



30 April 2021

Office for Disability  
50 Lonsdale Street  
Melbourne VIC 3000

Dear Office for Disability,

**RE: STATE DISABILITY PLAN 2021-2025 CONSULTATION**

The Victorian Trades Hall Council (VTHC) welcomes the opportunity to make a submission to the State Disability Plan Consultation.

VTHC was founded in 1856 and is the peak body for unions in Victoria. VTHC represents over 40 unions and more than 430,000 workers in the state. These workers are members of unions that reach into every industry across Victoria, both in the public and private sectors.

Since winning the Eight Hour Day in 1856, VTHC has had a long history of fighting for and defending the rights of workers in Victoria. Disability rights are deeply important to working Victorians, not just because workers with disabilities are often denied meaningful employment, but also because workers supporting people with disabilities face job uncertainty, insecure hours, and low pay.

VTHC believes that workers in the disability sector do indispensable work in our communities, and deserve access to professional development, job security, and safety at work.

The union movement stands in solidarity with all working-class people no matter their industry, background, or impairments. Every worker deserves a good job, and having a job you can rely on will be key to Victoria's economic recovery.

Victoria's state disability plan is an opportunity for the Victorian Government to show its leadership on building a fairer and more equal society. The state disability plan provides an important opportunity to make sure that economic and social outcomes for workers with disability are improved across all aspects and stages of life. For these workers, this means significant reform to make training, work, public spaces and housing inclusive and accessible to people with disability.

This inquiry affects a number of relevant unions across Victoria and nothing in this submission is intended to supersede any other contributions from those unions.

If you have any questions or would like further information, please do not hesitate to contact Politics and Research Lead, Ted Sussex, on [tsussex@vthc.org.au](mailto:tsussex@vthc.org.au)

Yours sincerely,

Carina Garland  
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# **VTHC Submission to the State Disability Plan 2021-2025 Consultation**



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## LIST OF RECOMMENDATIONS

**Recommendation 1:** The Victorian Government should advocate for changes in NDIS funding, or supplement NDIS funding with a Victorian scheme, to ensure that NDIS funding covers basic workplace entitlements for workers, such as the superannuation guarantee.

**Recommendation 2:** The Victorian Government should ensure any disability support services funded by the state receive long-term funding on the basis that providers provide job security, a psychologically and physically safe workplace, and professional development opportunities to its workers.

**Recommendation 3:** The Victorian Government must ensure that health directives, programs and emergency responses consider the health risks unique to the disability industry. The Victorian Government must recognise that the disability industry is also on the frontlines of health emergencies, and therefore must take due priority in government programs.

**Recommendation 4:** The Victorian Government must strengthen the capacity and capability of a surge workforce that can assist disability support workers during health emergencies. This surge workforce must be established and maintained with genuine consultation with the industry and trade unions.

**Recommendation 5:** The Victorian Government must work with the NDIA to ensure minimum qualifications are supported in the funding model to be required for specific areas of the sector where there is a higher level of vulnerability.

**Recommendation 6:** The Victorian Government should investigate the creation (or reinstatement) of pathways to access ongoing training in disability services, so that workers have the opportunity to build on their skills throughout their career, have new skills recognised, and develop specialisation in the industry.

**Recommendation 7:** The Victorian Government should provide specific, identifiable funding to TAFEs to meet the needs of students with disabilities, for the purpose of providing learning aids and support.

**Recommendation 8:** The Victorian Government should establish a TAFE maintenance fund for the ongoing upkeep of TAFE buildings and include a specific one-off payment to all TAFEs to update and expand accessible infrastructure across all significant spaces in TAFEs including ensuring:

- a. All doorways and points of entry have ramps,
- b. All stairs have wheelchair accessible lifts,
- c. There is at least one lower desk in each classroom, appropriate for a student
- d. in a wheelchair, and
- e. There are ambulant bathrooms in every facility across campus.

**Recommendation 9:** The Victorian Government should establish unified TAFE support services system, which includes overarching requirements about accessibility and support for students with disability, encompassing a minimum level of individual support, funding for the students' specific needs, and funding for TAFE campuses to become accessible.

