.'

– PRIVATE SECTOR WORKER

The findings make clear that unpaid overtime is a cross-sectoral structural feature of work, most acute in education and high-responsibility occupations such as teaching and medicine. While its expression varies across industries - from structurally embedded labour in education, to operational intensity in mining, to output-driven expectations in professional services - the outcome is consistent: workers across sectors are routinely performing unpaid labour as a normalised and expected component of employment.

Limited and uneven progress since 2024

Progress since the 2024 survey has been uneven, with some limited improvements in policy awareness and public discussion, but little substantive change in the lived experience of workers. Unpaid overtime remains a systemic feature of employment across industries rather than an isolated practice, and the underlying drivers of excessive hours continue to persist largely unchanged.

However, the data points to a clear intensification in the structural role of unpaid overtime over time. The proportion of workers who report that their employer relies on unpaid overtime has increased from 68% in 2024 to 77% in 2026, an increase of 9 percentage points. Similarly, perceptions of negative career consequences for refusing unpaid overtime have risen from 64% in 2024 to 78% in 2026, an increase of 14 percentage points. These shifts indicate a growing organisational dependence on unpaid overtime alongside increasing risk for workers who do not comply.

Similarly, a large majority of workers (71%) still report that they do not feel adequately compensated for the work they perform, reinforcing the ongoing disconnect between contractual remuneration and actual hours worked. Taken together, these findings reveal that while formal policy settings may have shifted in recent years, workplace norms have moved in the opposite direction - towards greater reliance on unpaid labour and stronger informal enforcement through career consequences.

PART 2

Worsening Outcomes from Unpaid Overtime and Growing WHS Risks

Career pressure and the fear of refusing overtime

For many workers, unpaid overtime is not a genuine choice but a condition shaped by job security, career progression, and workplace culture: 78% of respondents believe that refusing unpaid overtime would negatively affect their career or employment prospects. These pressures operate through informal expectations and performance systems that reward overwork and normalise availability beyond contracted hours.

'Turning up to work on time and leaving on time is virtually a walk of shame... workers [are] encouraged to out-do each other by working longer hours.'

Even where there is no formal requirement to work additional hours, workers report that performance appraisals, access to opportunities, and career advancement are closely tied to unpaid overtime:

'There is no formal requirement... Yet, the performance appraisal is affected by 'how much work one has done', encouraging many... to put in extra hours.'

– INFORMATION TECHNOLOGY SECTOR WORKER

Employer dependence: unpaid overtime as a structural component of work

The data shows a strengthening structural dependence on unpaid overtime within organisations: 77% of workers report that their employer relies on unpaid overtime to meet operational demands.

The highest levels of reliance are reported in education (around 90%), followed by finance, health, and entertainment (all around or above 80%). Even other sectors still record substantial reliance (above 70%), indicating that this is not confined to traditionally high-pressure industries.

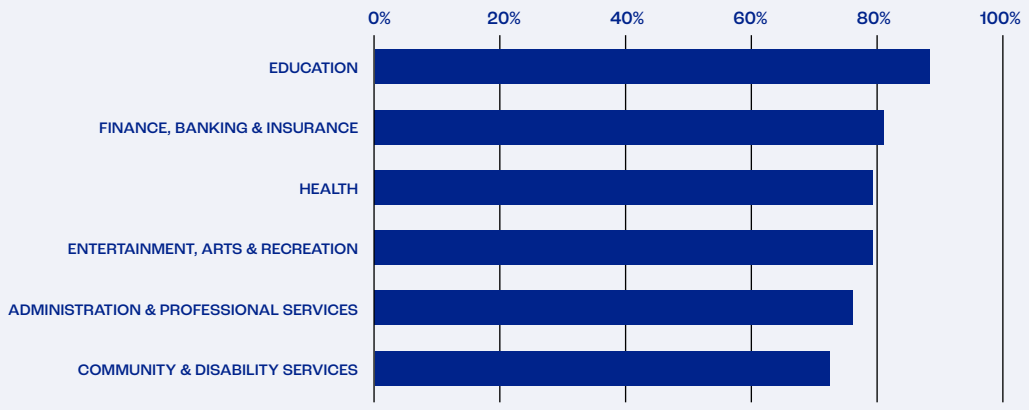
This pattern aligns with qualitative accounts describing workload systems that assume capacity beyond contracted hours.

Employers often reinforce these dynamics through workload allocation practices that obscure responsibility. Rather than directing overtime, they assign unmanageable workloads and attribute any resulting excess hours to individual inefficiency:

'They just allocate the work... and say it can be done within normal hours... if you have to do overtime it's actually your fault.'

– FINANCE, BANKING, AND INSURANCE SECTOR WORKER

EMPLOYERS RELY ON UNPAID OVERTIME (TOP INDUSTRIES)



Career risk: unpaid overtime as a condition of progression

The proportion of workers who believe refusing unpaid overtime would negatively affect their career has risen from 64% in 2024 to 78% in 2026. This is strongly reflected in industry data. Perceived negative career impacts are particularly high in education (87%), followed closely by information technology, hospitality, arts and entertainment, logistics, and finance and banking (all above ~81–83%).

As one worker described:

'Overtime is the name of the game for promotion and career advancement. It's baked into the industry's culture.'

– TERTIARY EDUCATION SECTOR WORKER

In some cases, these pressures are reinforced through direct or indirect threats about job security or replaceability:

'Staff don't want to rock the boat... we fear losing our jobs.'

– HOSPITALITY WORKER

Workers also report being actively discouraged from raising concerns, with fears of ostracism, reputational damage, or being labelled difficult:

'You get a bit ostracised by the management team if you don't do it... it's an easier battle to just do it.'

Economic pressures, including cost-of-living concerns, further limit workers' willingness to refuse additional hours or challenge expectations:

'I just take the work that I can get... to keep [my] head above water.'

Two trends, rising employer reliance and rising perceived career consequences, indicate a tightening relationship between unpaid overtime and workplace participation. Workers are more likely to experience unpaid overtime and to feel unable to refuse it, reinforcing its persistence across industries.

