

**SUMMARY OF SUBJECT TO BE PRESENTED BY DAVID CUTLAN AT
DISABILITY DISCRIMINATION ACT INQUIRY PUBLIC HEARING SYDNEY**

Discrimination in wage determinations in sheltered workshops

I am an advocate for a person with an intellectual disability. This person works at a sheltered workshop, which provides commercial packaging services to businesses in a competitive marketplace. This person is receiving \$3.50 per hour, which is below 20% of the award wage for a person of their age performing that work.

I have made extensive enquiries through appropriate government departments and have determined that the establishment where my protégé works has no agreement lodged with either the New South Wales or Commonwealth Departments of Industrial Relations regarding the payment of less than the award wage for disabled people employed by them.

After studying all available information on both the New South Wales and Commonwealth government websites, I have ascertained that there is no legislation that compels sheltered workshops to comply with any industrial relations legislation either state or federal in regards to payment of below award wages.

There appears to be a lack of relationship between the Disability Discrimination Act, Industrial Relations Acts (State & Federal), Supported Wage Schemes, Disabilities Services Act NSW or any other industrial legislation or regulations relating to payment of below award wages to people with disabilities.

I would like to request that this issue be addressed, particularly in relation to the matter of assessment of competency of employees to be able to understand and carry out their duties. Even though some State and Federal Acts and regulations call for assessment, there is a lack of requirement for this assessment to be carried out by an independent assessor who is independent of the employer or employee. The lack of such a requirement leaves open the opportunity for self-interests to be pursued by one party to the detriment of the other and the potential for exploitation of people with disabilities, rather than a truly independent assessment that would ensure fairness to all parties.