

3rd March 2025

Professor Tomoya Obokata
Special Rapporteur on Contemporary Forms of Slavery

Delivered by email to hrc-sr-slavery@un.org

Dear Professor Obokata,

Country visit to Australia – Further information

Thank you again for taking the time to meet with us at the disability roundtable during your visit. This letter contains additional information for your consideration when drafting your final report and has been co-authored by:

- People with Disability Australia (PWDA)
- Women with Disabilities Australia (WWDA)
- National Ethnic Disability Alliance (NEDA)
- First Peoples Disability Network (FPDN)

Australian Disability Enterprises (ADEs)

As requested, please find below a summary of Australia's current segregated employment reform context, legislative options for increasing open employment, and intersectional experiences of segregated employment.

Current reform context

As discussed at our meeting, four of the Royal Commissioners of the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Disability Royal

Commission) recommended that the Australian Government develop and implement a *National Inclusive Employment Roadmap* to end segregated employment and eliminate subminimum wages for people with disability by 2034.¹ In response to the Disability Royal Commission's Final Report, the Australian Government stated that it will undertake consultation to consider this recommendation.²

We are not aware of any further steps being taken to end segregated employment. However, the Government is developing a **new Specialist Disability Employment Program**, which will commence on 1 July 2025, replacing the *current Disability Employment Services* program. The new program will:

1. Support more people with disability to access employment, including through developing personal plans
- Provide employers with expert guidance on recruiting and retaining employees with disability³

Employers may also be eligible for a new wage subsidy program, providing up to \$10,000 per job seeker.⁴

While this is a good starting point, we are concerned that the Government has not committed to phasing out segregated employment and subminimum wages.

We encourage you to:

Recommendation 1: Call on the Government to provide a clear and time-bound commitment to phasing out segregated employment and subminimum wages. This should include a national transition plan that ensures people with disability have access to fairly paid employment opportunities and align with the measures outlined in the *Disability Royal Commission* Recommendation 7.32 such as investment in workplace adjustments to enable sustainable employment.

¹ Disability Royal Commission (2023) *Final report – Executive summary, our vision for an inclusive Australia and recommendations*, 258.

² Australian Government (2024) *Response to the Disability Royal Commission*, 148.

³ Australian Government Department of Social Services (DSS) (2025) *New Specialist Disability Employment Program*, DSS website, accessed 26 February 2025.

⁴ Ibid.

Legislative options to increase open employment

As you are aware, the European Union recently enacted the *Corporate Sustainability Reporting Directive* (CSRD). *Disability:IN* and *White & Case LLP* have produced a **legal analysis** outlining the disability rights obligations that the CSRD imposes on corporations.⁵

The key disability rights obligations are as follows:

- *Reporting Requirements: Companies must disclose information on the inclusion of persons with disabilities in their workforce. This includes policies related to non-discrimination, diversity, and inclusion.*
- *Data Collection: Companies must collect and report data on the percentage of employees with disabilities, their inclusion in leadership roles, and the measures taken to prevent discrimination.*
- *Policy Implementation: Entities must outline their policies aimed at promoting equal opportunities and mitigating discrimination against persons with disabilities.*⁶

According to the CSRD, penalties for non-compliance should be ‘effective, proportionate, and dissuasive’. France has implemented this by imposing fines of up to EUR 75,000 and up to five years in prison for directors of in-scope entities.⁷

Recommendation 2: As discussed at our meeting, we encourage you to put forward these laws as a model for the Australian Government to consider promoting open employment for people with disability.

Intersectional experiences

During our consultation, you requested further information about intersectionality and segregated workplaces. As Associate Professor Dr Linda Steele has written, “...further research is necessary to ‘disable’ the modern slavery legal framework and discourse. This framework and discourse is currently primarily focused on racialised, gendered, sexualised

⁵ Disability:IN (2024) *Disability inclusion in the EU: A legal analysis to guide corporate responsibilities under new EU disability legislation*, 4.

⁶ Ibid 4.

⁷ Ibid 10.

and socio-economic dynamics of labour exploitation, and generally only exploitative labour produced through coercion which rises to the level of criminality.”⁸

Particular attention must be drawn to Article 6 of the *Convention on the Rights of Persons with Disabilities* to ensure an approach to modern slavery that addresses the specific experiences of women with disability at the intersections of both gender and disability.

Currently, women with disability remain largely invisible in the discourse about violence, abuse, exploitation, and neglect in the workplace, including in segregated workplace settings.⁹ However, the closed nature of segregated employment settings exposes people with disability to an increased risk of violence.¹⁰ This is particularly the case for women with disability, who experience violence, abuse, exploitation and neglect in the workplace – both in open and segregated employment settings, and who are more likely to experience violence (particularly sexual violence) in residential and institutional settings.¹¹ Additionally, it is well recognised that gender-based violence, such as sexual harassment, is more likely to occur in male-dominated workplaces. ADEs are often male-dominated,¹² increasing the likelihood of exposure to violence, abuse, neglect, and exploitation.