Increasing physical and psychosocial health risks

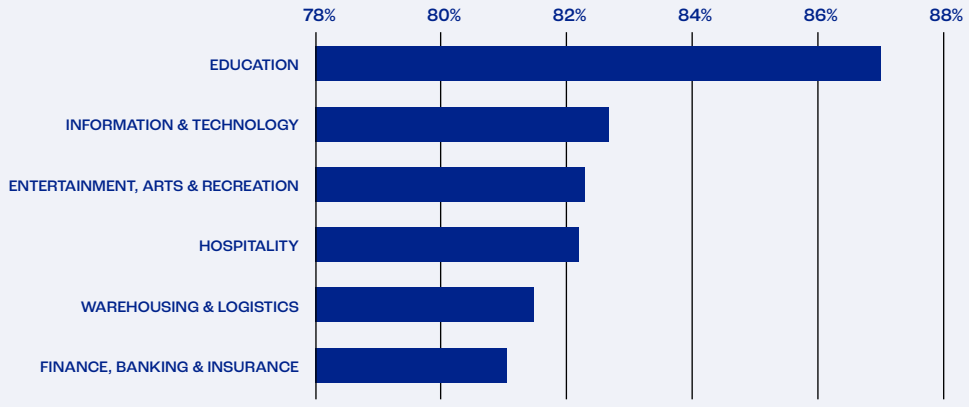
The previous survey identified serious and widespread physical and psychological harms associated with unpaid overtime. The latest results indicate these impacts are persisting and intensifying, creating significant and escalating WHS risks for workers.

Unpaid overtime is having a clear and worsening impact on workers' physical and mental health. In this survey, 82% of respondents reported negative health impacts, up from 76% for physical health and 79% for mental health in the 2024 survey.

'My unpaid overtime has significantly impacted my health due to no work life balance. I spend every weekend working, I don't get to spend any time with my family, I have put on 40kgs over the past 3 years and am now struggling with infertility directly related to the stress and weight gain.'

– EDUCATION SECTOR WORKER

NEGATIVE CAREER IMPACTS FOR NOT WORKING UNPAID OVERTIME (TOP INDUSTRIES)



A key driver of these impacts is the persistent inability of workers to disconnect from work. 77% report difficulty switching off outside of working hours, broadly consistent with 80% in 2024.

Burnout remains a central outcome of this pattern, with 82% of respondents identifying unpaid overtime as a contributing factor. Alongside this, 66% report fatigue and 52% report anxiety, indicating sustained physical and psychological strain.

These outcomes are reinforced by workload pressures that normalise overwork as a necessary response to staffing and resourcing constraints:

'I think you start finding that employers become a lot more greedy, as well as [having] this mentality of "one person can do the job of three. I don't need to hire more staff."'

– SERVICE/CARE SECTOR WORKER

In some cases, workers describe using unpaid overtime as a way to manage workload stress and avoid falling behind, effectively internalising the expectation of extended hours:

'The only reason I work extra hours is so that I do have that peace of mind that I'm not going to be drowning in work - I can forecast two weeks ahead and go, "Okay, I'm gonna have a real tough two weeks here if I haven't managed my time properly."'

The impacts extend beyond the workplace into workers' personal lives. 82% report their working hours negatively impact their life outside of work, reinforcing that unpaid overtime is eroding time for rest, relationships, and non-work activities. This remains broadly consistent with the 2024 findings, where 77% reported negative impacts on life outside of work. Additionally, 61% reported they would participate in more community and volunteer activities if they worked less unpaid hours.

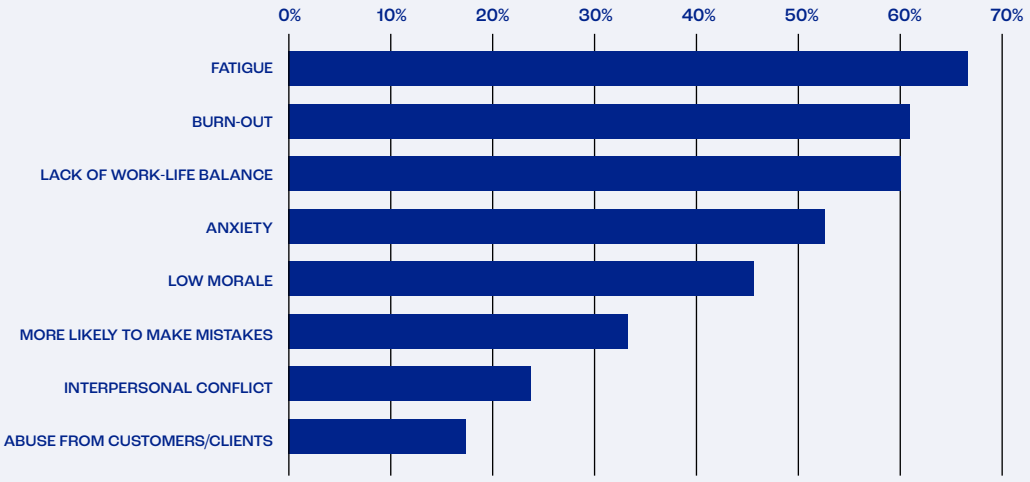
'I have no hobbies, because when I start something, I have to stop to finish work off. I can't even think about taking up any activity that has regular times, as I am always late or have to miss out because I have too much work to do. I am not interested in going outside of the house because I'm always anxious and need the peace and quiet of home.'

– EDUCATION SECTOR WORKER

'I don't have much of a personal life. Fatigue is high and I've considered the fact that I may not be in a position to start a family as I am the breadwinner and the thought of introducing a child into my life when my hours are like this feels impossible'

– MEDIA AND COMMUNICATIONS SECTOR WORKER

WHS IMPACTS EXPERIENCED BY WORKERS



Employer failure to ensure work health and safety during overtime

Workers reported a broad range of work health and safety (WHS) risks arising during periods of overtime, highlighting the significant personal and organisational impacts of extended working hours. The most commonly reported impacts were fatigue (66%), burnout (61%), diminished work–life balance (59%), and anxiety (52%). These findings demonstrate that overtime is not simply additional hours of work, but a consistent driver of both physical and psychological strain.

Despite this, employers are not adequately identifying, managing, or responding to the WHS risks associated with unpaid overtime. 41% of respondents report that their employer is not taking any steps to protect workers' health and safety outside of paid hours, while 31% say their employer is unaware that unpaid overtime is occurring.

This reflects a structural failure of oversight. Working time is not being systematically monitored, risks associated with excessive hours are not being escalated, and responsibility for managing workload-related harm is frequently displaced onto individual workers once work extends beyond paid time.

