

Australian disability support worker denounces big-business attacks on “sleepover” rates and other hard-won rights

Our reporters
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In late 2023, the big business Australian industry (Ai) Group, supported by major disability support providers, initiated action in the Fair Work Commission to eliminate “sleepover” rates paid to community and disability support workers. A sleepover penalty is paid to the support workers who have to sleep in the same location as their clients for eight hours but are still required to provide care during this time if needed.

The Ai Group and its backers want the current Social, Community, Home Care and Disability Services Industry Award changed so that sleepovers are reclassified as “breaks” between shifts. This constitutes a major attack on the jobs, wages and conditions of community and disability support workers and the care received by their patients. The Fair Work Commission is expected to issue a formal response to the application early this year.

If the employers are successful, community and disability support workers could be made to work 28 hours away from home—including a 10-hour shift, eight-hour sleepover and another 10-hour shift—without proper rest, breaks, and on standard pay rates.

While a coalition of unions—the Australian Services Union, Australian Workers Union, Health Services Union, Community and Public Sector Union and the United Workers Union—have formally opposed the employers’ application, they have done nothing to mobilise their members to fight this retrogressive attack.

Last month, Des Johnson (not his real name), a disability support worker from South Australia, contacted the *World Socialist Web Site* to explain the brutal consequences of these moves and the harsh conditions already facing community and disability workers and their patients.

DJ: Disability support employees work with vulnerable members of the community, many of whom have a mental illness or an intellectual disability and violent episodes can occur daily. This means our shifts can be unpredictable and often involve sleepovers.

When we sleep over at a client’s home we are often in a small room designed as an office with a computer, table, bed and a few other items. We might sleep from about 11 p.m. to about 7 a.m. and are paid a \$57 penalty for the eight hours of sleeping, which is about \$7 a hour for sleeping. If a client wakes up during this time,

we’re required to support them with whatever needs they require.

The provider company charges the NDIA [National Disability Insurance Agency] a maximum at \$286.56, which comes out of client funding, and they pay us the \$57 out of that. The companies want to eliminate this payment, claiming that we’re not working, and then roster us on for another shift when we get up, but not pay any penalty rates.

Under normal rates the provider could charge \$68 or \$70 an hour but then pay the disability worker between \$36 or \$46 per hour and keep the rest for themselves. I’m on \$36.46 part time, which is my base rate per hour during the day. Some are paid a lot less, others more, it depends on your EBA [Enterprise Bargaining Agreement] or award.

The providers claim that this provides stability and is better for clients to have a worker there all the time. This is crap. What these companies want is to get as much money as they can while making the workers and the clients suffer. And it’s the same for all the so-called non-profit agencies. Just look at Community Living Options financials. It’s a not-for-profit company but has \$27 million cash in the bank. Cara is another not-for-profit outfit but has a fair bit of cash and plenty of assets.

The provider companies invoice the NDIA for their services and are paid but a lot of the invoices aren’t properly audited. For example, a client could be a two-on-one case, which means two people are needed to look after one individual because he or she has complex mental health issues. The providers often charge for the two disability support workers but only use one support worker and keep the extra amount for themselves.

WSWS: How many people will be impacted by removal of the sleepover payment?

DS: There’s supposed to be about 300,000 disability support workers in Australia so I’d guess that about 100,000 could be directly affected. If the Ai Group and disability support providers get their changes put in the award, then it will be brought into future enterprise agreements and have a huge flow-on effect.

WSWS: What’s your union or the others doing about this?

DJ: I’m in the UWU [United Workers Union] and went to a union meeting a few weeks back. They said a decision would be made early this year and that they’d put a strong case to Fair Work, that “we’ll have your back” and the other usual stuff but no

details about what they'll do. It's difficult because many disability support workers are not in unions and there's a lot of poaching going on between the different unions that cover us. There's infighting and politics, instead of trying to work together as one.

WSWS: What other issues are disability support workers confronting?

DS: I've been in the industry for about 10 years now and have seen a lot of changes. Before the NDIS, most of the companies were not-for-profit but now the big for-profit companies have moved in. It doesn't make much difference whether they are profit or not-for-profit, they all operate the same way in trying to cut costs, all of which impacts on our clients and our health and safety.