However, due to their segregated nature, we know little about the individual experiences of women with disability in ADEs. Across Australia, there is a dearth of disaggregated data on the situation of women with disability, including in relation to their experiences of discrimination, violence, abuse and exploitation in employment settings.¹³ This gap in information places significant limitations on the Australian Government’s ability to report on its international human rights obligations.

Many women with disability in institutional and segregated settings have limited access to support (including police, support services, lawyers, advocates and informal networks).¹⁴ They are often not provided with education on how to identify violence or abuse, or how

⁸ Steele L (2023) ‘Ending disability segregated employment: ‘modern slavery’ law and disabled people’s human right to work’, *International Journal of Law in Context*, 19(2) 15.

⁹ Women with Disabilities Australia (WWDA) (2020) *Response to the Employment Issues Paper of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, 22.

¹⁰ Steele (n 8).

¹¹ Women with Disabilities Australia (2013) *Stop the violence: Addressing violence against women and girls with disabilities in Australia background paper*.

¹² Women with Disabilities Victoria (2019) *Submission to Australian Human Rights Commission National Inquiry into Sexual Harassment in Australian Workplaces*, 11.

¹³ Women With Disabilities Australia (2023) *Response to the Disability Employment Centre of Excellence Options Paper*.

¹⁴ WWDA (n 9) 23.

and where to seek help, are often prevented from accessing this information, and may be generally unaware of their legal and human rights.¹⁵ Women with disability from culturally and linguistically diverse (CALD) backgrounds face additional challenges to accessing supports., including language barriers.¹⁶ This means that when people with disability experience violence, abuse, exploitation and neglect in segregated employment settings, they are less likely to have access to assistance and redress. The sheltered and/or 'hidden' nature of segregated work environments, coupled with the lack of independent oversight, means it is difficult for women with disability to speak up about violence, harassment, abuse and/or exploitation in the workplace, make a complaint, or seek information or assistance.¹⁷

Temporary visa holders

As highlighted in your End of Mission Statement, people with disability from marginalised groups are at heightened risk of exploitation and abuse due to factors such as barriers to accessing services and justice. These barriers stem from multiple intersecting factors, including immigration-related disadvantages, which can prevent CALD people with disability from reporting violence.¹⁸ Individuals on temporary visas and from refugee and asylum seeker backgrounds often face financial insecurity due to limited work rights or low-paying jobs, making it harder to leave abusive situations.¹⁹ Many live in unstable or overcrowded housing, which increases exposure to exploitative or unsafe conditions.²⁰

The lack of disaggregated data on this cohort hampers the development of effective policies and programs. We encourage prioritising comprehensive data collection and targeted research (broken down by gender, cultural background, visa status and type of disability) to better understand and address the unique hurdles faced by CALD people with disability.²¹

¹⁵ WWDA (n 12) 22.

¹⁶ Women With Disabilities Australia (WWDA) et al. (2023), *Accessing Formal Supports in Australia: The Experiences of Culturally and Linguistically Diverse (CALD) Women with Disabilities*.

¹⁷ WWDA (n 12) 22.

¹⁸ People with Disability Australia (PWDA) et al. (2021), *The experiences and perspectives of people with disability from culturally and linguistically diverse backgrounds: Joint submission to the Disability Royal Commission*.

¹⁹ Federation of Ethnic Communities' Councils of Australia (FECCA) (2022), *A Secure and Successful Multicultural Workforce: Submission to the Employment White Paper*.

²⁰ Australian Housing and Urban Research Institute (AHURI) (2021), *How many in a crowd? Assessing overcrowding measures in Australian housing*.

²¹ WWDA (n16)

People with disability, and particularly women with disability on temporary visas or from asylum seeker backgrounds, are at increased risk of violence (institutional, domestic and sexual)²², as they are more likely to rely on perpetrators of domestic violence for support needs and face reduced financial independence.²³ People with disability who are recent migrants or on temporary visas may not be aware of their rights and the protections available to support them. Fear of reprisal or the risk of removal from Australia may prevent them from seeking community or government assistance to improve their situation.^{24, 25}

