

Interchange Respite Care (NSW) Inc.

Leading, Supporting and Enhancing Respite and Social Support Service Provision across NSW



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The National Respite & Social Support Conference

Tweed heads.

July 31 - August 2, 2007.

Plenary Session 7. **Employment Law.**

Speakers: Sally McManus; Branch Secretary, Australian Services
Union NSW & ACT Branch.
Garry Brach; Chief Executive Officer. Employers First.

Sally McManus.

Workchoices is a very complex piece of legislation with over 700 pages to the Act. It is basically a bargaining framework and structure for workplace employment contracts. Many experts have arrived at a variety of different interpretations of this piece of legislation.

Workchoices has provided the impetus and framework for Employers to bargain with employees for individual or collective workplace agreements. It reduces the Award safety net to allow for only 5 minimum conditions that need to be met or maintained. It's theory is that the market should be used to bargain for better conditions and employment contracts.

However, under the old Enterprise Bargaining System there was always the No Disadvantage Test which meant that any work-place agreement could not have any lesser conditions than the existing Award. This no longer applies under Workchoices.

Bargaining is undertaken within the context of profit & productivity. However, this is a fallacy for our industry as we are Not-for-Profit organisations, mainly dependent on government funding. As employers our hands are tied. Collective / Enterprise Bargaining is not popular in the community welfare sector. For many Not-for-Profit organisations, we rely on common law contracts of employment based on Award conditions & standards. Some of us do have some capacity to offer above award conditions.

Enterprise Agreements are a bad thing for our industry as they have the potential to divide the industry particularly in relation to negotiating and dealing with funding bodies for adequate grants & funding contributions. Enterprise Agreements have the potential to fragment our sector and our power base.

As mentioned above Australian Workplace Agreements (AWA's) are not measured against any No Disadvantage test, there are only 5 minimum conditions, or protected award conditions, that have to be met. Potentially it can provide an incentive for bad employers to take advantage of this and cut the working and pay conditions of work. Thankfully, though there are few of these in our industry. Our industry is finding it hard to retain skilled workers.

Such workplace agreements under the Workchoices legislation have been implemented by some employers in the for-profit Youth sector with the intention of reducing wages. This part of the sector is now experiencing a higher turnover of staff with a diminishment in the quality of staff skills.

Question 2: Now many carers and families may experience a variety of providers in their lifetime whilst others only have 1. How have you found relationships with providers you have used, and how accommodating have they been in meeting your needs. What is the quality of support workers in our industry.

- the service I use and their workers are great;
- many Day Services still operate on 'kindergarten' hours (9am till 3pm) which can make it difficult for working carers;
- it can be difficult obtaining a diagnosis;
- schools can be a nightmare in receiving appropriate support & service
- initially, many years ago, when I entered the service system, advice from some providers was to place my child in an institution;
- assessments are repeated over & over;
- some services offered are not necessarily those that I needed;
- services should share information;
- services speaking about the care recipient should be sensitive to their needs & individuality;
- services I have used and been very flexible;
- I have observed an increased level of training and skills amongst support workers over the years;
- On-going training for workers is essential;
- Understanding of the essentials of disability are necessary;
- In my experience, support staff who came into my home often undermined the family authority and the response strategies I had in place;
- Asking for help can be very difficult;
- Flexibility of hours has been a very good part of the service I have received.

Question 3: What is, or has been, the value to you of the service you have received.

Respondent 1.

- flexibility of respite. Can combine allotted hours to have a full week-end;
- true respite has enabled the carer to have the freedom to have quality time "you can be who you are";
- respite support has since been withdrawn and phone calls to the state department have been frustrating. Feels that respite hours offered often does not address the carers true needs.

Respondent 2.

- respite means being able to plan ahead;
- to have quality time as a couple;
- time without the children;
- having a respite service that plans 6 months ahead

Respondent 3.

- enables them to be a couple;
- time to talk;
- quiet time;
- regular respite time once a month is very important.

Respondent 4.

- time on my own;
- time to think and be yourself;
- peace of mind knowing that my spouse is being cared for;
- carers who will accept my spouse's pet dog as being included in the care time;
- less anxiety for me.

Question 4: What is, or has been, the value to your care recipient of the service they have received.

- has taught them to interact with their peers;
- the quality of respite for the carer depends on the quality of care and choices in social activities for the care recipient, and the quality of support staff;
- genuine respite is when the carer and the couple can go away for a holiday;
- for me, priority and value was in finding staff who would let my spouse have his dog in their car;
- having fun & enjoyment in the activities they get involved in;
- a service based on his needs – not what the provider perceives to be his needs;
- as parents we are happy that the respite program is meeting our son's needs;
- individualised program,
- flexible service;
- not everything should be categorised as respite.

Question 5: Tomorrow we will be talking about the Australian Taxation system and is it really efficiently structured to collect what we need to meet community care costs. But we are always told now that there is not enough money in the system and that consumers /clients need to pay their fair share of the service cost and make a contribution. This we call fees. How do you feel about paying fees and are they valid. Is this fair, and is it affordable for you.

- how do we survive on a Carer's Pension;
- on the Disability pension – it is too great an impost to extract fees from this. There is not enough in this support to survive on without having to lose more in fees;
- Respite should be an entitlement – free and accessible;
- Families are forced to supplement the cost of service fees;
- The Government should recognise that carers have saved the community millions of dollars by providing care;
- Uniformity is needed – different organisations have different charges;
- We have not asked to be in this position – we should be better supported.