When workers do raise concerns, they are often met with dismissal, indifference, or blame, rather than a WHS response. In practice, excessive hours are reframed as individual performance issues rather than workplace safety risks:

'If you work above your paid hours this is a "you" problem when raised. I need to work more efficiently, or I need to see more patients virtually, or I need to be less thorough with patients. All of these lead to risks for the patients I care for.'

– HEALTH SECTOR WORKER

'My home life crumbles during our peak periods. The house is not cleaned, the children get less attention. I told my boss I had insomnia and had only slept for one hour. She just said "oh" and carried on when such lack of sleep is dangerous.'

– PROPERTY AND OTHER SERVICES WORKER

In some workplaces, excessive hours are further normalised through informal culture, including humour or minimisation of the issue:

'It's joked about by my boss when she leaves to go home and we are still working, unpaid. She calls it the "Suffer Club".'

– HEALTH SECTOR WORKER

Even where formal policies exist, they are often not implemented in practice. Workers describe managerial behaviours that undermine protections or remove meaningful avenues for escalation:

'Due to long 12-to-13-hour shifts when I'm only supposed to work 76 hours a fortnight, I had a car accident on my way home from work. No one from senior management called to check on me and when I tried calling them, I got cut off, messages like I'll call you back with no return calls. No duty of care.'

'In my previous job... it was implemented that my manager was supposed to send reports to upper management, but what she made us do in the end is clock on on time, right on time and clock off right on time, and then stay back.'

'We need a positive duty on employers to prevent unpaid overtime, just like they have with psychosocial hazards. The current right to disconnect laws put the burden on the worker to make complaints and pursue an outcome in court, which isn't realistic.'

– ADMINISTRATION AND PROFESSIONAL SERVICES SECTOR WORKER

PART 3

Technological Change and Workload Intensification

AI systems are increasingly being introduced across Australian workplaces, alongside broader digital systems that combine software, data infrastructure, and organisational processes to allocate, monitor, and manage work.

AI refers to computer-based systems designed to perform tasks that typically require human intelligence, such as processing data, recognising patterns, and generating predictions or decisions (Mökander & Schroeder, 2022). These tools sit within wider "digital systems" that structure how work is distributed and overseen within organisations (Trist and Bamforth, 1951; Hughes, 1987).

While these technologies are frequently promoted as ways to reduce workloads, improve efficiency, and drive productivity growth (DPS, 2025), emerging evidence from this report suggests a more complex outcome. Rather than reducing working time, AI and digital systems may be contributing to workload intensification by increasing output expectations and extending work into unpaid hours.

In practice, these systems can blur the boundary between paid work and personal time, increasing expectations of after-hours availability and making it more difficult for workers to disconnect. At the same time, the automation of routine and administrative tasks raises concerns about job displacement, particularly for workers in insecure, low-paid, or entry-level roles who are least able to absorb technological disruption and least able to negotiate changes in workload or conditions.

Taken together, these developments highlight the need for stronger workplace protections in increasingly digitised environments, including safeguards against unpaid overtime, clearer limits on after-hours expectations, and protections for job security and working time standards as technological change accelerates.

Expansion of AI and digital system use in the workplace

Across Australian workplaces, employers are increasingly using AI and digital systems to manage, allocate, and monitor work (McKinsey 2025). While digital technologies were already embedded in many sectors prior to 2024, the past two years have seen a rapid increase in the use of AI-enabled tools, driven in part by the widespread availability of consumer-facing AI applications and growing employer expectations around productivity gains.

In many workplaces, these technologies have been introduced quickly and with limited consultation with workers.

Adoption is more advanced in digitally intensive sectors and professional roles, while other parts of the workforce are experiencing slower or more fragmented implementation. Crucially, this increased use of AI and digital systems is not yet matched by corresponding improvements in job quality, workload reduction, or working time outcomes.

This highlights the importance of examining not only the speed of technological adoption, but also how these systems are deployed in practice, and their implications for workload intensity, worker autonomy, and job security.

No evidence of reduced unpaid workload

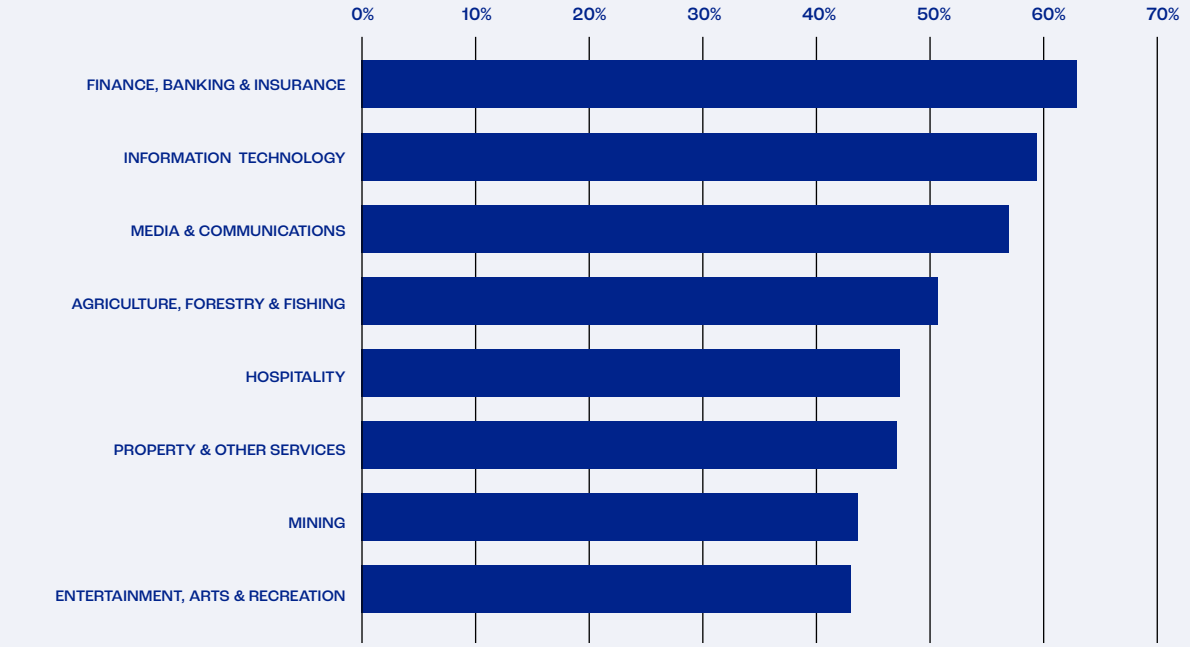
A majority of workers (63%) report no change in unpaid overtime following the introduction of AI, while 13% report an increase. At the same time, 20% of workers say employers now expect higher output as a direct result of AI integration. These findings indicate that efficiency gains are not translating into reduced working time, but are instead being converted into higher performance expectations.

