

# Who is a disability worker?

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The Victorian Disability Worker Commission is an independent body established to better protect people with disability and build a stronger, safer, disability sector. It is responsible for the Disability Service Safeguards Code of Conduct, which all disability workers in Victoria must comply with.

## Definition of disability worker

A disability worker is defined by the *Disability Service Safeguards Act 2018* (the Act) as a person who provides a disability service to a person with disability. Supervisors and managers of a person or people who provide a disability service are also disability workers.

## Definition of person with disability

If the person has an impairment that is likely to be permanent, require lifelong support and result in substantially reduced functional capacity to undertake one or more key activities – communication, social or economic participation, social interaction, learning, mobility, self-care or self-management – they are a person with disability under the Act.

A person's impairment may be physical, psychological or cognitive, or be neurological or sensory.

## Are you a disability worker?

Various occupations and roles can be a disability worker under the Act. It doesn't matter who funds a disability worker, whether they are an employee, contractor or self-employed.

Whether a person is a disability worker depends on what the main reason or purpose of the service is.

## You are considered a disability worker when you do all of the following:

- provide a service to a person with disability
- deliver the service yourself, or you supervise or manage another person to do so
- provide a service which involves more than 'incidental contact' with a person with disability
- the main purpose of the service is to care for, treat or support a person with disability to manage their limitations to undertake certain activities.

## Key activities of disability workers

Disability workers support a person with disability with:

- **communication**, for example speech therapy
- **social or economic participation**, for example assistance with shopping or budgeting
- **social interaction**, for example participating in structured social skills groups or activities
- **learning**, for example tutoring and training
- **mobility**, for example training and instructions about how to use mobility equipment
- **self-care**, for example personal hygiene
- **self-management**, for example cooking and cleaning.

# Help build a safer, stronger, disability sector

## Examples of who is/isn't considered a disability worker:

Example	Yes/No
Disability support staff including those who work in settings such as supported residential accommodation (also known as group homes) and day services for people with disability.	✓
Disability support workers who provide support to people with disability to live the life they want and achieve their goals. Examples include supporting individual participation in social and recreational activities, undertaking tasks outside the home such as shopping, transportation and providing companionship and emotional support.	✓
Allied health professionals who provide clinical and therapy services to support people with disability to achieve their goals and maintain their health and wellbeing.	✓
Volunteers are not considered to be disability workers for the purposes of the Act – unless they are providing services on behalf of an organisation or agency.	✗
Family members of a person with disability are not considered to be disability workers for the purposes of the Act – unless they are paid for the services they provide.	✗

## What is more than 'incidental contact'?

If you provide a service which involves more than incidental contact with a person with disability you are a disability worker.

Contact can be physical, verbal or written. If you, or a person you supervise or manage, have contact with a person or people with disability when providing a service, consider whether that contact is part of the normal duties of the role, and is:

- more than minimal and
- affects the outcome of the service.

## Examples of what is/isn't considered more than incidental contact:

Example	Yes/No
An occupational therapist who, as a normal part of their role, treats people with disability at their office and goes into homes to work with people with disability to help manage their limitations in undertaking one or more specified activities.	✓
A receptionist who works in the office of an occupational therapist to schedule appointments for people with disability. On occasion, the receptionist greets people with disability at the office, but their role has limited contact or involvement with a person or people with disability.	✗

## About the Victorian Disability Worker Commission

The Victorian Disability Worker Commission is an independent body established to better protect people with disability and build a stronger, safer disability sector. It is responsible for the Disability Service Safeguards Code of Conduct, establishing the minimum expectations for all workers in Victoria supporting people with disability, and the complaints service. It can accept complaints and notifications, with powers to investigate and ban workers who put people's safety at risk.

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