**Recommendation 10:** The Victorian Government should design and implement a plan to make all TAFE jobs ongoing and secure and prioritise professional development for TAFE teachers and workers, including disability education.

**Recommendation 11:** The Victorian Government should lobby the Commonwealth to abandon the Supported Wage System, apprentice and trainee wages, and junior wages more generally.

**Recommendation 12:** As an employer, the Victorian Government should ensure that its employees with disabilities are paid in accordance with their work, not their capacity.

**Recommendation 13:** The Victorian Government should investigate strategies that work towards the desegregation of disabled and non-disabled workers in Victoria.

**Recommendation 14:** Greater weight must be given to the injured workers' primary medical practitioner when making decisions on treatment plans in the WorkCover claims process.

**Recommendation 15:** WorkCover case management of injured workers' compensation claims must be returned to the remit of a public body, which centres best practice and the wellbeing of injured workers.

## INTRODUCTION

The Victorian Trades Hall Council (VTHC) welcomes the opportunity to make a submission to the Senate Inquiry into the State Disability Plan Consultation.

VTHC was founded in 1856 and is the peak body for unions in Victoria. VTHC represents over 40 unions and more than 430,000 workers in the state. These workers are members of unions that reach into every industry across Victoria, both in the public and private sectors.

Since winning the Eight Hour Day in 1856, VTHC has had a long history of fighting for and defending the rights of workers in Victoria. Disability services and rights are a deeply working class issue. Workers with disabilities are systemically denied meaningful employment and therefore prevented from full participation in our communities. Furthermore, workers supporting people with disabilities face job uncertainty, insecure hours, and low pay. Indeed, workers often acquire impairments and disabilities due to employers' unsafe workplace practices, especially in care work where psychological tolls can be significant, and obtaining compensation for necessary supports is often a battle fought tooth and nail.

Disability justice is union business because workers with disability and workers in the disability sector all deserve the same rights and opportunities as everybody else. Equal opportunity means people with disability are not worse off because of their impairments. Equal opportunity also means workers in the disability industry have a good, secure job they can count on, and are protected from safety risks in the workplace.

VTHC believes that workers with disability deserve to live and work with dignity. This means having access to training, a good job, community participation, as well as high-quality and consistent support services. Workers with disability are far too often told to be grateful for what they already have, but it's time that they are provided the same opportunities as everybody else.

VTHC also believes that workers in the disability sector deserve access to professional development, job security, and safety at work.

The union movement stands in solidarity with all working-class people no matter their industry, background, or impairments. Every worker deserves a good job, and having a job you can rely on will be key to Victoria's economic recovery after COVID-19.

The purpose of the Victorian Government's consultation into the State Disability Plan is to explore key areas of focus during the recovery period, one of which is the employment of people with disability. It is also intended to explore lessons learned during the COVID-19 pandemic and how improvements can be made to services in the future.

This submission will first outline key concerns raised by workers in the disability industry during COVID-19, including insecure work arrangements and the lack of government support around the disability sector, which posed (and continue to pose) various risks to the wellbeing and livelihoods of disability support workers and therefore impact the services available to people with disability. This submission then discusses key issues faced by workers and jobseekers with disability that prevent them from getting training in their fields of interests, getting a job they can count, and getting the right support through workers' compensation.

Victoria's State Disability Plan is an opportunity for the Victorian Government to show its leadership in building a fairer and more equal society. The state disability plan provides an important opportunity to make sure that economic and social outcomes for workers with disability are improved across all aspects and stages of life. For workers with disability, this means significant reform to make training, work, public spaces and housing inclusive and accessible to people with disability.

## PART 1: WORKERS IN THE DISABILITY SECTOR

A strong disability sector workforce is a vital key to supporting workers and jobseekers with disability to build independence, find good jobs and participate meaningfully in the community. When the disability sector is rife with insecure work and unsafe conditions, people with disability cannot access the consistent, resourced and resilient support workers that they need.

