

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005

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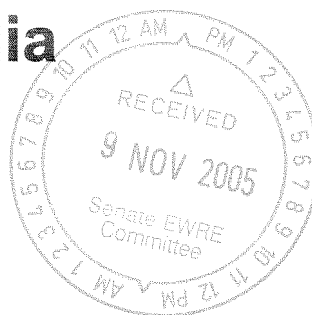
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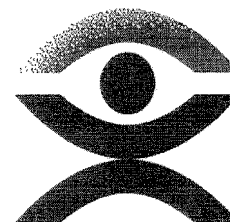
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November 9, 2005

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



Dear Senator Troeth,

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

Blind Citizens Australia (BCA) is the National peak advocacy organisation of people who are blind or vision impaired. Our mission is to achieve equity and equality by our empowerment, by promoting positive community attitudes and by striving for high quality and accessible services which meet our needs.

We thank the Committee for providing the opportunity to make a submission to this Inquiry.

Our key concerns with the Work Choices Bill outlined in this submission include:

- The short timeframe to respond to the Bill;
- the potential for a reduction in wages for blind people;

- the inadequacy of protection for blind people in relation to negotiation of terms and conditions of employment and employment tenure, and;
- the negative impact of reducing minimum working conditions.

Regards,

Robert Altamore
President
Blind Citizens Australia.

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Blind Citizens Australia: Response to the Workplace Relations Amendment (Work Choices) Bill 2005

- **Time Frame for the Inquiry**

Blind Citizens Australia considers the time frame made available to respond to the Work Choices Bill to be inappropriately short and unfair to the community in general and people who are blind and vision impaired in particular. The volume and complexity of the Bill and its publication in formats inaccessible to people who are blind or vision impaired means that our submission is necessarily brief.

- **Equal pay for people who are blind or vision impaired and the Work Choices Bill**

We are concerned that the Bill proceeds on the assumption that the barrier to the employment of people who are blind and vision impaired are the wages they receive for their work. The experience of our members, as both employers and employees, clearly suggests that this assumption is incorrect. The very real barriers impeding people who are blind and vision impaired from gaining employment and staying employed are the discriminatory attitudes of others and environmental issues such as access to information.

BCA has never, in the organisations 30 year history of advocacy and research, considered wages to be a barrier to employment for people who are blind or vision impaired. Blind Citizens Australia asserts, without compromise, that people who are blind or vision impaired should be paid wages at a rate of equal work for equal value.

We are concerned that people who are blind or vision impaired, whose employment comes within the application of the wage setting parameters in the Bill, will have their wages and income decreased in real terms. The language of cl.7J (11) and cl.90P of the Bill will enable the application of alternative disability wage setting mechanisms to employees, not on the basis of their disability, but on the basis that they lack the bargaining power to resist an employer's attempt to use the Fair Pay Commission processes to lower the wages of their workers.

We call upon the Committee to recommend that the Work Choices Bill be amended to remove all provisions that have the potential to allow the proposed Australian Fair Pay Commission (AFPC) to set separate pay scales for people with disabilities that will result in people who are blind or vision impaired receiving comparative reduced wages for their work.

In place of these provisions, standards of equal pay must be introduced to ensure people who are blind or vision impaired are not further discriminated in the work place.

- **Structural Barriers to Employment and Work Place negotiations**

Our major concern with this Bill is that it focuses on the wages paid to employees as the barrier to their employment and does nothing to address the social and economic and attitudinal barriers that prevent people who are blind or vision impaired getting and keeping jobs. These structural barriers include information access, access to adaptive technology, access to education, work experience and career development and access to transport and the built environment. These access barriers are not only relevant to gaining and keeping a job but those barriers relating to information access, adaptive technology and attitudes are particularly relevant in so far as they disadvantage

people who are blind and vision impaired in defending themselves in the brave new world of individualized workplace relations.

Structural Barrier - Information Access

Work Choices Booklet: To date, Blind Citizens Australia has been required to lobby the Department of Employment and Workplace Relations (DEWR) to have the Work Choices booklet made available in alternative formats (braille, large print and audio) for people who are blind or vision impaired. The failure of DEWR to make this important booklet available in alternative formats is a clear breach of the Commonwealth Disability Strategy (CDS). We were informed by members of our organization that their initial requests for the booklet in alternative formats were met with dismissive remarks by the call centre staff including “get someone to read the booklet to you”.

Guide to the Employment Advocate: Similar to the situation with the Work Choices booklet outlined above, we are still in the process with DEWR to have the ‘Guide to the Employment Advocate’ booklet made available in alternative formats.