People from CALD backgrounds and people with disability are disproportionately exposed to violence, exploitation, and systemic disadvantage, increasing their risk of modern slavery. Torture and institutional violence in immigration detention create environments where human rights violations are normalised, making individuals more vulnerable to further exploitation.²⁶ Overrepresentation in the justice system places CALD communities and people with disability at further risk of criminalisation rather than protection, limiting their access to legal and social safeguards.^{27, 28} People with cognitive and psychosocial disabilities often cycle through the legal system due to unmet support needs, increasing their vulnerability to coercion and abuse.²⁹ Refugees, asylum seekers, and migrants experiencing socioeconomic disadvantage face greater barriers to justice and are more likely to encounter exploitative conditions.³⁰

In PWDA's pre-visit submission and during our consultation, as well as NEDA's engagements, the lack of access to disability supports and disability-supported accommodation for temporary visa holders was raised. We are concerned that this issue

²² Australian Institute of Health and Welfare (AIHW) (2021), *Family, domestic and sexual violence in Australia: Continuing the national story 2021*

²³ Disability Royal Commission (2022); Refugee Council of Australia (2023)

²⁴ Vaughan, C., & Zannettino, L. (2014). *Domestic violence in culturally and linguistically diverse communities: Multicultural Centre for Women's Health*. ANROWS

²⁵ PWDA (n18)

²⁶ Human Rights Law Centre [HRLC], (2021) *Torture and cruel treatment in Australia's refugee protection and immigration detention regimes*.

²⁷ Australian Bureau of Statistics [ABS], (2021)

²⁸ Australian Law Reform Commission (ALRC) (2020), *Pathways to justice – An inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples: Final report*.

²⁹ ALRC (n28)

³⁰ HRLC (n26)

was not reflected in your End of Mission Statement and strongly encourage its inclusion in your Final Report, as it remains an ongoing problem.³¹

Recommendation 3: The Australian Government should develop a *National Framework for Temporary Visa Holders with Disability*, to establish data collection and research, as well as policy measures that support disability-related healthcare, housing, and social services for individuals on temporary visas.

Recommendation 4: NDIS eligibility should be expanded to include migrants on temporary visas who meet the disability criteria, ensuring they have access to essential disability supports.

Forced marriage

In addition to the above issues, we encourage you to report on the higher risk of forced marriage faced by people with disability. For further information, including recommendations, please refer [the joint submission to the Government's forced marriage consultation paper](#), authored by People with Disability Australia, Women with Disabilities Australia, National Ethnic Disability Alliance and Inclusion Australia.³²

Forced marriage is explicitly recognised as a form of modern slavery under Australia's Modern Slavery Act 2018 and international law. The joint submission highlights that people with intellectual disability are particularly vulnerable to forced marriage, often due to:

- Family members seeking permanent care arrangements through marriage.
- The individual's lack of informed consent, which aligns with the coercion and control elements of modern slavery. Limited independent decision-making support, preventing people with disability from exercising legal capacity and protecting themselves from coercion.
- The inability to report or resist due to dependence on others for daily living needs.
- People with disability are often socially and financially dependent on others, increasing the risk of financial exploitation, such as misuse of NDIS funding or

³¹ PWDA (n18)

³² People with Disability Australia (PWDA), et al. (2024), [Submission on Disability and Forced Marriage](#).

Disability Support Pension and coercing victim-survivors into marriage for access to Carer Payments.

There is a lack of data collection on disability and forced marriage, mirroring the broader lack of data on disability and modern slavery. Many forced marriage cases are identified by third parties, not the victim-survivors, which parallels other forms of modern slavery, where individuals are often unable or afraid to report abuse. The lack of legal protections, independent decision-making support, and data collection on forced marriage are the same factors that create broader vulnerability to modern slavery for people with disability.

Other recommendations

As you are aware, there is a significant lack of data and research on the intersection between disability and modern slavery in Australia. To assist the Government and civil society in understanding and addressing modern slavery perpetrated against people with disability, we encourage you to recommend that:

Recommendation 5: The Australian Government collect disaggregated data on modern slavery in Australia, identifying the number of survivors with disability and those with disability who have intersecting identities, including CALD communities, First Nations peoples, and gender-diverse individuals, as well as ensure visibility of those living in rural, remote, and metropolitan areas.

Recommendation 6: The Australian Government commissions research into disability-specific forms of modern slavery, including cases where perpetrator exploits a person's Disability Support Pension or NDIS funding for personal gain, or where a survivor is exploited to gain access to the Carer Payment.

To ensure that people with disability can thrive and avoid re-exploitation after experiencing modern forms of slavery, we encourage you to recommend that:

Recommendation 7: The Australia Government implements redress mechanisms for people who have experienced modern slavery, consistent with the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Van Boven Principles).

If you would like to discuss our letter further, please contact Lisa Ira, Senior Policy Officer, via email at lisai@pwd.org.au or on +61 409 431 088.

Yours sincerely



Megan Spindler-Smith
Deputy Chief Executive Officer
People with Disability Australia

