



The voice of Victorian workers since 1856

VICTORIAN TRADES HALL COUNCIL

Wednesday 21 June 2017

Department of Human Services
Submission via online portal

To Whom It May Concern,

RE: NDIS CODE OF CONDUCT

Thank you for the opportunity to provide feedback on the proposed National Disability Insurance Scheme (NDIS) Code of Conduct.

Victorian Trades Hall Council (VTHC) is the peak body for unions in Victoria, and represents 40 unions and over 430,000 workers in Victoria. These workers are members of unions that reach into every industry in the state. VTHC has campaigned for and successfully won a range of important rights and entitlements for Victorian workers including minimum wage, penalty rates, OHS protections, protection from unfair dismissal, and redundancy entitlements.

The VTHC endorses submissions made by affiliate unions who have coverage of and members working in the disability sector in Victoria.

As such, our submission should be regarded as complementary to submissions lodged by the Australian Services Union (ASU), the Health and Community Sector Union (HACSU) and the Community and Public Sector Union (CPSU).

Along with our affiliates, the VTHC has concerns about the proposed Code of Conduct, both in terms of its application and its implementation.

In broad terms these are:

- The proposed Code of Conduct seeks to implement common obligations on providers, workers and volunteers. The VTHC submits that this is problematic, as the responsibilities of and onus on each are vastly different.
- The proposed Code of Conduct establishes a significant onus on workers to ensure both they and their employer adhere to the Code. For example, the Code specifies that where a worker is directed by their employer to do something that may constitute a breach, the conduct of the worker may be subject to sanction. The VTHC submits this is deeply problematic, especially in circumstances where:
 - It is unclear who will deliver the compulsory orientation module and who will pay for workers to receive both this and refresher courses as the Code adapts in the roll out of the NDIS;

LUKE HILAKARI
Secretary

DAVID CRAGG
Assistant Secretary

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- It is unclear who will pay the cost of the ongoing training and development that ensures workers are able to meet the competencies and provide the quality care the Code mandates;
 - It is unclear how much funding will be increased to ensure workers have time to maintain and update the records the Code requires they keep;
 - Workers in the sector are often employed on a casual or insecure basis, making it particularly difficult for them to raise issues related to organisational practice or challenge a workplace directive;
 - The Code does not make clear what whistleblower protections will be afforded to workers who seek to report potential breaches by their employer;
 - It is unclear what protections will be put in place to protect workers from vexatious complaints.
- The proposed Code of Conduct affirms the right for people with a disability to access services without discrimination on the basis of race, ethnicity, disability, age, sexuality, gender identity, intersex status or relationship status. However, the Code implies that this right overrides the right of disability workers not to be subject to discrimination on similar grounds in the course of their employment by a provider or client. VTHC submits that the rights of people with a disability must be balanced against the rights of disability workers.

Again, thank you for the opportunity to make this submission.

Should you have any questions, please do not hesitate to contact me directly via email - wstracke@vthc.org.au

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Stracke', with a long horizontal flourish extending to the right.

Wil Stracke
Industrial & Campaigns Officer

Ref: WS/DB