



United Voice Submission to the Senate Standing Committees on Community Affairs on the National Disability Insurance Scheme Bill 2012

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Executive Summary

United Voice supports the Australian Federal Government giving effect to its international obligations in relation to the Convention on the Rights of Persons with Disabilities.

There needs to be a consideration of how workforce issues can be addressed within the scope of the proposed Bill. Further there needs to be explicit recognition that the rights of persons with a disability and the rights of workers in the disability services sector are not mutually exclusive. United Voice believes that in order to achieve good outcomes and quality care for people with a disability and their families and friends that the rights of the persons with disabilities and workers need to be viewed as complementary.

The level of reform required to enact the National Disabilities Insurance Scheme (NDIS) is high, and is reliant on a substantial increase in the disabilities services workforce. The proposed NDIS Bill implicitly signals the importance of the disabilities services workforce to achieving reform, however in its current form does not explicitly provide mechanisms to address current and future workforce issues. Previous state and federal governmental reports indicate that the disability services workforce is not sustainable. It is the view of United Voice that if the status quo remains, it will impede the implementation of the NDIS.

About United Voice

United Voice is a union of 120,000 workers organising to win better jobs, stronger communities, a fairer society and a sustainable future. The majority of United Voice members are women, and many are employed on a casual or part-time basis. United Voice members work in industries including aged care, disabilities health care, early childhood education and care, school education, cleaning, security, hospitality, and manufacturing.

United Voice members are the backbone of the disability services sector, working in direct care roles as well as vital support roles. United Voice members in the disability support sector are passionate about providing quality person-centred care and support to people with disabilities, their families and loved ones.

Disability Services, the Workforce and NDIS implementation

United Voice supports the establishment of the National Disability Insurance Scheme (NDIS) and the Australian Government giving effect to its obligations under the Convention for the Rights of Persons with Disabilities. United Voice supports the right of people with disabilities and their families, friends and carers, to have consistency and equitable access to required and necessary care and supports.

An integral component of the implementation of the NDIS is the disability services workforce. United Voice believes that quality care and support for people with disabilities and their families, friends and carers requires having a quality workforce where there is recognition of the important work that our members perform.

The establishment of the NDIS under this draft Bill is a major and complex reform. The draft Bill implicitly recognises the importance of the disability services workforce, especially in caring and supporting people with a disability over their lifetime.

Whilst the increase in funding will help address chronic shortages and unmet needs in the disability services is welcome, United Voice believes that this does not systematically address the workforce issues required for successful implementation of the NDIS. The draft Bill provides a unique opportunity to ensure that significant issues in the disability services sector workforce can be addressed. Including and providing mechanisms and funding to address the long-standing and widely acknowledged workforce issues will go to ensuring successful implementation of the NDIS. The draft Bill in its current form is not sufficient to significantly improve wage levels and working conditions of the workforce – the key to sustainability in the workforce.

To this end, United Voice believes that there needs to be identified trade union representation on the Independent Advisory Council.

Recommendation: That the composition of the Independent Advisory Council includes trade unions with relevant coverage of the Disability Support Workforce.

Current Workforce Issues

Currently there are two major challenges in the disability services workforce that will be further exacerbated under the proposed NDIS Bill.

1. Turnover is high at approximately 30%. The reasons for such high turnover include low pay, the scheduling of rosters, work-life balance, and the lack of professional pathway/career.

Turnover impacts on people with a disability and their families through the disruption to continuous care and support relationships, along with issues of the coordination of care and support. This then affects the quality of care and support provided to people with disabilities.

2. Disability services sector workers are low paid. On average disability workers, the majority of who are women, receive 13% less than the average for all female employees. The reasons for low pay are well documented, and include: the structure of the government contracts for services, below average bargaining power, and the level of part-time/casual working arrangements. Government contracts in disability services limits above award wage payments (ie a monopsony situation).

The effect of low pay on the disability services workforce means increasing turnover as staff leave the sector for better paid positions outside of the sector. This feeds into the turnover issue, and affects the care received by people with disabilities and their families and loved ones.