Most support workers are only given minimal training, which is especially dangerous for those who deal with people that the courts have deemed mentally incompetent—that have committed murder, sex offences or other serious crimes—but are released on supervision.

We're not given proper background information on these sorts of people who can often become very violent. We all come into disability knowing that there's the possibility of violence, but the provider companies do nothing to address these basic safety issues.

The providers claim we're not working during sleepovers, but you never get a proper sleep. You've always got one ear open. If something happens you've got to write up your notes about what went on. This means you get exhausted from lack of sleep, which is a health and safety risk, but the providers don't take any of that into consideration.

I've done a sleepover with four clients who have houses next to each other. I'm the only one there overnight and if any of them wake up you're expected to deal with whatever's happening.

WSWS: Is it usual for one person to be dealing with four clients?

DJ: Yes, it's very common. Yesterday I worked with four clients on a 4 p.m. to 10 p.m. shift. There were supposed to be three people on, but one called in sick so there were just two of us trying to work with four people. Two of those people are supposed to be one-on-one all the time, meaning you're not supposed to leave them alone, and this sort of arrangement can happen when you're trying to deal with people liable to have seizures.

Some clients can also have an infectious disease but that's not disclosed to you. One person I used to work with had MRSA [Methicillin-resistant Staphylococcus aureus] but the provider never disclosed that to me.

Wage theft is another big problem for us. There are two different types of classification in our industry—the SACS award and a Home Care award—with different pay rates. If you're employed in supported independent living, which is where I work, you should be paid under the SACS [Social and Community Services] award, but they pay you on the Home Care rate, which is about \$10 an hour less. That's not an unusual occurrence. According to a UWW survey, about 40 percent of disability support workers are victims of wage theft. I know someone who is taking one provider to the federal court over this. I think he's owed about \$120,000.

The providers used to have company cars for us to use. They're

getting rid of them and making us use our own cars but introducing a small daily kilometre allowance. The limit varies but can be just 35 kilometres a week, which you can easily use up if you need to take people to appointments.

WSWS: What's the career life of disability workers under these conditions?

DJ: Lots of people leave. Many are young people doing university courses but who need to get a job. They obviously care about the work but once they finish their degrees or whatever they're studying, they move on. It's not really a life-career job and so over 90 percent are considering leaving the sector. And with our wages, we're all struggling with the cost of living. The union survey says 90 percent of disability support workers do not have enough savings to cover a \$400 emergency if they had to.

Most of us have two jobs and are working 50, 60 or 70 hours a week. We all work Friday, Saturday and Sunday nights, not because we love coming to work, but because you've got to pay the bills. Fortunately, I was able to buy somewhere to live a while back, but I have two kids and still need to service that mortgage. This affects your family life because you're always at work and don't get to spend as much time with your kids as you'd love to.

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The harsh conditions facing community and disability support workers and the attacks on sleepover penalties now being organised by the Ai Group business lobby and NDIS providers are the latest in a series of cost-cutting enterprise agreement deals between the unions and Labor and Liberal-National Coalition governments, state and federal. It points to the necessity for disability and community support workers to establish rank-and-file committees, independent of the existing unions, and to link up with other health workers to fight for decent wages and safe and healthy working conditions.

Such rank-and-file committees can serve as forums for genuine democratic discussion about the issues confronting health and disability workers and for the development of an industrial and political program of action for an adequately funded and staffed system where public health takes precedence over big business profits and what governments claim they can afford.

This is the purpose of the Health Workers Rank-and-File Committee. We urge other NDIS and community support workers to contact us and discuss the formation of rank-and-file committees at your workplace to take forward this struggle.

Contact the Health Workers' Rank-and-File Committee (HWRFC):

Email: sephw.aus@gmail.com

Twitter: [@HealthRandF_Aus](https://twitter.com/HealthRandF_Aus)

Facebook: facebook.com/groups/hwrfcaus



To contact the WSWS and the Socialist Equality Party visit:

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