VTHC acknowledges the Victorian Government's strides in researching workers' experiences transition to NDIS, investigating our state's skills capacity in the industry and promoting best practice through the Keeping Our Sector Strong plan. However, there are urgent issues that are harming the integrity of Victoria's disability sector as a workplace and as a service.

### INSECURE WORK

The National Disability Insurance Scheme (NDIS) is modelled on principles of choice for participants, but is inadvertently fuelling an explosion in insecure work across the disability sector. The Australian Disability Workforce report in 2018 found that the growth rate of permanent employment was 1.3% per year, yet the casual growth rate was 26% per year.<sup>1</sup> Disability support workers are paid for the number of hours they work supporting individual participants, through participants' NDIS funding. Fewer and fewer disability support workers who work directly with participants are paid consistent wages by their employers. Much of the time, this means providing support to multiple different participants, in different locations every time, to piece together their wages.

As a result, many disability support workers have no certainty around the number of hours they will work in a week, how much money they will earn, or whether the participant whose funding pays their wages will decide to continue that relationship. The principle of choice is critical to supporting participants' independence and specialised needs. However, the shifting of risks to disability support workers, rather than their employers, has "gig-ified" the disability industry. Indeed, gig platforms such as Care.com and Mabel have created environments where disability support workers bid the lowest wages they are prepared to accept for a job. This is an unacceptable race to the bottom that places downward pressure on wages and safety standards.

For disability support workers and other workers in the sector, the precarious nature of disability support work is resulting in skills shortages, inconsistent staffing, poor retention rates, and worse outcomes for workers and for participants in the NDIS. Indeed, about one quarter of the disability workforce changed jobs every year.<sup>2</sup> To keep talented support workers within the industry, they need to be supported with good job security and adequate entitlements so they can rest, take leave and plan their lives.

Further, about 70% of disability support workers are women, compared to 46% in the rest of the workforce.<sup>3</sup> Improving job security in the disability industry is therefore also a priority for gender equality in Victoria. The importance of women-dominated care industries such as the disability industry must be acknowledged, and its workers therefore listened to when they are calling out for reform.

*Insecure work is a major issue amongst the disability support workforce and is not exclusive to casuals, as most workers who are ongoing are contracted at very low hours. The cancellations of shifts in some areas makes the insecurity worse.*

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<sup>1</sup> Australian Disability Workforce Report (2018), National Disability Service, accessed: <https://www.nds.org.au/images/workforce/Australian-Disability-Workforce-Report-Feb-2018-v4.pdf>

<sup>2</sup> Ibid, p. 14

<sup>3</sup> Ibid, p. 6.

*This means workers will take shifts even if insufficient in length or conditions, that are not of preference to the individual worker. Conditions that sometimes can mean a lack of knowledge or training necessary.*

*The situation of insecure work can mean for many workers an inconsistent working week that is less than what would be considered an adequate total number of hours with a less than ideal work life balance.*

*I personally, left working in the in-home care area to go to residential settings due to this.*

Jesse Heath, Disability Support Worker, HACSU Member

The Victorian Government should urgently consider the impacts of job insecurity on disability support services, and implement schemes that help mitigate the risks of insecure work within the disability sector. Job security in the disability industry directly impacts the quality and consistency of care that people with disabilities in Victoria have access to. It is not possible for workers to build trust and learn about participants enough to provide the best possible service without job security.

Disability care and support services should be fully funded to ensure that workers are not burnt out, have adequate training and opportunity for professional development, access to secure work to ensure care is consistent, and therefore participants are able to achieve their goals under the NDIS, including gaining independence and participating more meaningfully in the community.

The Victorian Government also has an opportunity to use the guarantee of good, secure, union jobs as a benchmark for procurement of disability support services. Decision-makers must lead the way to encourage and grow best practice in this area where for-profit corporations are actively undercutting minimum entitlements, wages and safety standards.

**Recommendation 1:** The Victorian Government should advocate for changes in NDIS funding, or supplement NDIS funding with a Victorian scheme, to ensure that NDIS funding covers basic workplace entitlements for workers, such as the superannuation guarantee.

