



**PEOPLE WITH DISABILITY
AUSTRALIA**

**A voice
of our
own**

**Submission to the Australian
Government Department of
Social Services Next Steps in
Supported Employment:
Consultation on the way
forward**

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About PWDA

People with Disability Australia (PWDA) is a national disability rights and advocacy organisation made up of, and led by, people with disability. We have a vision of a socially just, accessible and inclusive community in which the contribution, potential and diversity of people with disability is not only recognised and respected but also celebrated.

PWDA was established in 1981, during the International Year of Disabled Persons. We are a peak, non-profit, non-government organisation that represents the interests of people with all kinds of disability.

Our work is grounded in a human rights framework that recognises the United Nations [Convention on the Rights of Persons with Disabilities](#) (CRPD) and related mechanisms as fundamental tools for advancing the rights of people with disability. PWDA embraces the 'Nothing About Us, Without Us' motto of the international disability community and Disabled Peoples' International.

PWDA receives funding under the Department of Social Services Disability Representative Organisation (DRO) program to communicate the views of its members to the Australian Government. We also represent people with disability at the United Nations, particularly in relation to the CRPD.

PWDA is a member of Disabled People's Organisations Australia (DPO Australia), along with the First People's Disability Network, National Ethnic Disability Alliance, and Women with Disabilities Australia. DPOs collectively form a disability rights movement that places people with disability at the centre of decision-making in all aspects of our lives.

Introduction

People with Disability Australia (PWDA) welcomes the opportunity to comment on the Discussion Paper provided by the Australian Government Department of Social Services to frame its consultation process on the future of Supported Employment.

PWDA believes that the **lived experience** of people with disability must inform all decision-making on matters that affect people with disability.

Despite rights enshrined in international human rights treaties, seven of which Australia is party to including the *CRPD*, people with disability continue to experience discrimination and poorer life outcomes across all life domains including employment, when compared with those without disability.¹

As the Disability Royal Commission (the Royal Commission) found, consistently poor outcomes in employment for people with disability are caused by attitudinal barriers, physical and environmental barriers, organisational barriers, and structural barriers.²

PWDA acknowledges the work being undertaken by all Australian governments to improve employment outcomes for people with disability. We note and support the important establishment of the **Structural Adjustment Fund** and the **Disability Employment Centre of Excellence**.

Core recommendations for improving inclusive and open employment outcomes for people with disability

1. All strategies to improve inclusive and open employment outcomes for people with disability must consider and be referenced against how they will address **the barriers to employment** identified by the Royal Commission. We note that the negative impact of such barriers is exacerbated for women with disability,

¹ Rosemary Kayess and Therese Sands, *Convention on the Rights of Persons with Disabilities: Shining a light on Social Transformation* (Research Report, UNSW Social Policy Research Centre, 2020); Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: Summary of Findings* (2022) < <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release#disability> >.

² *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Final Report, September 2023) vol 7, 381. ('Royal Commission'). On employer attitudes particularly, see recently Christine R. Antonopoulos et al, 'Workplace Inclusion: Exploring Employer Perceptions of Hiring People with Disability' (2024) 34(4) *Journal of Community & Applied Social Psychology* e2830.

LGBTQIA+ people with disability, First Nations people with disability, and people with disability from culturally and linguistically diverse communities.³

2. A **Human Rights model of disability** must inform all policy development and decision-making. The Human Rights model is central to the *CRPD* and based on inclusive autonomy, inclusive equality and recognition of inherent dignity.⁴ The United Nations Committee on the Rights of Persons with Disabilities states that

The human rights model of disability recognizes that disability is a social construct and ***impairments must not be taken as a legitimate ground for the denial or restriction of human rights***. It acknowledges that disability is one of several layers of identity. Hence disability laws and policies must take the diversity of persons with disabilities into account. It also recognizes that human rights are interdependent, interrelated, and indivisible.⁵ [emphasis added]

3. All strategies, policy responses and decision-making affecting people with disability must be informed by the **lived experience of people with disability**, and developed in a consultation and co-design process with people with disability and their representatives.⁶

³ Committee on the Rights of Persons with Disabilities, *General Comment No. 8 (2022) on the right of a person with disabilities to work and employment*, UN Doc CRPD/C/GC/8 (7 October 2022), [4].

