

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005

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Chairperson
Senate Employment, Workplace Relations and Education Committee
Email to: eet.sen@aph.gov.au

Dear Senator

Inquiry into the Workplace Relations Amendment (Work Choices) Bill 2005

The Physical Disability Council of Australia (PDCA), is the national peak organisations representing the interests and views of people with physical disability throughout Australia. We are funded by the Department of Family and Community Services, and run by and for people with physical disabilities. We are the only organisation of its kind in Australia.

PDCA would like to thank the inquiry for the opportunity to provide a submission on 'work choices' in relation to the **Workplace Relations Amendment (Work Choices) Bill 2005**. Unfortunately, the short time frame between the Bill's introduction and the close of submissions for this Inquiry, the length of the Bill and its publication in formats that were not easily read by people with disability, has meant that our submission is necessarily brief.

PDCA has concerns about the Bill, which echo those of the Australian Federation of Disability Organisations – AFDO (of which we are a full member). These concerns are:

- the potential for a reduction in earnings for people with disability;
- the inadequacy of protections for people with disability with regard to negotiations and employment tenure;
- the impact of the reduction in minimum working conditions; and,
- the interaction of the Bill's provisions with the income support system.

PDCA endorses the following AFDO statement:

“AFDO rejects the argument that the labour costs of people with disability are a barrier to their employment. While there can be some up-front costs to an employer for retaining or hiring a person with disability, this occurs in relatively few cases and generally involves only minor expenses (which can be offset through programs such as the Workplace Modifications Program). Indeed, there is evidence that the employment of people with disability can improve the productivity of a workplace (Productivity Commission 2004: A.20)”

The Legislation seems to assume that people have an automatic relationship built on trust and confidence with employers in order for an employee to satisfactorily negotiate an Australian Workplace Agreement (AWA). This is not necessarily the case, in fact people with disabilities are among the most dis-empowered people in Australia today and need to overcome some of the following before they can secure a job:

1. Finding a suitable job, equal to their skills (given the lack of training resources open to people with disability);
2. Overcome the prejudice of employers, or at the very least overcome the ignorance or attitudes in relation to disability;
3. Determine if there is accessible public transport to and from a job;
4. Ensure there is adequate personal support available at home to enable them to work (either by family/carer or paid worker)
5. Earn enough money to meet the additional costs of having a disability (research by Dr Jack Frisch for PDCA, on Additional Cost of Disability is attached to this submission, and although undertaken a few years ago, highlights what costs people with disability have to meet as a result of their disability);

In addition, people with disability do not necessarily:

1. Have experience to draw from;
2. Have the skills to negotiate an employment contract;
3. Have confidence in their own ability, especially if this is their first job;
4. Do not have a work history free of discrimination, bullying, harassment etc, so therefore no positive examples to draw from;
5. Have awareness that increases in pay may not happen, especially since contracts can be for 5 years at a time;
6. Have the capacity to arrange a contract which is strong and contains provision for their rights;
7. Have the experience to secure a contract that ensures their employment in times of recession and high unemployment;
8. Will have to negotiate Annual Leave loading, Redundancy pay, out of hours work and rates, hours of work, Overtime, any allowances etc, which complicates the process of being employed (which is already an uneven power based relationship) resulting in inferior conditions for people with disability in the workforce.

In addition, people with physical disabilities:

1. Have issues relating to travel to and from work, with may impact on the times to be at work or to leave work;
2. Already have additional costs relating to their disability, so would not be able to agree to or accept less than usual hourly rates or awards;
3. Will have little or no ability to call in union support or representation;
4. those working in small businesses, (often the companies that employ people with disability) will have no protection from the unfair dismissal resulting in an increase in discrimination and harassment of people with disability.
5. Will not be assessed against an award, but may have to agree to a rate set by the employer

(who already has preconceived ideas about the productivity of the individual with a disability)

6. Will not necessarily be treated fairly under the “Fair pay Commission” given the current attitudes toward people with disabilities in Australia;

NZ tried this system in the past and has since rejected it because of the poorer conditions and low wages experienced by workers and unfair treatment by employers, which proved unproductive for the country and especially tax payers.

On the basis of these issues, we urge the Inquiry to consider rejecting the legislation.

We would welcome the opportunity to discuss this submission in more detail and can be contacted at the given address or telephone 07 3267 1057 during business hours.

Yours Sincerely

Sue Egan
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