**Recommendation 2:** The Victorian Government should ensure any disability support services funded by the state receive long-term funding on the basis that providers provide job security, a psychologically and physically safe workplace, and professional development opportunities to its workers.

## **SAFETY**

Workers in the disability sector, many represented by the Health and Community Services Union (HACSU) have expressed concern for their safety, particularly during COVID-19. Many of these safety issues stem from the increasing prevalence of insecure work.

In 2020, HACSU conducted a wide-reaching survey across Australia that found that COVID-19 had a deep mental health impact on its members. The overwhelming majority of respondents reported 'anxiety, fatigue, depression and stress directly relating to the impacts of COVID-19 on their work'.<sup>4</sup> 22% of respondents were working in participants' homes where there were no specific COVID-Safe plan, and 59% had taken on extensive cleaning duties during 2020. This points to unexpected health risks to workers and to participants, as well as changing duties impacting workload. Many disability support workers suggest that the disability sector remains a

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<sup>4</sup> HACSU (2020), Safety in Disability, HACSU, accessed: <https://hacsu.asn.au/Safety-in-Disability~26513>



low priority for the COVID-19 health response, despite huge risks to workers and clients if an outbreak occurs. Yet, there has not been enough support to ensure that COVID-Safe plans are in place and enough personal protective equipment (PPE) is being distributed to workers.

*Staff at about 22 homes across the state said they did not have any PPE at all when we did the safety audit and this was late into the pandemic...It is disgraceful.*

Paul Healey, Victorian State Secretary at HACSU<sup>5</sup>

*My real concern is that we are going to at some point have another wave of outbreaks and that [the] lack of safety plans and lack of appropriate PPE is going to leave everyone vulnerable to catching COVID.*

Deb Gunn, Disability Support Worker and President at HASCU<sup>6</sup>

Insecure work arrangements posed further safety risks. Workers in the sector have experienced a rapid casualisation of their work which has resulted in the need to work in many different workplaces (whether they be health facilities, group homes, or individual's homes). The increasing number of workplaces that disability support workers need to attend in order to string together an adequate paycheck means that the risk of transmitting illness between environments and between participants and workers is increased.

Paul Healey also said in an ABC interview:<sup>7</sup>

*If staff in disability care were tested for coronavirus, they had to use annual leave while they self-isolated or apply for special leave. Many workers don't have a choice "if they have no money coming in" than to go back to work after a test or while feeling sick.*

People with disability who require their services are already at higher risk of catching COVID-19 (given that many people with disability have multiple and interactive conditions that make them more susceptible to the worse harms of the coronavirus and other contagious viruses), yet workers are forced to choose between going to work or putting food on the table. Participants do not want sick workers supporting them in their homes, and workers do not want to put themselves or their participants at risk, yet there is little choice when so many disability support workers are casual workers without access to paid sick leave.

Another knock-on effect is the pressure on the workforce when a significant number of workers suddenly needed to self-isolate when one of their workplaces presents a confirmed COVID-19 case. Disability support workers express concern that emergency 'surge' workforces were not always effective in alleviating the pressure. When the surge workforce was absent or unavailable, workers had to work long hours to cover the self-isolating workers, leading to exhaustion, burnout and poor mental health across the workforce. The infrastructure for this emergency surge workforce needs to be established in an accountable way, in genuine consultation with the industry and its needs.

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<sup>5</sup> Cunningham, M (2020), Disability homes lack safety plans as union warns of mental health toll, The Age, accessed: <https://www.theage.com.au/national/victoria/disability-homes-lack-safety-plans-as-union-warns-of-mental-health-toll-20201101-p56agy.html>

<sup>6</sup> Cunningham, M (2020), Disability homes lack safety plans as union warns of mental health toll, The Age, accessed: <https://www.theage.com.au/national/victoria/disability-homes-lack-safety-plans-as-union-warns-of-mental-health-toll-20201101-p56agy.html>

