

## Volunteering for work

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For people who've spent time on the Disability Support Pension, the decision to try a return to work can be an important step towards independence from the welfare system. But recent changes to the DSP mean the process is far from straightforward. GRAHAM DOUGLAS-MEYER explains some of the pitfalls.

Following the welfare reforms which came into effect on 1 July 2006, people who are on the Disability Support Pension (DSP) who choose to try a return to work are now referred to as 'volunteers'. This has nothing to do with doing volunteer work; it refers to the fact that you've voluntarily chosen to return to work. The confusing terminology is just one aspect of the government's new 'welfare-to-work' regime that is bound to cause headaches and confusion for HIV-positive DSP recipients.

If you've decided to dip your toe back into the world of work, you'll most likely want to seek assistance from a Job Network provider. Job Network is the national network of private and community-based employment services which provide assistance in finding a job or undergoing training that will help you find a job. In some states there are Job Network providers who specialise in providing assistance to people with HIV.

But there's a catch: to get assistance from a Job Network provider you first have to undergo a Job Capacity Assessment (JCA) to determine your ability to participate, and this can be an issue for some people. If you are assessed by the JCA Assessor as being capable of working more hours than the cut-off for your DSP (either 15 or 30 hours per week, depending on whether you were on the DSP prior to the welfare changes being announced) your DSP will automatically be cancelled and you will be moved onto the unemployment benefit (Newstart) with all of the obligations associated with it.

Naturally enough, that prospect – that by volunteering to return to work, even on a part-time basis, you could lose your DSP – could be a strong disincentive for many people in making the already complex decision to return to work.

JCAs do occur on a routine basis for people on the DSP, so in one sense the fact that a JCA is triggered by the decision to return to work is no different; but there are ongoing concerns that the JCA process doesn't take adequate account of the reality of living with HIV, where periods of good health can come and go, and NAPWA has argued that JCA assessors should be adequately trained to deal with HIV-positive clients.

NAPWA has been monitoring the experiences of positive people in the welfare system for some time, and advocating with Centrelink to make the system as fair as possible. In meetings with NAPWA, the Department of Workplace Relations has also indicated an openness to continue dialogue.

After eight years on the DSP, with four years of volunteer work within the HIV community in that time, "Matt" (not his real name) decided to try a limited return to the workforce, looking for eight hours work per week.

"The disability officer at my local Centrelink was very accommodating and helpful and set up an appointment with a Job Network Agency," Matt said. "My details including my [HIV] status were recorded at Centrelink and my permission was given for that info to be passed on, I was a little apprehensive (this can be a redneck area) but I decided to test the process."

Living in an outer suburban area, Matt was unable to be referred to a Job Network agency with specific experience in dealing with HIV or people with disabilities. It seemed he was the first person in such a situation the agency staff had encountered, he said. "We were breaking new ground."

Through the agency, Matt was able to procure payment to obtain my Certificate 4 in Training and Assessment as long as he had work for 20 weeks contracted at eight hours per week.

"This worked fine until Easter, when TAFE (whom I was working with as I am not yet a fully qualified trainer) went on school holidays and Easter Monday public holiday. At this stage I am only working on Mondays as that is when the participants are available to do their training," he said.

"I was then advised that I might be made to do strawberry farming for two weeks (something I am not capable of) as the contract the Job Network agency has with the Department of Workplace Relations is for 26 weeks' 'consecutive work' – no-one seems to have had a thought about public holidays and the like, and constraints around conditions that may occur such as the training forum."

Sadly this lack of understanding or capacity to comprehend the complex relationship between current and ongoing abilities of a person living with HIV/AIDS, added to the complexities of medical management and the toll of treatment side effects, is too common.

NAPWA understands that the JCA is not intended to be a medical assessment, yet it appears to have the ability to ignore or overrule expert medical advice when dealing with complex medical conditions.

The JCA takes a 'snapshot' of work capacity and then directs a course of action – sometimes forcing people back to work. NAPWA's argument is that if there are changes in health there needs to be flexibility built in to the process of assessment and review, and the balance between medical assessment and job capacity assessment needs to be got right: expert medical opinion, from the individual's treating doctor, should always guide work capacity.

Recipients of the DSP need to be aware that they no longer have the 'luxury' of five years between assessments of their entitlement to DSP. Additionally, every two years they will be required to undergo a JCA, which is performed by an allied health professional (such as a social worker or psychologist) who may or may not have any experience in dealing with people with HIV.

In Matt's case, his JCA assessor asked him to walk the length of a corridor – this seems to have been the sole test of his ability to meet the requirements of the JCA. Given the significance of the outcome of the process for DSP recipients, it doesn't seem unreasonable to argue for a more comprehensive, informed and compassionate process.

- NAPWA's Social Wellbeing in Policy working group is working with the Australian Federation of Disability Organisations to monitor the process and will continue to advocate on behalf of positive people in this period of change. If you've undergone a JCA as a part of your regular medical review, or have been required to undergo a JCA as a result of 'volunteering' to return to work in some capacity, contact Scott Lockhart at NAPWA by email to [scott@napwa.org.au](mailto:scott@napwa.org.au) [1] or call 1800 259 666.

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**Links:**

[1] <mailto:scott@napwa.org.au>