The use of digital systems is also reshaping how work is managed and controlled. 22% of workers report that digital systems are used to direct or allocate their work, while 15% report

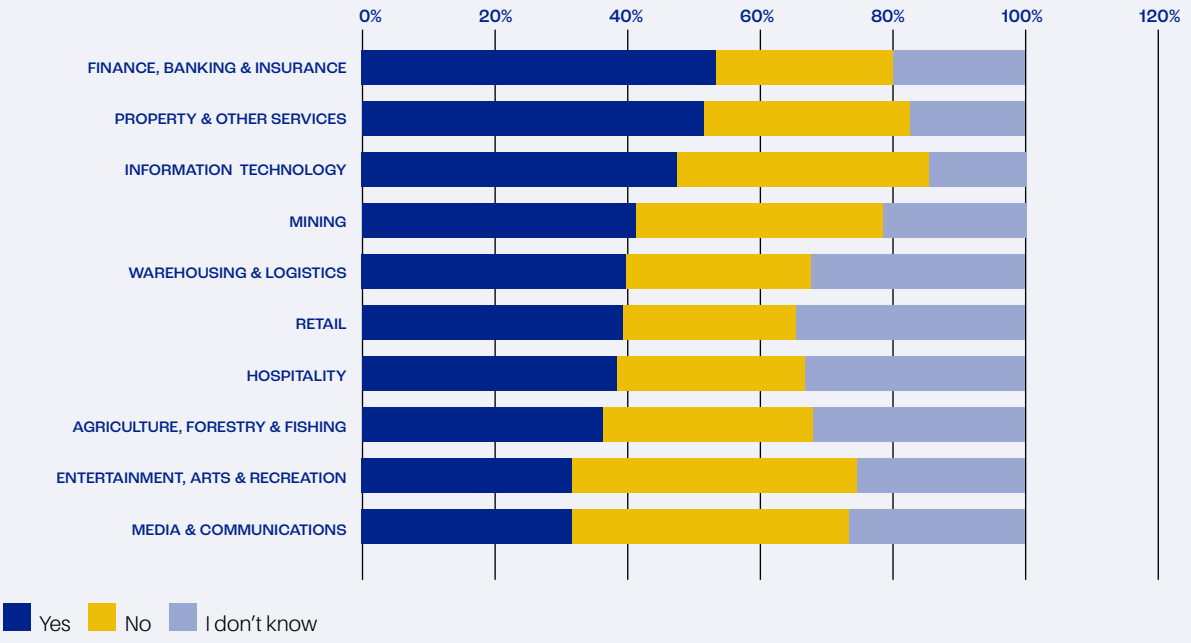
reduced autonomy over how tasks are performed. Job security concerns are also evident, with 26% of workers believing their role could be replaced by AI within five years - rising sharply among younger workers (67% of those under 18 and 47% of those aged 18–24).

In practice, this is creating a work environment where gains in efficiency do not reduce overall workload but are absorbed into additional tasks, faster turnaround expectations, and expanded administrative requirements. As a result, the boundary between what is formally required and what is expected continues to blur.

RISK OF JOB REPLACEMENT BY AI (TOP INDUSTRIES)



USE OF DIGITAL SYSTEMS TO MANAGE WORKERS (TOP INDUSTRIES)



'We use AI, but that just means that we are expected to do more work. The use of AI doesn't make much of a difference... I have more work than I can possibly accomplish in a day, a week, a month, a year. I know that no matter what happens there is always more that I can do. I never feel that I have finished or accomplished enough. I just feel like I move from task to task and just keep on going.'

– EDUCATION SECTOR WORKER

In some sectors, this is reinforced through system design and performance management tools that optimise output while limiting recovery time or autonomy:

'The scheduling algorithms and work rules are designed to get every second from a flight attendant with no regard for cumulative fatigue'

– HOSPITALITY WORKER

Workers in knowledge and professional roles report that AI is contributing to job displacement and increased surveillance of performance, as organisations restructure roles around cost reduction and measurable outputs:

'Highly skilled editors and linguists are being fired because their expertise costs are higher, and corporations are not willing to pay. AI is also used to surveil performance, and universities have implemented quantitative performance indicators which are poor in assessing good research and/or teaching.'

– CONTRACTOR

Overall, these findings indicate that without clear safeguards around workload, autonomy, and job security, AI risks embedding rather than reducing unpaid overtime by enabling employers to increase output expectations without corresponding limits on working time.

Young workers most vulnerable

Evidence indicates that younger workers perceive a high risk of job displacement due to AI. More than two-thirds of workers under 18 believe their job could be replaced by AI within the next five years, reflecting both high exposure to digital technologies and strong awareness of emerging workplace change.

While research suggests that AI is more likely to augment tasks in the short term rather than immediately eliminate jobs, longer-term analysis indicates significant potential to reshape job design, skill requirements, and entry pathways into the labour market (Productivity Commission, 2023). Labour market research consistently finds that workers in lower-paid, routine occupations face the highest exposure to automation risk (Frey & Osborne, 2017).

Emerging evidence suggests that these pressures may already be affecting early-career employment in Australia. Recent labour market analysis indicates a weakening in graduate and junior hiring in occupations with high exposure to generative AI, including administrative support, marketing, finance, and legal assistance (Indeed Hiring Lab, 2026). While broader economic conditions may also contribute, there is growing concern that employers are increasingly using AI to automate entry-level tasks such as drafting, scheduling, data processing, and customer service functions. International research similarly highlights that early-career roles are among the most exposed to displacement pressures because they are heavily concentrated in tasks most susceptible to automation (Frank et al., 2026; World Economic Forum, 2025).

This matters because entry-level and graduate positions play a critical role in skill development, workplace training, and career progression. If these roles contract or are significantly restructured, younger workers may face reduced access to stable career pathways even where overall employment levels remain stable.