⁴ Theresia Degener, 'The Human Rights Model of Disability in Times of Triage' (2024) 26(1) *Scandinavian Journal of Disability Research* 437-449. DOI: <https://doi.org/10.16993/sjdr.1088>

⁵ Committee on the Rights of Persons with Disabilities, *General Comment No. 6 (2018) on equality and non-discrimination*, UN Doc CRPD/C/GC/6 (26 April 2018), [9].

⁶ Sian Anderson and Christine Bigby, 'Nothing about us without us.' Including Lived Experiences of People with Intellectual Disabilities in Policy and Service Design' in Christine Bigby and Alan Hough (eds), *Disability Practice. Safeguarding Quality Service Delivery* (Palgrave Macmillan 2014) 225; Australian Institute of Family Studies, *Lived experience of people with disabilities* (October 2020) <<https://aifs.gov.au/resources/short-articles/lived-experience-people-disabilities>>.

PWDA position on segregated employment settings and subminimum wages

Segregated settings

PWDA is opposed to all forms of segregation including in housing, education and employment.⁷ PWDA views segregated employment settings such as Australian Disability Enterprises (ADE's) as discriminatory, and an affront to human dignity and the rights-based framework articulated by the *CRPD*.⁸ The Royal Commission found that segregated settings may put people with disability at increased risk of violence, abuse, neglect and exploitation.⁹

PWDA supports the implementation of Disability Royal Commission Recommendation 7.32 to end all forms of segregated employment.

By segregation in employment, we mean: work settings which are exclusively provided for people with disability, including where medical and 'rehabilitation' approaches to disability inform activities and organisational structures; subminimum wages are paid; there is little to no input into the management of the organisation by

⁷ See for example, People with Disability Australia, *Response to the Disability Royal Commission Final Report* (2024) < https://pwd.org.au/wp-content/uploads/2024/02/PWDA-Response-to-the-DRC-Final-Report_Feb-2024.pdf>; People with Disability Australia, 'PWDA Calls for a Radical Response to End Segregation and Discrimination' (Media Release, 14 September 2023) <<https://pwd.org.au/pwda-calls-for-a-radical-response-to-end-segregation-and-discrimination/>>; People with Disability Australia and The Antipoverty Centre, *Ask What We Want: Ensure employment services encourage meaningful work for people with disability* (People with Disability Australia, 2022) <https://pwd.org.au/wpcontent/uploads/2022/02/DES.review.PWDA.AC_.submission.2022-02.pdf>; People with Disability Australia, *We Belong Here. Our nation must end exclusionary systems that harm people with disability*. People with Disability Australia response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability *Promoting Inclusion Issues Paper* (July 2021) < <https://pwd.org.au/we-belong-here-our-nation-must-end-exclusionary-systems-that-harm-people-with-disability/>>; Disabled People's Organisations Australia, *Segregation of People with Disability Is Discrimination and Must End* (People with Disability Australia, 2020) <https://dpoa.org.au/wpcontent/uploads/2020/11/Segregation-of-People-with-Disability_Position-Paper.pdf>.

⁸ Disabled People's Organisations Australia, *Segregation of People with Disability Is Discrimination and Must End* (People with Disability Australia, 2020) < https://dpoa.org.au/wp-content/uploads/2020/11/Segregation-of-People-with-Disability_Position-Paper.pdf>.

⁹ *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Final Report, September 2023) vol 7, 479. ('Royal Commission').

people with disability who work there; and where there is little to no support and encouragement for people in that setting to engage with the broader community and transition to open employment.

