



The Australian Human Rights Commission,
GPO Box 5218,
SYDNEY NSW 2001

Dear Commission,

Re: Application for an exemption under section 55 of the *Disability Discrimination Act 1992 (Cth) (DDA)*

Queensland Advocacy Incorporated has made submissions to the Commonwealth Government Issues paper “**EMPLOYMENT SERVICES – BUILDING ON SUCCESS**” as well as to the Discussion paper “**IMPROVING THE EMPLOYMENT PARTICIPATION OF PEOPLE WITH DISABILITY IN AUSTRALIA**”.

We attended the workshop “Inclusive Employment 2012–2022” held by Fhacsia on the 26th July, 2013 and made a further submission upon receipt of the notes taken by Fhacsia officials as we believed our message may not have been clearly understood.

I attach all three documents for your reference. However, for the purpose of addressing the application by Fhacsia for an exemption under section 55 of the Disability Discrimination Act we offer the following points:-

The Value of an Employee with a Disability

While it is agreed that employers will more likely respond to incentives to employ a person with a disability, it is our belief that the status of a person with disability in the workforce can be eroded by the ‘discounted’ rates of pay and incentives. The implication being that a worker who has a disability is somehow ‘less’ valued than someone without a disability.

QAI is deeply concerned by relationships between Disability Employment Services that are associated with Australian Disability Enterprises and the notion that such workplaces can be described as “inclusive” – see “Inclusive Employment 2012-2022 – A Vision for Supported Employment. This document quotes that currently (2012) an average hourly wage rate for workers with disability in supported employment of \$3.65 – average working hours for people with disability in supported employment of 24 hours a week – 300 people per year moving from supported employment for the open labour market”. Given these figures, it is not indicative of real efforts made to see people with disability move from veritable ‘sweat shop’ working conditions and rates of pay to fair working conditions.

Recommendation: All people with disability currently working in sheltered workshops (let’s call them what they are) be progressively paid into at least minimum award rates

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QAI endorses the objectives, and promotes the principles, of the Convention on the Rights of Persons with Disabilities.

Patron: Her Excellency, Ms Penelope Wensley, AC Governor of Queensland

rather than the current productivity rates of pay. No other citizens in Australia are subjected to this kind of assessment and rate of pay according to their level of productivity. When people with disability work the hours to their best ability it should be sufficient for the people to receive the same pay as anyone else. Any shortfalls that employers cannot meet should be met by government support.

QAI does not support the application from Fhacsia for an exemption under the section of the Disability Discrimination Act. For any government department to sanction the many years of discrimination and unfair treatment endured by people with disability is appalling...for the very government arm (that is supposed to support and progress the agenda for people with disabilities) to deny immediate redress is untenable.

Our attached submissions extrapolate detailed position on this issue.

We welcome further discussions on this matter if this would assist the Commission in any way.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michelle O'Flynn', written in a cursive style.

Michelle O'Flynn
Acting Director