These structural shifts also have important gendered implications within the Australian labour market. Young women are disproportionately represented in clerical, administrative, retail, customer service, and other service-sector occupations that exhibit relatively high exposure to automation and AI-enabled restructuring (Jobs and Skills Australia, 2024; OECD, 2023). Research has shown that women are more likely than men to work in occupations characterised by routine cognitive and administrative tasks, many of which are increasingly being augmented or replaced by generative AI systems (Gmyrek, Berg, & Bescond 2023). At the same time, women remain underrepresented in many of the higher-paid technical and AI-related occupations expected to experience employment growth as digital transformation accelerates.

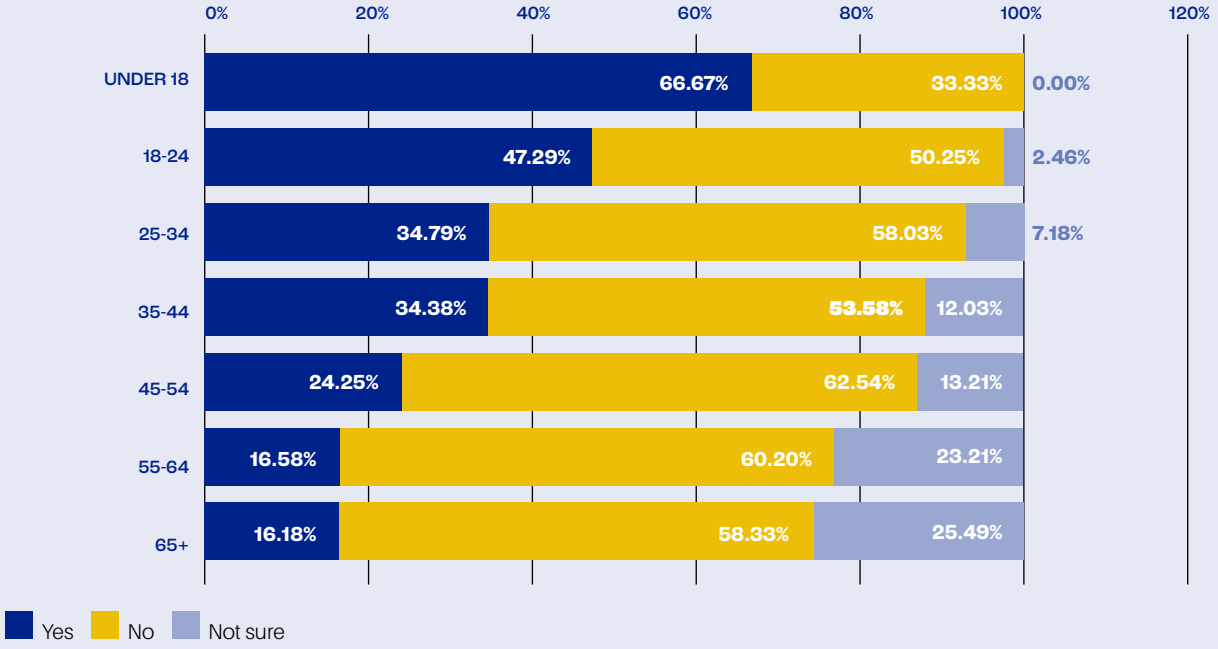
Without targeted policy intervention - including accessible retraining pathways, stronger workplace protections, and investment in secure entry-level employment - AI adoption risks reinforcing and accelerating existing labour market inequalities by limiting access to stable career pathways for

young workers and entrenching occupational segregation within the digital economy.

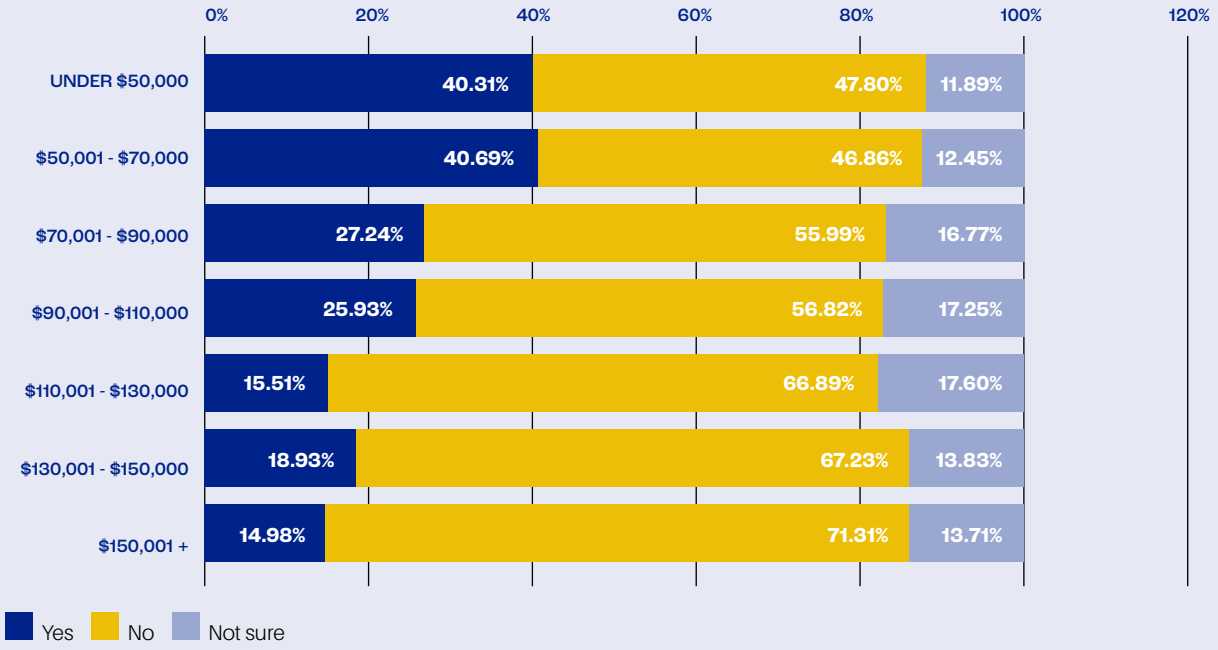
These results indicate a risk of erosion of workers' rights, conditions, and job security in the absence of adequate regulation and meaningful consultation.

This moment demands close scrutiny - not only of how quickly AI-driven systems are being introduced, but of the conditions under which they are deployed, and their consequences for working time, autonomy, and job security.