The [Universal Declaration on Human Rights](#) and the [International Covenant on Economic, Social and Cultural Rights](#) identify access to meaningful employment, freely chosen and remunerated at the same minimum standard wage or higher for all workers (with or without disability), as a fundamental human right. States Parties must safeguard and work to realise this right.¹⁰ This right is further reflected in *CRPD* article 27 which specifically recognises:

[T]he right of persons with disabilities to work, **on an equal basis with others**; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.¹¹ [emphasis added]

The Committee on the Rights of Persons with Disabilities (the Committee) notes this right is “essential to a person’s economic security, physical and mental health, personal well-being and sense of identity,”¹² and is “essential for realizing other human rights, and forms an inseparable and inherent part of human dignity.”¹³

Note the right “to work on an equal basis with others” is not a ‘new’ right for people with disability created by the *CRPD*. In the face of ongoing discrimination, the *CRPD* was seen as necessary to specifically highlight and operationalise rights for people with disability that *already* exist.¹⁴

¹⁰ See for example, *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, UN Doc A/810 (10 December 1948), article 23; *International Covenant on Economic, Social and Cultural Rights*. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 (entry into force 3 January 1976, in accordance with article 27), articles 6-7.

¹¹ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008).

¹² Committee on the Rights of Persons with Disabilities, *General Comment No. 8 (2022) on the right of a person with disabilities to work and employment*, UN Doc CRPD/C/GC/8 (7 October 2022), [3].

¹³ Committee on the Rights of Persons with Disabilities, *General Comment No. 8 (2022) on the right of a person with disabilities to work and employment*, UN Doc CRPD/C/GC/8 (7 October 2022), [2], [9].

¹⁴ Theresia Degener, ‘Disability in a Human Rights Context’ (2016) 5 *Laws* 15; Rosemary Kayess and Phillip French ‘Out of darkness into light? Introducing the Convention on the Rights of Persons with Disabilities’ (2008) 8(1) *Human Rights Law Review* 1, 20. Noting again also the right to work is

There are views that *CRPD* article 27 does not expressly prohibit ADE's. However, the Committee states that article 27(1), must be read in conjunction with *CRPD* articles 3, 4 and 5 prohibiting discrimination of any kind on the basis of disability by States Parties. In context of matters such as payment of sub minimum wages, no real control over the management of the setting by people with disability, and little opportunity for people with disability to move to open employment, the Committee states that segregated employment settings such as ADE's are discriminatory. They are not consistent with realising the rights identified in article 27 and elsewhere in the *CRPD*.¹⁵

In November 2024, the United Nations Special Rapporteur on contemporary forms of slavery, Professor Tomoya Obokata visited Australia. In their End of Mission Statement, they noted with concern the continuation of segregated employment (ADEs) paying sub-minimum wages. The Special Rapporteur was made aware that rather than operate as transitional arrangements into the open market, many people remained stuck in segregated settings and may be subject to increased violence and exploitation. The Special Rapporteur stated they regard ADEs to be discriminatory "and therefore they should be abolished."¹⁶

contained in for example, *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, UN Doc A/810 (10 December 1948), article 23; *International Covenant on Economic, Social and Cultural Rights*. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 (entry into force 3 January 1976, in accordance with article 27), articles 6-7.

¹⁵ Committee on the Rights of Persons with Disabilities, *General Comment No. 8 (2022) on the right of a person with disabilities to work and employment*, UN Doc CRPD/C/GC/8 (7 October 2022), [12]. See also Reece Blackett, 'Ending Segregated Employment for Persons with Disabilities: The Case for Federal Social Cooperative Legislation in Australia' (2024) 47(4) *UNSW Law Journal* 1287; Linda Steele, 'Ending Disability Segregated Employment: 'Modern Slavery' Law and Disabled People's Human Right to Work' (2023) 19(2) *International Journal of Law in Context* 217; Linda Steele, 'Law and Disability 'Supported' Employment in Australia: The Case for Ending Segregation, Discrimination, Exploitation and Violence against People with Disability at Work' (2022) 49(2) *Monash University Law Review* 43, 2.

¹⁶ United Nations, 'Australia: UN expert urges to strengthen due diligence among businesses and ensure equal protection of those vulnerable to contemporary forms of slavery' (Press Release, 27 November 2024) <<https://www.ohchr.org/en/press-releases/2024/11/australia-un-expert-urges-strengthen-due-diligence-among-businesses-and>>. Direct link to statement: United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences, *Country Visit to Australia 14-27 November 2024. End of Mission Statement*. <<https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/statements/2024-11-27-eom-australia-sr-slavery-en.pdf>>.

