

## Document 1

**From:** s 47F(1)  
**To:** [Riordan, Peter](#)  
**Cc:** s 47F(1)  
**Subject:** FW: [FOR REVIEW] Consultation feedback: SWS & Disability Leave, Cultural, Ceremonial and NAIDOC leave [SEC=OFFICIAL]  
**Date:** Wednesday, 24 May 2023 12:16:05 PM  
**Attachments:** [image004.png](#)

---

### OFFICIAL

Hi Peter

For your quick review to ensure you are ok with the content and expression, the team has prepared the below summary documents to outline our consultation findings with the below groups. We proposed to circulate the documents to unions and IBRs this afternoon which will close of a number of open action items

High level summary of consultations:

- [SES Indigenous Network](#)
- [SES Disability Network, SES Disability Champions](#)

47F

s 47F(1)

A/g Assistant Commissioner  
Workplace Relations Bargaining Taskforce

Australian Public Service Commission

Level 5, B Block, Treasury Building, Parkes Place West, PARKES ACT 2600  
GPO Box 3176 CANBERRA ACT 2601

t: s 47F(1) w: [www.apsc.gov.au](http://www.apsc.gov.au)



**CONFIDENTIAL**



# APS Bargaining

## Summary of feedback: Supported Wage Systems and Disability Leave

Respondents			
Total number of requested respondents	Actual respondents	Make up of respondents	Rationale
Total of 31 requested respondents	7	<ul style="list-style-type: none"> <li>Members of the SES Disability Network (lived experience)</li> <li>Members of the SES Disability Champions Network (champions for people with disability)</li> <li>National Disability Insurance Agency (incorporates feedback from employees, the Chair of the NDIA Employee Disability Network, the NDIA Senior Executive Service Disability Champion, Service Delivery representatives and the Strategic Leadership Team.)</li> </ul>	<p>We requested feedback at the SES level as they are not impacted by the proposed Enterprise Agreement.</p> <p>Feedback was sought at the employee level from the NDIA at their own discretion.</p>

Supported Wage System: summary of feedback	
Question	Summary of Feedback
Are you aware of the effectiveness of Supported Wage Systems to employ people with disability?	<ul style="list-style-type: none"> <li>Respondents ranged from being unaware of the provision to aware of SWS and its effectiveness in their respective agencies.</li> <li>2 commented that it exists as a provision in their respective enterprise agreements but it has never been used, or not used in over 10 years.</li> </ul>
Would an APS-wide clause for Supported Wage Systems encourage your agency to employ people with disability?	<ul style="list-style-type: none"> <li>Feedback was divided in determining its effectiveness to encourage agencies to employ people with disability.</li> <li>50 per cent claimed it would provide additional opportunities to employ people with disability</li> <li>50 per cent claimed it wouldn't provide incentive, 2 citing the clauses current ineffectiveness.</li> </ul>
Would you support this mechanism for inclusion as an APS-wide clause for agencies to use to employ people with disability? Please give rationale for your answer.	<ul style="list-style-type: none"> <li>Feedback ranged from supporting this as an APS-wide clause, to unsure.</li> <li>Some cited complications such as assessment protocols and effectively allowing discrimination based on disability.</li> <li>Some could see the benefit to help people with disability seek secure employment, particularly if aligned to inclusive recruitment practices such as RecruitAbility and Affirmative Measures.</li> <li>Some cited they did not have enough information on the provision to comment.</li> </ul>
Other feedback you'd like to give on the potential inclusion of Supported Wage System provisions in APS enterprise agreements.	<ul style="list-style-type: none"> <li>One response presented strong support for an APS-wide provision, citing it aligns to their internal departmental policies.</li> <li>The remaining responses indicated strong concern that an agency may hire a person with a disability and pay them significantly less than a living wage, exacerbating financial vulnerability and questioned if this aligns to being a model employer.</li> <li>Another raised if adopted as an APS-wide clause to include commitments to invest in development opportunities alongside the supported wage.</li> </ul>



## Disability Leave: summary of feedback

Question	Summary of Feedback
<p>Would you support a separate leave provision for Disability leave?</p> <p>Please give rationale for your answer.</p>	<ul style="list-style-type: none"><li>• 2 respondents were supportive of the Disability Leave proposal</li><li>• It was referenced that any application of such leave should be individualised to the employee and their circumstances, noting the needs of people with disability change over time.</li><li>• Remaining respondents were not supportive of the provision, citing the following:<ul style="list-style-type: none"><li>○ Existing leave provisions provide ample support the majority of people living with disabilities or caring for people with disability</li><li>○ Many respondents highlighted if we incorporate any additional leave provision it should be incorporated into existing leave provisions to support those who do not wish to disclose their disability. It was clear the label of Disability Leave was not preferable.</li></ul></li></ul>
<p>Would an APS-wide clause for Disability Leave encourage your agency to effectively support people with disability?</p>	<ul style="list-style-type: none"><li>• Feedback was divided in determining its effectiveness to encourage agencies to effectively support people with disability.</li><li>• Some saw the benefit in supporting mobility across the service for people with disability under a common leave provision.</li><li>• It was noted that it is an additional supportive measure but there are current effective leave types and many procedures such as flexible work arrangements, workplace adjustments and technology accessibility that work to better support people with a disability holistically.</li><li>• There were some strong views this separate leave type would have the opposite effect.</li><li>• Eligibility and proof was cited as 2 concerns around this leave type.</li></ul>
<p>Are there other supports which might be considered in lieu of, or amendment to, this proposal?</p>	<ul style="list-style-type: none"><li>• It was clear from a number of respondents that ongoing support through flexible work arrangements has and should continue to impact positively on people with disability</li><li>• If the leave type is adopted there was reference to clear guidance to apply it consistently and to ensure it extends to neurodivergent staff.</li><li>• It was referenced again the classification of 'disability leave' is not ideal, and consideration should be given to different applications such as miscellaneous leave.</li></ul>
<p>Other feedback you'd like to give on the Disability Leave proposal.</p>	<ul style="list-style-type: none"><li>• Clarity is required around the definition and how to consistently implement the leave type.</li><li>• It was referenced we need to be careful not to encourage stigmatisation of people with disability. Leadership training should be adopted, including on hidden disabilities.</li><li>• One raised they are interested in how this could be extended to carers.</li></ul>