RISK OF JOB REPLACEMENT BY AI (AGE)



RISK OF JOB REPLACEMENT BY AI (INCOME)



PART 4

Knowledge Gaps in a Changing Industrial Landscape

Awareness of the Right to Disconnect laws

Recent amendments to the *Fair Work Act 2009*, introduced through the *Fair Work Legislation Amendment (Closing Loopholes) Act 2023*, establish a statutory "Right to Disconnect" for Australian workers. These provisions are intended to address the expansion of work beyond paid hours by allowing employees to refuse to monitor, read, or respond to employer contact outside working hours, unless such refusal is unreasonable.

From a policy perspective, the right to disconnect reflects an important recognition that uncontrolled working time, particularly when mediated through digital technologies, poses risks to both worker health and safety and the integrity of minimum employment standards. It implicitly acknowledges that unpaid overtime and constant connectivity are not individual time management issues, but structural features of contemporary work.

However, the framework is limited in its capacity to drive systemic change. The right is primarily reactive and individualised: it depends on workers identifying unreasonable contact, asserting their right to refuse, and, where necessary, pursuing remedies through dispute resolution processes. There is no corresponding, enforceable positive duty on employers to prevent out-of-hours contact or to design work in a way that can be completed within paid hours.

In this respect, the legislative model diverges from established approaches in WHS regulation, particularly in relation to psychosocial hazards, where duties are framed proactively and place clear responsibility on employers to eliminate or control risks at the source.

Employer contact outside of work hours

Survey results indicate that employer contact outside of working hours remains both widespread and normalised. A majority of respondents (61%) report being regularly contacted outside paid hours, including via email, SMS, and digital communication platforms such as WhatsApp, Slack, and Microsoft Teams.

This displays how digital technologies can enable the extension of managerial oversight and work demands into workers' personal time. Pressure to accept out of hours contact reduces workers' ability to exercise genuine control over non-work time, essential for rest, recovery, and participation in family and community life.

Out-of-hours contact interacts with workload allocation, staffing levels, and performance expectations. Where workloads exceed resourced capacity, out-of-hours contact often functions as a mechanism for shifting unfinished work into unpaid time.

Limited change in out-of-hours contact since implementation

Despite the introduction of the Right to Disconnect, the data does not show overwhelming evidence of change at the workplace level. A majority of respondents (54%) report no change in the frequency of out-of-hours contact since the laws came into effect, while 5% report an increase.

This suggests that the legislative intervention has not empowered workers enough to greatly alter workplace practices or shifted employer expectations around availability.

The persistence of high levels of contact is reflected in workers' broader experiences of disconnection. 77% of respondents report difficulty switching off from work outside hours, virtually unchanged from previous survey results. This reinforces that

the underlying drivers of overwork and constant availability remain intact.

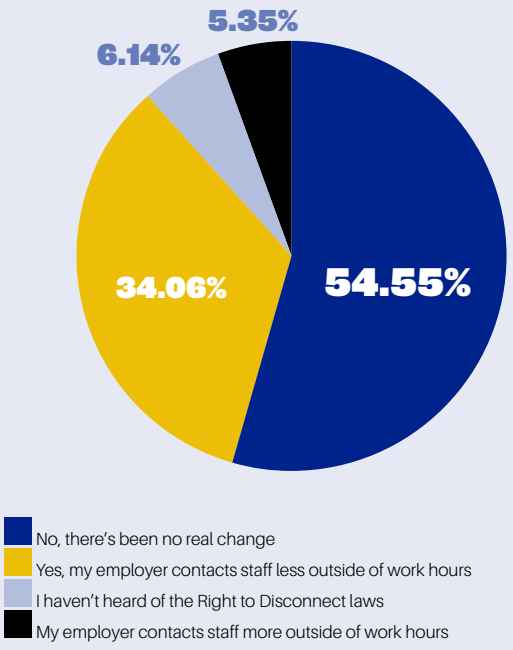
From a regulatory perspective, this outcome is consistent with a framework that relies primarily on individual enforcement in contexts defined by significant power asymmetry. Workers already facing high workloads, job insecurity, or cultural pressure to perform are unlikely to assert rights in ways that could expose them to reputational or career risk.

'As I work for NSW govt agency, Right to Disconnect laws don't apply. This is a loophole. Workplace has a formal TOIL policy but it's so burdensome and unfair that nobody uses it, instead every work area has developed informal arrangements but these are inconsistent, rely on individual managers' resources & sense of fairness.'

– ENTERTAINMENT, ARTS, AND RECREATION SECTOR WORKER

Nevertheless, 34% of workers said the Right to Disconnect has benefitted them, signalling that while flawed, the legislation establishes an important basis from which to seek improvements.

CHANGE IN EMPLOYER CONTACT OUTSIDE WORK HOURS (SINCE RIGHT TO DISCONNECT)



Limited awareness of protections

The survey identifies significant gaps in organisational governance and transparency around working time, WHS protections, and the use of digital systems to manage work. These gaps indicate that the regulation of working hours is often unclear or inconsistently applied in practice.

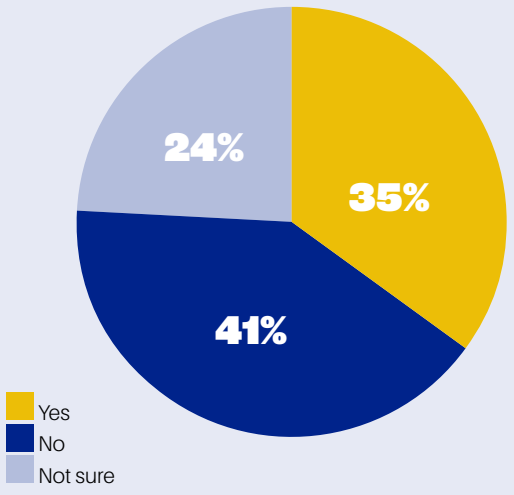
24% of respondents are unsure whether WHS protections are being applied to manage psychosocial risks associated with workload and out-of-hours work. This points to limited visibility and communication about how existing safety obligations are operationalised in workplaces.

In addition, 51% report that their workplace does not have a formal policy for managing working hours. The absence of clear policy frameworks contributes to inconsistent expectations around availability, overtime, and after-hours contact, leaving these arrangements largely to informal managerial discretion.

Further, 34% of respondents are unsure whether employers are using digital systems to monitor or manage work activity. This lack of awareness highlights limited transparency around how digital tools are being used to shape workloads and extend work beyond standard hours.