Obligation on States parties

CRPD article 27 makes clear that governments have an obligation to “safeguard and promote” the right to equal employment. As noted above, this goes in hand with the general obligation on States Parties in *CRPD* article 4(1) that:

States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.¹⁷

This obligation is somewhat recognised in **Australia’s Disability Strategy** (2021-2031) (ADS) through the Employment and Financial Security Outcome Area.¹⁸ Policy Priority 1 of that Outcome Area is to “increase employment of people with disability.”

The ADS does recognise that employment opportunities provide a person with improved control over their life, and brings a myriad of mental, physical, health and well-being benefits.

An issue is that, as the Committee states, operationalising States parties critical **core obligations** includes active efforts to “[f]acilitate the transition away from segregated work environments for persons with disabilities and support their engagement in the open labour market....”.¹⁹

The Committee notes that maintaining segregated employment settings such as ADE’s substantively in their current form is not consistent with the obligation on States Parties to progressively realise economic, social and cultural rights as required by *CRPD* article 5(2).²⁰

Australian Government plans must provide transparency on how this transition is occurring across all parts of the employment cycle, provide timelines for action, mechanisms for reporting on progress, and structured

¹⁷ *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008), article 4(1).

¹⁸ Australian Government Department of Social Services, *Australia’s Disability Strategy 2021-2031*. December 2024 < <https://www.disabilitygateway.gov.au/document/11081>>.

¹⁹ Committee on the Rights of Persons with Disabilities, *General Comment No. 8 (2022) on the right of a person with disabilities to work and employment*, UN Doc CRPD/C/GC/8 (7 October 2022), [64].

²⁰ Committee on the Rights of Persons with Disabilities, *General Comment No. 8 (2022) on the right of a person with disabilities to work and employment*, UN Doc CRPD/C/GC/8 (7 October 2022), [15].

meaningful opportunities for people with disability and their representative organisations to provide lived experience feedback.

PWDA submits that employment opportunities must be real opportunities for meaningful work in the open market, paid at or above the same minimum standard wage for all, with all reasonable supports provided, and where a person with disability can have real choice. As the Committee states,

[T]he right of all persons to the opportunity to gain their living by work they freely choose or accept is not realized where the only real opportunity open to persons with disabilities is to work in segregated settings.²¹

Subminimum wages

PWDA is opposed to the paying of subminimum wages.

PWDA agrees with the Committee that “the right to just and favourable conditions of work [as stated in *CRPD* article 27(1)(b)] requires that payment below the minimum wage on the basis of disability” is not justifiable under any circumstances.²²

We agree with the views of the Disability Royal Commissioners that,

The payment of subminimum wages to people with disability is inconsistent with the principles of inherent dignity and respect for difference and human diversity that fundamentally underpin the *CRPD*. It is an affront to dignity to pay someone, who is as committed to their job as any other person (with or without disability), a subminimum wage. It is also inconsistent with the acceptance of disability as a valued aspect of human diversity and Australia’s commitment to prohibit discrimination on the basis of disability. Our vision of an inclusive Australia is one where human rights are protected and people with disability live with dignity, equality and respect and fulfil their potential. Steps should be taken to achieve

²¹ Committee on the Rights of Persons with Disabilities, *General Comment No. 8 (2022) on the right of a person with disabilities to work and employment*, UN Doc CRPD/C/GC/8 (7 October 2022), [12].

²² Committee on the Rights of Persons with Disabilities, *General Comment No. 8 (2022) on the right of a person with disabilities to work and employment*, UN Doc CRPD/C/GC/8 (7 October 2022), [26].

that vision by moving away from the payment of wages below the national minimum wage to people with disability.²³

Discriminatory wage systems that legally pay people with disability below the minimum wage must be abolished. Recognition of their manifest unfairness is growing amongst the community. Recently, the City of Sydney Council noted “the practice of paying disabled workers a subminimum wage is unacceptable and does not help disabled people find work” and was out of step with community expectations in Australia and internationally. The Council resolved to agree to support “a ban on providing grants, funding, and other forms of support, including non-financial support, to Australian Disability Enterprises or companies that pay their workers less than the national minimum wage.”²⁴

PWDA, along with other Disability Representative Organisations, is supportive of Disability Royal Commission Recommendation 7.31 to raise subminimum wages and pay all employees with disability 100 per cent of the minimum wage.²⁵

PWDA recommends that the Australian Government commit to developing a clear model and pathway to implementing Recommendation 7.31 as a priority. This must be done within a co-design process with people with disability and their representatives.