<sup>7</sup> Clayton, R. (2020), 'No paid pandemic leave for healthcare workers forces some to come to work sick', ABC News, accessed: <https://www.abc.net.au/news/2020-07-14/coronavirus-fears-health-workers-work-sick-cant-afford-leave/12451226>

Further, the initial exclusion of the disability industry from health directions from the Chief Health Officer have also seen more disability support workers exposed to COVID-19 risks. This concern was also raised in HACSU's Safety in Disability survey. While the disability industry is distinct from the health industry, it was uniquely exposed to health risks given the interaction between COVID-19 and insecure work. Government health directives were not extended to the non-government or private disability sector governed by the NDIA and, as a result, many workers felt unsafe and employers were not held to account for their workers' safety.

**Recommendation 3:** The Victorian Government must ensure that health directives, programs and emergency responses consider the health risks unique to the disability industry. The Victorian Government must recognise that the disability industry is also on the frontlines of health care work, and therefore must take equal priority in government programs.

**Recommendation 4:** The Victorian Government must strengthen the capacity and capability of a surge workforce that can assist disability support workers during health emergencies. This surge workforce must be established and maintained with genuine consultation with the industry and trade unions.

## **SKILLS**

Mandatory training in the disability sector is often minimal and professional development opportunities are next to non-existent in the event of privatisation and the individualised funding. As the sector becomes rapidly casualised, employers are investing less in a workforce they consider highly replaceable. As a result, training opportunities are shrinking and career progression becomes more difficult. When disability services were public, workers could access 1 hour per month for professional development, along with other training required to perform their duties safely or develop their skills. At the moment, the only mandatory training in the sector is first aid/CPR. This is not enough for workers to provide consistent quality care across the sector, and for workers to access career opportunities as they improve skills and develop interest in specialist areas.

Another issue is the disappearance of qualifications in vocational education that workers can utilise as a stepping stone for career progression, or to recognise their experience and expertise. The advanced diploma in disability services is no longer available and has been replaced with a generic Community Sector Management course. There is also a proposal in the Aged Care and Disability Training Package Review being undertaken for Cert IV in disability to require Cert III to be a prerequisite. There is no incentive or support to take on further training where there are often no minimum qualifications required by the disability sector. There needs to be more options for vocational training in disability services available for workers and learners who take an interest in disability support work, and for this to be recognised and valued. If we are to encourage higher-quality services to better support people with disability to pursue their life goals, there should be training options to support that vision.

There should also be mandatory qualifications required to provide a more consistent standard of care, with ongoing refreshers for imperative education and key standards, for example but not limited to, food handling, manual handling, duty of care, health and safety, infection control, incident reporting and safeguarding. This does not serve the interests of people with disability utilising support services, nor does it serve the interests of workers who are not provided the right support to do their work.

Traineeships are also non-existent within the industry. This prevents learners from seeing the disability industry as a viable career option, whether for career progression or for lifelong learning.

This must be a priority for the Victorian Government not only to provide opportunities and retain talent in the sector as it currently stands, but also to recognise that the disability sector is a rapidly growing sector alongside other forms of care work. Across Australia, the estimated shortage is 120,000 workers.<sup>8</sup> This is an area where we can and must build skilled workforces to match growing demand. Importantly, given the gendered and insecure nature of this work, we need to ensure this rapidly expanding sector is underpinned by good, secure, union jobs. Through a targeted procurement policy, the Victorian Government can play a significant role in ensuring our disability sector workforce is resilient to economic fluctuations and equipped with the capacity to provide the best possible service to people with disability.

**Recommendation 5:** The Victorian Government must work with the NDIA to ensure minimum qualifications are supported in the funding model to be required for specific areas of the sector where there is a higher level of vulnerability.

**Recommendation 6:** The Victorian Government should investigate the creation (or reinstatement) of pathways to access ongoing training in disability services, so that workers have the opportunity to build on their skills throughout their career, have new skills recognised, and develop specialisation in the industry.

