



Physical Disability Council of Australia Ltd (PDCA)

P O Box 77
Northgate Qld 4013
07 3267 1057
07 3267 1057
pdca@pdca.org.au
www.pdca.org.au

Committee Secretary
Senate Employment, Workplace Relations and Education Committee
Department of the Senate
Parliament House
Canberra ACT 2600
Australia

Dear Committee members

Thank you for the opportunity to address the Senate Employment, Workplace Relations and Education Committee.

The Physical Disability Council of Australia Ltd or PDCA is the national disability peak organisation representing the interests and views of people with physical disabilities across Australia.

For the purposes of this submission, PDCA has not discussed the issue of whether there should be or should not be workplace agreements, but rather concentrated on the issues **if** there were workplace agreements and what should be considered in the way of supporting people with disabilities through the process.

We will however, highlight that workplace agreements:

1. May encourage employers to turn their backs on employing people with disabilities, which is already an enormous problem in the community
2. May allow employers to bully people who are not confident or have an intellectual or cognitive disability
3. May not make any difference to the output of the company or its employees
4. Can marginalise people with disabilities further
5. Will take away some of the flexibility that already exists in the workplace
6. May impact on the satisfaction levels of employees, particularly where agreements favour the employer, rather than employee.
7. Australian Workplace Agreements are developed for all workers
8. Evidence already exists to show that since the advent of workplace agreements in Australia, the lowest paid are increasingly worse off and this would be particularly relevant to people with disabilities.

We have attached our submission to the HREOC inquiry into employment for your information also.

Our response to the questions put forward:

(a) the scope and coverage of agreements, including the extent to which employees are covered by non-comprehensive agreements;

PDCA is concerned that some people with disabilities may not understand the complexity of agreements, particularly those with a cognitive impairment, acquired brain injury and others who are not familiar with a workplace agreement and its intended purpose. We further state that those without a disability may find it difficult to negotiate also..

We recommend therefore:

RECOMMENDATION 1.

That all people with disability who are required to participate in the development of an agreement be offered the opportunity to have an advocate present during all of the procedures related to the agreement signing and preparation.

RECOMMENDATION 2.

PDCA recommends that people with disabilities be encouraged to familiarise themselves with the various types of agreements and conditions available and allowable within any agreement.

RECOMMENDATION 3.

Where a person with a disability is not able to fully comprehend the complexities of an agreement, additional time must be offered, so that the individual can become informed on the choices he or she might have before signing any document. This time must be agreed to by both parties and a timeframe discussed.

(b) the capacity for employers and employees to choose the form of agreement-making which best suits their needs;

Keeping in mind that many people with disabilities have not had the rich and diverse experience of Australians without a disability, we are concerned that there may be no choice or limited choice, and this could lead to development of an agreement without the informed decision ability that many in the workforce have.

RECOMMENDATION 4

PDCA believes that all aspects of employment should be discussed at the time of making an agreement, especially where there is supported employment, subsidised wages, workplace modifications, work based personal assistance, or any other support programme in place. This will ensure that these support services and resources remain with the individual, are transferable, and do not become part of the resources of the employer or company.

(c) the parties' ability to genuinely bargain, focusing on groups such as women, youth and casual employees;

PDCA is concerned that an Agreement has the potential to undermine the rights of people with disabilities already in work. As stated previously, many people with disabilities have not

had the same employment experiences as the average Australian and therefore will be disadvantaged from the outset.

This is particularly so for:

- Youth with disabilities;
- A person with a disability starting their worklife;
- People with disabilities in rural and remote areas, where employment is limited;
- Indigenous people with disabilities, whose cultural background would not include learning how to bargain in the workforce;
- Women with disabilities, who are not credited with skills for bargaining and therefore will commence from a disadvantaged position;
- Those with the highest support needs.

(d) the social objectives, including addressing the gender pay gap and enabling employees to better balance their work and family responsibilities;

PDCA does not believe that a workplace agreement with an individual will address the collective gender pay gap and must be addressed on a collective basis.

Work and family issues can currently be negotiated with employers who are flexible, and no amount of documents or agreements will change or improve that.

RECOMMENDATION 5

PDCA Believes that all employers should be addressing the gender pay gap now, and do not need individual private agreements which could widen this gap further.

(e) the capacity of the agreement to contribute to productivity improvements, efficiency, competitiveness, flexibility, fairness and growing living standards; and

As stated earlier, we do not believe any workplace agreement will improve productivity, efficiency, competitiveness, flexibility, fairness and improve living standards. Particularly in the case of people with disabilities.

In fact an agreement has the potential to lock these issues in so tightly that company loyalty, contributions and faith in the company could be at risk of worsening over time, therefore providing employers with instability and disgruntled employees.

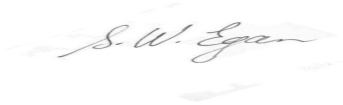
(f) Australia's international obligations.

PDCA believes that the Australian Government must be responsive to:

- The Standard Rules on the Equalization of Opportunities for Persons with Disabilities
- UN World Programme of Action Concerning Disabled Persons
- Asian And Pacific Decade of Disabled Persons 2003-2012

- Support the Convention on the human rights and dignity of persons with disabilities currently being developed; and
- Other international agreements.

Yours Sincerely

A handwritten signature in cursive script, appearing to read "S. W. Egan", is positioned above the typed name. The signature is written in a dark ink on a light-colored background.

Sue Egan
Executive Officer
Physical Disability Council of Australia Ltd.