²³ *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Final Report, September 2023) vol 7, 485. ('Royal Commission').

²⁴ City of Sydney Council, Resolution of Council. Abolishing Subminimum wages for Disabled Workers. 25 November 2024
<<https://meetings.cityofsydney.nsw.gov.au/ieDecisionDetails.aspx?AllId=18639>>.

²⁵ Joint Publication from Disability Representative Organisations, *Economic Justice for People with Disability: A National Blueprint* (24 April 2025) <<https://dana.org.au/resource/economic-justice-for-people-with-disability-a-national-blueprint/>>.

Select Consultation Paper questions and responses

Question 1: Is there any other existing work that is missing from the table at Appendix 3?

A. Abolishing subminimum wages

Appendix 3 contains no information on how work to end sub minimum wages is being undertaken in line with the time frame provided in Disability Royal Commission Recommendation 7.31.

Disability Royal Commission Recommendation 7.32(b) calls for a National Inclusive Employment Roadmap. It does note somewhat cryptically, that certain recommendations such as “increased availability of jobs for people with disability” in Recommendation 7.32(b) “would operate in advance of Recommendation 7.31 to raise all subminimum wages to the full wage by 2034.”

However, PWDA submits that does not preclude an initial plan and timeline being developed to raise subminimum wages generally now.

PWDA is concerned that adopting a strict interpretation of Recommendation 7.32(b) – namely that there is no need to move on raising subminimum wages till there is a growth in the jobs market - requires an indicator as to when the prior conditions have been met, therefore triggering the implementation of Recommendation 7.31. This does not appear to have been established currently either.

Waiting until some ambiguous threshold point is met (if at all) to enliven Recommendation 7.31 risks significant frustrations down the line, delaying the achievement of the 2034 timeframe established by the Commission.

PWDA’s preferred interpretation as noted is that action on abolishing subminimum wages can begin now, independent of any other recommendation and any kind of prerequisite.

Question 2: What is your ideal future state for the supported employment sector and employment of people with disability with high support needs?

A. Clarity on terminology

PWDA believes that Government has an important role to play in establishing key normative principles, terms, and expectations to guide the development of supported employment in a way that meets the needs of people with disability and is consistent with the realisation of their rights outlined in the *CRPD*.

PWDA submits that further formal clarity is needed in Australia regarding terminology around what is meant by:

- Social enterprise
- Social firm
- Supported employment
- other variations such as 'social venture' and 'specialised employment.'

Confusion around what these terms mean in Australia was noted by the Royal Commission. Some efforts were made by the Royal Commission to establish some common understanding in light of concern that some ADE's were rebadging themselves as a 'social enterprise,' without having engaged in any meaningful change from the previous segregated model.²⁶ The term 'social enterprise' was seen as a more palatable term over 'Australian Disability Enterprise'.

In the understanding of the Royal Commission, an enterprise established under Social Firm model principles has very different attributes than an organisation simply labelled as a 'social enterprise'. They helpfully outlined some of the key attributes that a Social Firm should have. This includes payment of wages at or above the standard award for all, opportunities for ongoing professional development, plans for

²⁶ *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Final Report, September 2023) vol 7, 512. ('Royal Commission').

promotion, all support and training needed to maintain employment, participation in organisational decision making, and support to transition to other open employment.²⁷

PWDA remains concerned that where NDIS funding is provided to an ADE to develop skills to support an employee to transition to open employment, those opportunities to transfer to open employment are not being readily encouraged or provided by the ADE.

PWDA is similarly concerned around the, at times, almost haphazard use of the term 'supported employment' (and it losing a connection to the core concept that a person is to be supported not just to participate in a current role, but also to develop choice for future employment including into a more inclusive and open setting).

We acknowledge the important guidance provided by the Department of Social Services (DSS) *Guiding principles for the future of supported employment*,²⁸ and feel these would benefit by a further explanatory memoranda type section or statement included as part of the principles document.