The Bill, as presently drafted, does not address these information access barriers with respect to agreement making on terms and conditions of employment.

Australian Workplace Agreement (AWA): AWA’s for people who are blind or vision impaired must be made available in alternative formats including braille, audio and large print. To take account of the format conversion, the time taken to respond to the AWA for people who are blind or vision impaired must also be correspondingly extended from the current time made available.

Structural Barrier - Access to Adaptive Technology

Improving access to adaptive technology will assist blind people to gain and keep jobs. However, this technology is very costly and out of reach for many blind people. Although the Commonwealth Government provides compensatory incentives for employers to adapt their workplaces to accommodate people with disabilities such as the Workplace Modifications Scheme, these programs are under used by employers.

Structural Barrier - Education

Braille is the primary form of literacy for people who are blind. It is of great concern to Blind Citizens Australia that instruction in braille is not available to all children who need it and that the literacy needs of adults who have become blind are not recognized in Commonwealth literacy and numeracy programs.

Obstacles such as inaccessible materials have resulted in a large majority of those who are blind or vision impaired that have undertaken tertiary study not benefiting from their post-secondary education and training.

Structural Barrier - Job Retention....Losing vision in adult life

The issues surrounding job retention for people with disabilities are highly complex; employees must be encouraged to identify their needs, employers must understand their obligations to employees with disabilities and the assistance provided must be effective.

Early recognition is vital. Delays in disclosure can occur for many interrelated reasons including the employee's unwillingness to acknowledge the deterioration in their condition, a work culture that does not support employees disclosing their needs, or a concern (too often justified) that if they do disclose they will be dismissed or marginalised. Employers who are unaware of or ignore their responsibility to assist employees with disabilities exacerbate this situation. Such individualised circumstances require individualised solutions. Government support programs such as the Workplace Modifications must be made more flexible and adapt to the particular circumstances faced by people who are blind or vision impaired.

Example: Richard noticed deterioration in his sight. He found it increasingly difficult to do his work which involved considerable amounts of reading and computer use. Out of fear he would be dismissed, Richard did not disclose his failing sight and asked friends to take care so his employer would know about his sight problems. Eventually, the employer discovered Richard's failing eyesight and Richard was made redundant for operational reasons.

Research by Blind Citizens Australia has reinforced how difficult it is for people who have lost their sight to retain their jobs or re-enter the work force if they have lost their jobs due to sight loss. Rather than retrain staff who are experiencing sight loss, and hold on to the knowledge and experience of the worker, employers are making short-term decisions by making the worker redundant, as if they have nothing else to offer.

Structural Barrier – Workplace Discrimination

In addition to these structural barriers, people who are blind or vision impaired come up against discriminatory attitudes in the workplace every day. Workplace discrimination has a profound impact on an individual's self esteem.

- **Dismissal Related Changes**

We are concerned that a number of dismissal related changes in the Bill that are likely to disproportionately disadvantage people who are blind and vision impaired. In particular, as seen from the example of *Richard* cited above, we are concerned that employers will use 'operational requirements' as a catch all reason for dismissal which may lead to a sharp increase in the dismissal rates of people who are blind or vision impaired, particularly those who acquire their impairment while in the workforce. Our example of *Richard* shows the clear need for enhanced protections for vulnerable employees against the misuse of this new employer power.

- **Reduction in Minimum Working Conditions**

We want to point out that the reduction in minimum working conditions will disproportionately disadvantage people who are blind or vision impaired because they exclude many of the flexible arrangements which assist blind people to obtain and maintain their employment. This point is particularly pertinent for people who are blind or vision impaired who have family or care responsibilities and people who are dependant on public transport.

Conclusion

People who are blind or vision impaired face numerous structural barriers to employment. Our experiences with the Work Choices policy measures so far, especially with regards to information access, demonstrate that these barriers are simply being reinforced with the government's workplace reforms. Far from creating opportunities for people who are blind or vision impaired, the provisions of the Work Choices Bill are again simply adding weight to the barrier of discrimination through granting legislative permission to the AFPC to create regimes of unequal pay for people who are blind or vision impaired and other people with disabilities.

We call on the government to amend the Work Choices Bill to:

- Remove the possibility of further discrimination so the legislation supports the aspirations of people who are blind and vision impaired to be employed and retain employment;
- recognize the barriers faced by employees who are blind and vision impaired in negotiating terms and conditions of employment and;
- provide adequate protections against the erosion of wages and conditions for employees, particularly those who are most vulnerable to exploitation.