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<sup>8</sup> Shams, H (2021), 'Disability support staff in great demand as advocates warn tens of thousands more needed', ABC News, accessed: <https://www.abc.net.au/news/2021-04-09/disability-support-worker-shortage/100057026>

## **PART 2: WORKERS WITH DISABILITY**

Disability advocacy groups across Australia have tirelessly called for an end to Australia's legacy of discrimination against people with disability, in contravention of the Convention on the Rights of Persons with Disabilities and other human rights treaties to which Australia is a signatory. While specialised health facilities and primary and secondary schools can provide valuable services to the disabled community, people with disability and their families have long argued that it's not a real choice.

VTHC believes that workers and jobseekers with disability deserve to make decisions about what's best for them, rather than effectively having decisions made for them when no alternatives are viable. Ending discrimination means ending segregation. This means lowering as many barriers as possible to allow people with disability to fully engage and contribute to their communities, including in training and employment.

### **ACCESS TO TRAINING**

People with disabilities have the right to access the same opportunities as anyone else; it is simply the existence of barriers that denies them those opportunities.

One barrier is a lack of sustainable funding to upgrade campuses and make them accessible for learners with disability. This results in physical barriers that prevent learners with disability from attending classes, feeling included, and getting the most out of their tertiary education.

Another barrier is a lack of specialised support services for learners with disability. Learners with disability need specialised support services to help advocate for them within the institution and when resources are limited, support services are forced to turn some learners away from accommodations or special consideration. Support service officers should not be forced to act as gatekeepers rather than administrators of supports. They should be adequately supported so everybody who needs their services get them.

TAFE teachers and professional staff are some of the most dedicated and resourceful workers in Victoria, often working in complex environments and managing the dual demands of teaching and holding relevant industry expertise. Teachers want to provide students with disabilities the level of support they deserve, but they are often not given the resources or the training to do so adequately. Teachers and professional staff also report having to fight tooth and nail for even basic accessibility requirements like bathroom access for learners with disability.

In this environment of insecure work within the TAFE system, professional development is barely a priority, meaning staff aren't equipped with the knowledge to support learners with disability to the highest standard.

While funding to TAFEs has increased over recent years, there is still a chronic lack of funding for TAFEs to be able to fully implement world class vocational training. TAFEs are doing what they can with less, but affiliated unions report the support for students with disabilities is lacking due to limited funding.

It is time TAFE is used as a lever to get workers with disabilities into secure, well-paid, meaningful employment.

**Recommendation 7:** The Victorian Government should provide specific, identifiable funding to TAFEs to meet the needs of students with disabilities, for the purpose of providing learning aids and support.

**Recommendation 8:** The Victorian Government should establish a TAFE maintenance fund for the ongoing upkeep of TAFE buildings and include a specific one-off payment to all TAFEs to update and expand accessible infrastructure across all significant spaces in TAFEs including ensuring:

- a. All doorways and points of entry have ramps,
- b. All stairs have wheelchair accessible lifts,
- c. There is at least one lower desk in each classroom, appropriate for a student in a wheelchair, and
- d. There are ambulant bathrooms in every facility across campus.

**Recommendation 9:** The Victorian Government should establish unified TAFE support services system, which includes overarching requirements about accessibility and support for students with disability, encompassing a minimum level of individual support, funding for the students' specific needs, and funding for TAFE campuses to become accessible.

**Recommendation 10:** The Victorian Government should design and implement a plan to make all TAFE jobs ongoing and secure and prioritise professional development for TAFE teachers and workers, including disability education.

## **EMPLOYMENT**

Under the Convention on the Rights of Persons with Disabilities, people with disabilities must be afforded 'the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities'. It also states that people with disabilities must be protected from discrimination; must have access to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value; and, must be able to exercise their labour and trade union rights on an equal basis with others, among its most basic principles. Inclusion is a human right, not a special need.

VTHC applauds the Victorian Government's efforts to support equal rights for workers with disability, and is encouraged by the extensive consultation for its State Disability Plan, yet there is still more work to be done to support Victorians with disability as workers and jobseekers.