B. Clarity on the DSS Guiding principles and the term 'high support needs'

PWDA is concerned that the ongoing use of the term "high employment support needs" (for example) including by the DSS in its *Guiding principles for the future of supported employment* is inappropriate. The term contains real echoes of a medical model and ableist view of disability, by labelling and segregating people by 'support need.' Such a view is not helpful to achieving true inclusion.

PWDA submits that (while agreeing in principle with the core DSS *Guiding principles for the future of supported employment*), a more appropriate view on supported employment would consider that:

²⁷ *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Final Report, September 2023) vol 7, 512. ('Royal Commission').

²⁸ Australian Government Department of Social Services, *Guiding principles for the future of supported employment* (3 May 2023, updated 30 October 2024) <<https://www.dss.gov.au/disability-employment/resource/guiding-principles-future-supported-employment>>.

- i. Supports are in many regards, an extension of a right to reasonable adjustments. They go further by actively fostering an environment in which opportunities for supporting a person to consider decisions about their own 'future state' are encouraged. We note that *CRPD* article 5(3) requires that

In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

- ii. **Consider that there is no such thing as a 'supported employment workplace.'** There are just simply workplaces (which may be organised around certain principles such as a Social Firm model). ALL workplaces should entail the provision of supports and reasonable adjustments according to the needs of the individual. All workplaces should thus be inclusive. Saying that a person works in a 'supported workplace environment' or 'supported employment setting' continues to indicate a degree of segregation and difference, echoing medical model and ableist conceptions of people with disability.
- iii. Supports, and the principles identified by DSS in the *Guiding principles* statement are ultimately about **operationalising or realising the rights** of people with disability (noting access to supports and adjustments is itself a right). In many instances 'supports' and the 'principles' identified are basic standards of human conduct all employees should expect.
- iv. A person who requires supports should receive all supports and adjustments they require. **There should be no distinction or segregation between level of 'need.'** In this sense, the only question that is ever required or relevant for a person with disability seeking employment is simply 'what supports and adjustments do you need to ensure your success in this job.' A workplace should be supported to be able to provide all supports and adjustments for a person with disability.

C. Key attributes for future workplaces employing people with disability (non-exhaustive)

- A person with disability is paid at least 100 per cent of the standard adult minimum wage.
- People with disability are provided real choice about where they work based on their interests and preferences.
- The workplace provides skills development and opportunities for the person with disability to explore choice within that workplace including to transition into further open employment externally.
- All supports provided to a person with disability must focus on empowering that person to develop and express choice according to their will and preferences.
- Employees with disability must be included in workplace decision-making.
- Workplaces recognise and protect intersectionality and are safe for the development and expression of identity.
- Workplaces are free from violence, abuse, neglect and exploitation.
- People with disability are provided information on their rights and on accessing opportunities in an accessible form of communication that is relevant to them.
- People with disability are provided with all reasonable adjustments required, including access to supported decision-making.

Question 3: The Royal Commission recommended the development of a Plan or Roadmap to guide further reform in the supported employment sector. What would you like to see included in such a plan?

A. Australian and state and territory public service as a model employer

Disability Royal Commission Recommendation 7.32(b) recommended there should be an increase in the availability of jobs in the public service supported by full minimum wages, consistent with the public service being a model employer. This should be read in conjunction with Recommendation 7.18 calling for the establishment of specific and desegregated targets for disability employment in the public sector.

PWDA has previously called for a 15 per cent disability employment target for the public sector with specific targets for marginalised people with disability.²⁹ At least 3 per cent of roles within the public sector disability employment target should be designated specifically for, and filled by, people with an intellectual disability.³⁰

A Plan or Roadmap must include how the public sector is responding to the need to increase the employment of people with disability.

B. Further items and principles to consider in a Plan/Roadmap to improve inclusive employment

- Clarity on how workplace safety for people with disability is being addressed.
- How ableist community and employer attitudes towards people with disability are being challenged and changed.

²⁹ Joint Publication from Disability Representative Organisations, *Economic Justice for People with Disability: A National Blueprint* (24 April 2025) <<https://dana.org.au/resource/economic-justice-for-people-with-disability-a-national-blueprint/>>.