Collectively, these findings show that unclear obligations, weak policy frameworks, and low transparency are allowing working time protections to be applied inconsistently, leaving many workers without clear, enforceable boundaries around their hours and safety.

EMPLOYERS ENSURING WHS OUTSIDE PAID HOURS



PART5

Union Members are Better Protected

Across a range of measures, union members report more favourable outcomes than non-union workers, particularly in relation to unpaid overtime, workplace communication, and exposure to technological change. These findings suggest that union membership plays a protective role in shaping working time outcomes and strengthening workers' capacity to respond to emerging workplace pressures.

Protection from extreme unpaid overtime

While average levels of unpaid overtime are slightly lower among union members, the median results reveal an important pattern: union members report a median of 6 hours of unpaid overtime compared to 8 hours for non-union members. This indicates that union membership is associated with a reduction in higher-end exposure to excessive and sustained unpaid work, where the risk of overwork and exploitation is greatest.

'I am in a unionised workplace covered by a collective agreement where all o/t is paid for workers covered by the agreement. [Other] Employees who are on staff contracts are expected to work unpaid o/t. RDOs are accrued but difficult for them to take them.'

– MINING SECTOR WORKER

Increased confidence in raising concerns about unpaid overtime

Union membership is also associated with greater confidence in raising issues related to unpaid work. Compared with non-union members, union members are 12% more comfortable discussing overtime or seeking compensation. This indicates that collective representation reduces barriers to speaking up and strengthens workers' capacity to challenge unpaid labour expectations within the workplace.

'I think it really gives you a voice. And you know that just in case, you've got somebody there in case something happens, because you can't always talk to your boss... sometimes you need a mediator to come in and say, "Hey, no, this is not okay."'

– SERVICE/CARE SECTOR WORKER

'I think joining a union is a great idea because you will feel [that] when you have to go to battle with the employer, if you need to advocate for yourself, you're supported, you're backed up. You can get guidance, and hopefully some direction on how to proceed.'

– SERVICE/CARE SECTOR WORKER

'We have a strong union and I as rep am working hard to make the bosses' stick to hours of work etc as defined by the EBA.'

– EDUCATION SECTOR WORKER

Greater preparedness for technological change

Union members also report a more secure and informed position in relation to workplace technology. They are less likely to express concern about job displacement due to AI, with 24% reporting concern compared to 45% of non-union workers. In addition, fewer union members report uncertainty about whether digital systems are being used to monitor or manage their work (24% versus 36%). This implies that union membership is associated with greater transparency around the use of workplace technologies and lower levels of anxiety regarding algorithmic management and technological change.

Greater knowledge of industrial reforms and workplace rights

Union members also demonstrate a higher level of awareness and engagement with recent industrial reforms and workplace rights protections. This is reflected in differences in perceptions of the effectiveness and implementation of the Right to Disconnect, as well as awareness of workplace policies relating to unpaid overtime.

For the Right to Disconnect, union members are less likely to report that the reform has made "no real change" to their working conditions (53%) compared with non-union members (64%). This indicates union membership is associated with greater engagement with recent industrial relations reforms.

A similar pattern is evident in relation to workplace policy frameworks. Fewer union members report that their workplace has no formal policy in place to manage unpaid overtime (50%) compared with non-union members (59%), indicating union members are more likely to be situated in workplaces with clearer formal structures governing working time and overtime expectations.

The research findings indicate that union membership is associated with stronger protections against the most severe forms of unpaid overtime, greater confidence in raising concerns about working time, and improved clarity around the use of workplace technologies. While unpaid overtime remains present across both groups, union members are less likely to experience extreme overwork and are better positioned to respond to emerging pressures associated with AI and digital systems.

RECOMMENDATIONS

Crack down on unpaid overtime

Legislate a ban on unpaid overtime for workers under the high-income threshold

Unions NSW renews its call for a prohibition on unpaid overtime for workers earning below the High-Income Threshold as defined in the Fair Work Act. No worker should be required to perform labour without pay.

The current legislative framework permits employers to require "reasonable additional hours," but fails to clearly define what is reasonable or impose meaningful limits. As this report demonstrates, this has enabled the widespread and systemic reliance on unpaid overtime across Australian workplaces. What may once have been conceived as occasional or incidental has become a structural feature of modern working life.

A clear legislative prohibition would establish an unambiguous standard: all work performed must be paid. With 88% of respondents reporting unpaid overtime each week, the scale of unpaid labour is substantial. Removing the ability to normalise unpaid additional hours would increase take-home pay, ensuring workers are compensated for all hours worked, and reduce total hours worked, allowing workers to reclaim time currently lost to unpaid labour.

Such a reform would bring Australia into closer alignment with international jurisdictions that impose enforceable limits on unpaid work and more clearly define working time protections.

Strengthen the enforcement of tracking and reporting overtime

The Fair Work Act should be amended to require employers to record and report all overtime worked by employees, including unpaid overtime, as part of enforceable record-keeping and compliance obligations.

Current record-keeping requirements are limited in scope and do not capture the full extent of unpaid work being performed across the economy. As a result, unpaid overtime remains largely invisible in official data, constraining regulators' ability to detect breaches, enforce minimum standards, and target compliance activity in high-risk workplaces.

Strengthening these obligations would shift working time from an unmonitored practice to a regulated compliance area. Mandatory recording and reporting would require employers to systematically track total hours worked, including unpaid overtime, and make this information available for audit and enforcement purposes.

This would improve regulatory enforcement by enabling the identification of systemic underpayment of hours, prioritise inspections, and action to be taken where excessive unpaid overtime is embedded in workplace practice. It would also reduce reliance on worker complaints as the primary mechanism for detecting non-compliance.

Ensure employers can only request overtime when it is reasonable and necessary

Legislative reform is needed to clearly define and constrain the circumstances in which additional hours can be requested. Employers should only be permitted to require or request overtime where it is demonstrably reasonable and necessary, supported by clear and enforceable criteria.

This should include explicit consideration of workload design, staffing adequacy, foreseeable operational demands, and WHS risks, including the cumulative impact of extended working hours over time. In the absence of such safeguards, the existing concept of "reasonable additional hours" continues to operate as a broad and contested standard that can enable excessive and unsafe working patterns.

Importantly, the burden of proof should rest with employers to demonstrate that additional hours are necessary and properly justified, rather than on workers to refuse or challenge requests after the fact.

Give workers their time back

Increase annual leave in the National Employment Standards to 5 weeks

The National Employment Standards should be amended to provide all workers with a minimum of five weeks' annual leave.