As disability advocacy organisations and workers with disability have long called out, Australian disability enterprises are legally allowed to pay workers with disability less than minimum wage. Their operations cover work such as warehousing, mailroom services, gardening, landscaping and assembly work in manufacturing. When a significant group of workers in these industries are underpaid and forced to accept bad conditions at work, other workers in those industries become victims of a race to the bottom. Big businesses like QANTAS use labour from Australian disability enterprises (ADEs) to cut costs, at the expense of non-disabled workers doing the same job.

There are 20,000 workers with disability working in Australian disability enterprises. The median income of a worker with disability is \$505 a week, less than half the \$1016 a week for non-disabled workers. Yet less than 1% of ADE workers move onto open employment.<sup>9</sup> There are a further 200,000 workers with disability in Australia who are unemployed but want to work.

Fair employment is employment that is accessible, inclusive and protects jobseekers from discrimination. Currently, segregation of the workforce is creating a second-class workforce with fewer rights and poverty wages, to the detriment of the economy more broadly.

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<sup>9</sup> Civil Society CRPD Shadow Report Working Group (2019), Disability Rights Now 2019: Australian Civil Society Shadow Report to the United Nations Committee on the Rights of Persons with Disabilities: UN CRPD Review 2019, accessed: <https://dpoa.org.au/wp-content/uploads/2019/08/CRPD-Shadow-Report-2019-English-PDF.pdf>, p. 38

So far, disability wage subsidies at the federal level have not been successful due to significant loopholes in the scheme. The disability wage subsidy, which aims to hire jobseekers through disability employment providers, has given an opportunity for employers to rort the scheme by using a 'revolving door' of workers with disability hired through government subsidies. These workers are guaranteed as little as 8 hours' work a week and who are then fired at the end of 26 weeks. Employers should not be receiving a public subsidy on a business model of hiring multiple workers on low hours with no job security once the subsidy runs out. As we have seen with JobKeeper, wage subsidies can be effective, but checks and balances need to be put in place and enforced to get the best outcomes for jobseekers with disability.

*I am a 58-year-old man who has a vision impairment. I am a recipient of the Disability Support Pension (permanently blind)...*

*I have completed a Bachelor of Behavioural Science, a Master of Human Services and a Master of Social Work...*

*My volunteering experience spans over 20 years...*

*Prior to commencing tertiary education, I had over 7 years of significant paid employment as a clerical assistant in both the public and private sectors...*

*At one particular ADE, I was paid approximately \$120 per fortnight due to a wage assessment. I was paid an hourly rate of \$3.51. This amount is significantly lower than the minimum wage of \$19.84 (current as at 1 July 2020). For me, this amount of income is not nearly enough to cover the necessities such as rent or mortgage repayments, bills, and other essential groceries or personal items.*

Worker with disability, "Jamie", The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 11 December 2020

*They wanted me to work in a shelter home and I thought no, "I'm more capable with more skills than that", but that job employment agency wanted me to do that because they couldn't find a normal job for me so they just thought sticking me in a group home, shelter home where they thought \$2.50 or \$3 an hour is enough, and I thought "Well, that's not good enough, I need more". I basically can do more than that.*

Worker with disability, Ms Pamela Darling, The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 11 December 2020

Worker and jobseekers with disability want to have their skills recognised in open employment. However, discrimination in the open job market has effectively segregated workers with disability from non-disabled workers. Many workers with disability have skills of value to the open market, yet are continually funnelled into underpaid work that does not recognise their skills.

Systemic issues are preventing workers with disability and jobseekers from finding and keeping jobs that are secure, pay well and reflect their qualifications. Everybody deserves to do work that is meaningful, and workers and jobseekers with disability must have better access to open employment.

**Recommendation 11:** The Victorian Government should lobby the Commonwealth to abandon the Supported Wage System, apprentice and trainee wages, and junior wages more generally.

**Recommendation 12:** As an employer, the Victorian Government should ensure that its employees with disabilities are paid in accordance with their work, not their disability.

**Recommendation 13:** The Victorian Government should investigate strategies that work towards the desegregation of disabled and non-disabled workers in Victoria.

