



Wednesday, April 30, 2003

Senate Standing Committee on Employment, Workplace Relations and Education
The Secretary: John Carter
The Senate
Parliament House
Canberra ACT 2600

Dear Mr Carter

The National Council on Intellectual Disability (NCID) would like to provide the Committee this submission in relation to its inquiry into the Workplace Relations Amendment (Protecting the Low Paid) Bill 2003.

We have attached our written submission which was presented jointly with the Disability Employment Action Centre (DEAC) to the Safety Net Review 2003 hearing by the Full Bench of the Australian Industrial Relations Commission (AIRC).

In our submission to the most recent safety hearing at the AIRC we set out the following situation:

- That many thousand workers with disability earn weekly wages that are significantly below the federal safety net wage and place such workers in a situation of impoverishment and welfare dependency;
- That workers with disability in the business service industry are subject to wages and employment conditions that are not protected by the award safety net system; and,
- That workers with disability are subject to workplace bargaining that substantially disadvantages and discriminates against their right to equality under industrial law and the benefit of the safety net. This includes a propensity by employers to take advantage of the intellectual impairment of workers to achieve agreement to receive poor terms and conditions of employment.

We recommend that the Senate Committee in its consideration of the Workplace Relations Amendment (Protecting the Low Paid) Bill 2003 ensure that any

consideration or legal process of consideration by the AIRC of the low paid needs to include:

- The needs of workers with disability, particularly those currently working in the business service industry.
- The continued legal provision under the Act of the supported wage system for workers with disability, to ensure that any increases in the safety net wage for the low paid will flow on to workers with disability due to the supported wage system providing a percentage of the relevant award classification wage rate; and
- An urgent inquiry into enterprise bargaining with workers with cognitive disability to urgently address matters of 'genuine consent', 'coercion', and 'disadvantage'.

NCID believe that the current Bill before the Senate does not adequately address the current employment safeguards required by workers with disability, particularly those with intellectual impairment.

Workers with disability in business services are currently receiving wages well below the current federal safety net wage. Such workers typically get paid between \$1 and \$2 per hour. This places this section of the Australian community literally in the 'low paid' category.

NCID consider that any attempt to improve the statutory obligations of the AIRC to ensure an emphasis on the low paid must also address the needs of workers with disability who currently receive poor wages and conditions without any check, balance or adherence to Commonwealth discriminatory laws.

We would be happy to address the Senate Committee if it so pleases.

Yours sincerely

Mark Pattison
Executive Officer