For a more detailed submission on the issues of turnover and low pay, see United Voice's submission to the Productivity Commission's inquiry into Disability Care and Support, found here http://www.pc.gov.au/_data/assets/pdf_file/0014/108311/subdr0677.pdf

The draft Bill does not provide mechanisms to find solutions to the current issues affecting the disability services workforce. The issues of low pay and turnover will be exacerbated under the NDIS if the draft Bill does not specifically provide for solutions to fix workforce issues. This will lead to poorer outcomes for people with disabilities and their families and loved ones.

Future Workforce Issues

In highlighting that current workforce issues will continue under the NDIS, United Voice is also concerned about future workforce issues that will have a negative impact on the ability for any NDIS Act to meet its objections and general principles. United Voice is concerned about the impacts on

people with disabilities to receive necessary and required care and supports that ensure their participation in our society.

In particular United Voice finds that there will be a fragmenting of the workforce. Fragmentation occurs through increasing non-standard employment (in particular temporary/casual work), irregular work and shift times, and a redefinition and reduction in employment conditions (including pay). Reducing fragmentation ensures that disability services workers can continue to deliver quality care and support for the community.

There is clear evidence indicating where there are high levels of casualization and individualised arrangements, there is poor professional development, lower wages, and higher turnover. These factors in turn affect the quality of care and support in the sector.

United Voice has identified three key issues that can cause fragmentation:

1. The capacity for the person with a disability and/or their carer to enter directly into an employment relationship.
2. Person with a disability and/or their carer employing family members at a reduced wage rate.
3. The change in the funding of disability services to a 'funding follows client' model under the NDIS without a clearly articulated workforce strategy that involves consultation with key stakeholders, including unions.

This impacts negatively on the disability services workforce by:

- limiting potential career pathways and progression;
- limiting salary progression and the capacity to move up classification levels based on service, skills and qualifications;
- affect attitudes towards improving qualifications; and,
- decrease workers' attachment to the disability services sector.

These issues will cause a lack of a stable and permanent disability services workforce. This will affect the implementation of the NDIS and the successful meeting of the Acts objects and principles. Further this will impact on the people who require the care and support of the disability services workforce.

In relation to individual disability services workers, this can mean:

- a lack of security/tenure of the position;
- difficulties in the payment of salary/tax/superannuation;
- lack of clarity about who provides supervision;
- no clear individual training needs and career progression;
- the lack of colleagues or supervisors with whom to debrief and receive support; and
- who will be liable for police checks/workers' compensation/public liability insurance.

These issues point to concerns United Voice has about the ability for the disability services sector to maintain stable and permanent employment, as well as attracting and retaining workers to deliver important caring and support services. The fragmenting of the disability services workforce will mean that the objectives and principles of the draft Bill will be difficult to meet. And this may have unintended consequences for people with disabilities receiving their necessary and required care and supports.

With the fragmenting of the disability services workforce, this will limit workers' ability to assert their industrial rights, and reduce the capacity of the sector to address professional issues cohesively

and consistently. United Voice believes that the capacity of the protect workers' rights and improve wages are complementary with the rights of people with disabilities.

Recommendation: That the draft NDIS Bill needs to recognise that the disability services workforce is a key part in the implementation of the NDIS. The Bill needs to explicitly provide funding and other mechanisms to solve current and future workforce issues. Further, that funding allocated to address workforce issues be tied to that purpose.

Conclusion

United Voice understands that the draft Bill's objectives, broadly described, are about providing person centred care and support to persons with disability (and their families and carers), have a nationally consistent approach to disability services and supports, and giving effect to the Convention on the Rights of Persons with Disabilities.

United Voice views the disability services workforce as integral to supporting persons with disabilities to achieving independence, and participating socially and economically in our society. However, United Voice is aware of the potential to deprofessionalise and marginalise the disability services workforce, and its attendant impacts on the ability for the NDIS to achieve its aims, with the draft Bill in its current form.

To this end, United Voice has outlined above that the issue of the sustainability of the disability services workforce needs to be addressed in the Bill.