This reform recognises that many workers are already performing substantial unpaid overtime that is not reflected in paid leave entitlements or other forms of compensation. Increasing annual leave would provide a partial correction to this imbalance by improving workers' capacity to rest, recover, and maintain sustainable working patterns.

Australia has not meaningfully increased minimum annual leave entitlements in decades, despite significant gains in labour productivity and changes in the intensity and extension of working time. Comparable economies, including those in Europe, provide longer periods of paid leave while maintaining strong productivity outcomes. In this context, expanding annual leave is both economically feasible and necessary to address the cumulative impact of extended and unpaid working hours.

Introduce paid volunteer leave in the National Employment Standards

All employees should have access to a minimum entitlement of paid volunteer leave, incorporated into the National Employment Standards.

Excessive working hours and the normalisation of unpaid overtime are reducing workers' capacity to participate in community, social, and civic activities outside of work. At the same time, many essential community organisations continue to rely on volunteer labour to sustain their operations and service delivery.

A paid volunteer leave entitlement would help address this gap by enabling workers to contribute to their communities without sacrificing income or relying on already limited personal time. It would strengthen social infrastructure, support civic participation, and reduce the forced trade-off between economic security and community engagement that is increasingly shaped by long and unpaid working hours.

Align NSW public holidays with other states

Public holiday entitlements in NSW should be aligned with those in other Australian jurisdictions to ensure equitable access to rest and recovery time.

Workers in NSW currently receive fewer public holidays than workers in several other states and territories, contributing to unequal access to guaranteed rest time across Australia and exacerbating existing pressures from long and unpaid working hours. Aligning public holidays would provide a simple and effective mechanism to increase protected time off without reducing wages or altering underlying employment arrangements.

Address the work health and safety risks of unpaid overtime

Recognise unpaid overtime as a WHS risk

Unpaid overtime should be formally recognised as a WHS risk by SafeWork NSW and other regulators.

The evidence presented in this report demonstrates that excessive working hours are directly associated with fatigue, burnout, and a range of psychosocial hazards. Despite this, unpaid overtime is not consistently identified or treated as a discrete risk factor within existing regulatory approaches to working time and workplace safety. Unpaid overtime presents a greater WHS hazard than other forms of overtime because it is often unmonitored.

Formal recognition would require employers to identify, assess, and control risks associated with excessive and unpaid working hours, consistent with their existing duties under WHS legislation. This would strengthen the application of psychosocial hazard management frameworks to include working time as a core determinant of risk.

Introduce a WHS Code of Practice on unpaid overtime

A dedicated Code of Practice should be developed to guide the identification, management, and prevention of risks associated with unpaid overtime.

Codes of Practice play a critical role in translating general WHS duties into practical, enforceable standards. A specific code on unpaid overtime would clarify employer responsibilities, establish clear benchmarks for compliance, and support regulatory action where excessive working hours are identified.

Such a code should address workload design, staffing adequacy, safe working time limits, and the workplace cultural and organisational drivers that contribute to the normalisation of excessive unpaid hours.

Ensure WHS guidance addresses the impact of AI

WHS guidance should be updated to explicitly address the impacts of emerging technologies, including AI and digital systems, on workload, working time, job design, performance monitoring, and physical and psychosocial risks.

While these technologies may improve efficiency and flexibility, evidence from this report indicates they can also intensify work, increase surveillance, automate performance management, and create new pressures to perform. Without appropriate safeguards, AI-enabled systems risk contributing to increased unpaid overtime, fatigue, work intensification, and associated physical and psychosocial harms.

The Federal Government should amend the model WHS framework to align with the approach adopted in NSW through the *Work Health and Safety Amendment (Digital Work Systems) Act 2026* (NSW), ensuring that psychosocial and physical risks arising from AI, algorithms, automation, and digital systems are explicitly recognised and regulated. This should include clear obligations on employers to identify, assess, and control risks associated with algorithmic management, automated decision-making, productivity tracking, and digital monitoring.

Regulators should also issue practical guidance on consultation requirements, transparency in AI-enabled systems, human oversight of automated processes, data governance, and the ongoing review of digital systems to ensure they do not create unsafe systems of work.

Strengthen workers' understanding of rights and new technology

Fund unions to educate workers on AI and workplace rights

Governments should provide funding to support unions in delivering education and training on workplace rights, including the Right to Disconnect and the impacts of new technologies such as AI.

Unions play a critical role in ensuring workers are aware of their rights and able to exercise them in practice. This is particularly important in the context of complex and evolving regulatory frameworks, where legal entitlements may exist but are not easily understood or enforced at the workplace level.

Targeted education initiatives would help address power imbalances in the workplace and improve the practical accessibility of existing protections.

Expand WHS education on the risks of excessive overtime

Investment is needed in education and awareness programs focused on the WHS risks associated with excessive working hours.

This should include training for workers, managers, and employers on identifying fatigue, managing workloads, and preventing psychosocial harm, alongside sector-specific guidance where risks are particularly acute.

Improved education would complement regulatory reform by strengthening recognition of unpaid overtime as a WHS issue, rather than a cultural norm or individual responsibility.

Despite growing public and policy attention since Unions NSW's last major study, limited progress has been made in addressing unpaid overtime. While the average number of unpaid overtime hours has declined, a larger proportion of workers are now undertaking unpaid work, indicating that the burden of unpaid labour has become more widespread across the workforce.

This shift suggests that unpaid overtime is no longer confined to particular occupations or industries, but has instead become increasingly normalised across everyday working arrangements - an evolution that existing industrial and regulatory frameworks have struggled to adequately recognise or control.

At the same time, technological change is continuing to reshape how work is organised, managed, and monitored, further blurring the boundaries between paid and unpaid labour. Digital connectivity, algorithmic management, and rising expectations of constant availability have embedded unpaid work into the daily experience of many workers in ways that are often less visible than traditional overtime but no less consequential.

Rather than reducing workload pressures, these developments are contributing to new forms of work intensification and extending the conditions under which unpaid labour occurs.

The findings demonstrate that unpaid overtime remains a persistent structural feature of the Australian labour market - one that is becoming more widely distributed and increasingly embedded in the organisation of work itself. Addressing it will require stronger enforcement and regulatory responses, alongside a broader rethinking of how working time, workload, and availability are defined and regulated in increasingly digital workplaces.

CONCLUSION

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