³⁰ Joint Publication from Disability Representative Organisations, *Economic Justice for People with Disability: A National Blueprint* (24 April 2025) <<https://dana.org.au/resource/economic-justice-for-people-with-disability-a-national-blueprint/>>.

- How subminimum wages are to be eliminated.
- **How the transition from secondary schools to further education and open employment for students with disability is being addressed.** This is a critical issue.

PWDA notes that Policy Priority 2 of the Employment and Financial Security Outcome area of *Australia's Disability Strategy 2021-2031* is: **"Improve the transition of young people with disability from education to employment."** This is a national question, not just for the States and Territories. The transition of students with disability from post-secondary education, including university, to open employment should also be considered.

It is critical that students with disability are provided proper career counselling and support, and not simply funnelled into ADE's or similar entities at the end of secondary schooling as some kind of "end state."³¹

A Plan must have as a clear principle that there are no "polished pathways from school to ADE" and there is never an employment "end state" for people with disability.

PWDA notes the critical need to move away from segregated to inclusive schools in line with Disability Royal Commission Recommendation 7.14. There is a critical nexus between **inclusive education** and improved opportunities for inclusive open employment.

- There must be a clear pathway outlined for the full elimination of ADE's as framed by Disability Royal Commission Recommendation 7.32.
- The critical importance of lived experience guiding change must be acknowledged. There must be transparency and clear opportunities for ongoing consultation and co-design with people with disability and their representative organisations. This includes direct participation in the development of the initial Plan and then all subsequent reviews of that Plan.

³¹ *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Final Report, September 2023) vol 7, 470-71. ('Royal Commission').

- The Plan should outline how Federal, State, and Territory governments **procurement plans** and policy will be adjusted to favour enterprises that are organised around Social Firms principles that pay full or above award wages. This aligns with Disability Royal Commission Recommendation 7.23.
- The Plan should include reference to all initiatives of government to provide direct support to assist existing ADE's or similar to transition to a full Social Firm model. There must be clear human rights affirming standards and expectations applied to an ADE seeking to transition. If they are not able to meet those standards then support must be withdrawn. There should be public opportunity to review how these initiatives are operating by people with disability and their representative organisations.
- The role of the NDIS must be made clear.
- As part of the Plan, the government must provide clarity around the role of the Disability Support Pension and other services and products a person with disability may receive, and how these interact with wages earned through employment at a Social Firm or any other place. This aligns with Disability Royal Commission Recommendation 7.28.

A clear process must be outlined to ensure that in transitioning to full open employment with full wages no person with disability is worse off.

- All initiatives to support the development of an inclusive employment environment must ensure that all supports are ultimately focused on assisting a person with disability to develop and express choice. **A key support provided must be access to supported decision-making.** Crucially, decisions made through supported decision-making must be recognised as expressions of the will and preferences of the person receiving support.³²

³² *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008), article 12; Committee on the Rights of Persons with Disabilities, *General Comment No. 1 (2014) Equal recognition before the law*, UN Doc CRPD/C/GC/1 (19 May 2014)

Question 6: Do you see a role for workplaces which provide specialised employment opportunities for people with disability in the future?

If so, what should these workplaces look like?

PWDA does not support the continued existence of ADE's as being a 'final option' for people with disability.

PWDA is of the view that a "specialised employment" environment can only exist to provide skills and support to a person with disability to develop choice, and enable that person to move into open employment. It is a 'transitory setting'. **It can never pay sub minimum wages.** PWDA does not support so called 'social enterprises' which pay sub minimum wages and do not provide training and support to gain employment outside that social enterprise if chosen.

PWDA may support an enterprise that provides intensive 'support' to a person with disability where:

- That support is directed to assisting them to move into open employment i.e., where the person with disability is in a 'supported work environment' in which they are developing skills that they can use to gain open employment. The person with disability is in 'supported employment' in this sense only as a step into more open employment (though they may still receive 'supports' to assist them once in open employment).
- The person with disability is included in organisational decision making
- No sub minimum wages are paid.
- We note that a person may still require some supports in the open employment role. These must be able to be transitioned. This can also be determined as part of workplace reasonable adjustments requirements.

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