## **BETTER WORKCOVER**

The safety of workers is also imperative to ensure that workers with disability and non-disabled workers are protected from health risks in their workplaces. For workers with disability, this means a workplace with the appropriate accommodations to allow that worker to do their job safely. This is a positive duty under the law – it is not enough for bosses to treat workers with disability the same as non-disabled workers, and assume that their obligations are met.

When injuries occur in the workplace, disabled and non-disabled workers alike face a workers' compensation system that is ineffective in providing the necessary supports and processing claims in an efficient way.

To begin to overhaul the WorkCover system, VTHC recommends a greater weight be given to the injured workers' primary medical practitioner when making decisions on treatment plans. This is especially important for workers with disability, many of whom have doctors who have specialist knowledge of their disability and medical conditions, compared to independent medical examiners who have little expertise on a worker's disability and little expertise on how a new injury or impairment impacts that disability.

Further, improved case management is also key in ensuring all workers who need assistance navigating the system get appropriate help and are not further traumatised by poor management of their claim. This is particularly vital for workers with intellectual disability or neurodivergence. Studies have already found that poor case management can lead to sub-standard medical treatment and poor outcomes for injured workers, especially if the case is not managed in a timely manner.<sup>10</sup>

Being injured at work can be an extremely traumatic experience, not only due to how long it takes to fight for and receive compensation, but also because of the significant inadequacies present in the WorkCover system which serve to push workers off compensation and cause them to feel responsible for their injury. This is especially worrying for workers with disability, who are treated as if their disability is to blame for their injury at work. Victoria's workers' compensation scheme must have as its main goal, the caring for and effective treatment of injured workers, so they can return to work at the appropriate time.

Systems that support non-disabled and disabled workers in the event of workplace-acquired injury or impairment need to be effective and efficient. It's not acceptable for these systems to create further barriers for participation in the workforce.

**Recommendation 14:** Greater weight must be given to the injured workers' primary medical practitioner when making decisions on treatment plans in the WorkCover claims process.

**Recommendation 15:** WorkCover case management of injured workers' compensation claims must be returned to the remit of a public body, which centres best practice and the wellbeing of injured workers.

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<sup>10</sup> Grey et. al (2019) "Association between workers' compensation claim processing times and work disability duration: Analysis of population level claims data", Health Policy 123, pp. 982–991

## CONCLUSION

VTHC commends the Victorian Government's policy efforts to engage with people with disability and the disability industry, yet there is still much to be done to improve working conditions for disability support workers. Without a strong and resilient workforce, people who utilise disability support services will not be able to receive the best possible care or support.

Workers and jobseekers with disability are also calling for drastic and urgent reform to improve their access to training and meaningful employment. This is perhaps an even more significant challenge for government, given the ongoing segregation of the disabled and non-disabled workforce. There is a long way to go to allow workers with disability to achieve their full potential as working people and valued members of our community.

VTHC strongly believes that workers with disability deserve recognition of their skills and equal access to the job market to get a secure and meaningful job. Workers with disability exist across a spectrum of impairments and needs, but every worker and jobseeker deserve a living wage, safe conditions and opportunities for lifelong learning.

VTHC also strongly believes that workers within the disability sector play a vital role in our community. The importance of disability support work, like other care work, cannot be understated. The idea that care work is unskilled work must be turned on its head. It is demanding and highly-skilled work that is indispensable crucial to the wellbeing of people with disability and their families. COVID-19 also made it clear that care workers are the frontline of health emergencies. This is why disability support workers must be themselves supported with job security, fair pay, and safe work conditions.

This consultation is an important opportunity for the Victorian Government to respond to the concerns of workers with disability and workers in the disability industry to support strong and inclusive post-COVID-19 economic recovery.

The participation of workers with disability in the workforce could be an important lever in economic recovery, as it directly supports the ability for workers with disability to put food on the table, build independence, and participate in the community.

Strong economic recovery also requires disability support workers to have jobs they can count on. Secure work arrangements, safe conditions and opportunities for career progression will make the disability industry workforce more resilient in the face of health emergencies and economic downturn.