

**People with Disability Australia Incorporated**

**Postal Address:** PO Box 666

 Strawberry Hills NSW 2012

**Street Address:** Tower 1, Level 10
 1 Lawson Square

 Redfern NSW 2016

**Phone:** 02 9370 3100

**Toll Free:** 1800 422 015

**Fax:** 02 9318 1372

**TTY:** 02 9318 2138

**Toll Free TTY:** 1800 422 016

**Email:** pwd@pwd.org.au

**TIS:** 13 14 50 **NRS:** 1800 555 677

NGO in Special Consultative Status with the
Economic and Social Council of the United Nations

**People with Disability Australia (PWDA)**

**Submission to the Willing to Work: National Inquiry into Employment Discrimination against Older Australians and Australians with Disability.**

**December 2015**

**Contact Details**

Samantha French

Systemic Advocacy Projects Manager

People with Disability Australia (PWDA)

Email: samanthaf@pwd.org.au

Phone: 02 9370 3100

Australian Business Number (ABN)

98 879 981 198

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# Introduction

1. People with Disability Australia (PWDA) welcomes the opportunity to provide input to the *National Inquiry into Employment Discrimination against Older Australians and Australians with Disability.*
2. People with disability remain some of the most vulnerable and marginalised in our community. The inefficient social safety net compounded by persistent inequity in social, educational and economic opportunity[[1]](#footnote-1) means that 45% of people with disability in Australia live in or near poverty. For people with disability, everyday life is more expensive, and the current rate of income support, including the Disability Support Pension (DSP), does little to compensate for the additional cost of disability.
3. PWDA welcomes the *Willing to Work Inquiry* into Employment Discrimination as an opportunity to bring renewed attention to addressing employment discrimination and identify the range of barriers faced by people with disability in finding and keeping a job. PWDA also supports the work presently being undertaken by the Department of Social Services (DSS) to develop a New Disability Employment Framework, as the current system is overly complex, inflexible, and does not meet the needs of many people with disability. For example, the Disability Employment Services (DES) currently support approximately 160,000 jobseekers with disability, but only assists one in three of those jobseekers to find employment.
4. At the same time, those initiatives and aspects of the system which have been shown to enhance economic participation for people with disability, should be further developed and strengthened. For example, the Employment Assistance Fund, which funds workplace modifications and purchase of assistive technology, provides practical resources for provision of reasonable adjustments in the workplace, an area that people with disability report is critical for job retention.
5. There is need for a total overhaul of the existing employment services system within the context of the development of a comprehensive and coordinated national ‘Jobs Plan’ to address systemic barriers, if we are to see tangible improvements in employment outcomes for people with disability. In addition, the introduction of the National Disability Insurance Scheme (NDIS) will bring increased opportunity to introduce new practices, models and policy that will meet the individualised needs of people with disability and contribute to the realisation of our rights.
6. PWDA’s submission is based on the lived experiences of people with disability and our many years representing the rights of people with disability to fair and equitable employment on an equal basis as others.

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# About People with Disability Australia (PWDA)

1. PWDA is a leading national disability rights, advocacy and representative organisation of and for people with disability. We have a cross-disability focus representing the interests of people across all kinds of disability. Our primary membership is made up of people with disability and organisations primarily constituted by people with disability. We are a non-profit, non-government organisation.
2. We are a member of the Australian Cross-Disability Alliance, which is funded by the Federal Government to promote, protect and advance the human rights and freedoms of people with disability in Australia by working collaboratively on areas of shared interest, purpose and strategic opportunity.
3. PWDA has undertaken substantial consultation on the lived experience of people with disability on employment related issues, which we draw upon for our submissions and input to policy and legislation. This submission is informed by input provided over a number of years via member forums, online surveys social media such as Twitter and Facebook discussions, and one-on-one conversations with PWDA members, clients and other stakeholders.
4. PWDA’s input to the *Willing to Work Inquiry* also reflects findings outlined in a number of other relevant PWDA reports and submissions. We request that these resources be considered as part of our submission to the *Willing to Work National Inquiry* as listed below.

Access to education and vocational training:

* [Submission to the NSW Legislative Council Inquiry into Vocational Education and Training](http://www.pwd.org.au/documents/Submissions/SUB210815LCGPSC6_VET.doc)
* [Submission to Senate Standing Committee on Education and Employment regarding access and attainment for students with disability in school](http://www.pwd.org.au/documents/Submissions/LT170615_Senate_Ed_and_Emp_Comm_Education.doc)

Welfare reform:

* [PWDA Submission on Consultation on the Interim Report of the References Group on Welfare Reform: A System for Better Employment and Social Outcomes (August 2014)](http://www.pwd.org.au/documents/pubs/SB-140808-InterimWelfareReviewReport.doc)
* [PWDA Submission to Standing Committee on Community Affairs – References Committee Inquiry into the Extent of Income Inequality in Australian (August 2014)](http://www.pwd.org.au/documents/pubs/SB-140812-InquiryIncomeInequalityInAustralia.doc)
* [PWDA Submission to Social Services and Other Legislation Amendment (2014 Budget Measures No. 1) Bill 2014 and Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill 2014 (July 2014)](http://www.pwd.org.au/documents/pubs/SB-140729SenateCALCommSocialSecurityBills2014.doc)

Economic participation and the disability employment support system:

* Response to the Interim Report of the National Inquiry into *Employment and Disability Workability: People with Disability in the Open Workforce*, HREOC (September 2005);
<https://www.humanrights.gov.au/sites/default/files/content/disability_rights/employment_inquiry/subs2/Sub153.PWD.doc>
* Response to the Discussion Paper *Striking the Balance – Women, Men, Work and Family,* HREOC (October 2005); <https://www.humanrights.gov.au/sites/default/files/content/sex_discrimination/publication/strikingbalance/submissions/104.doc>
* [Submission to the Inquiry into the Administration and Purchasing of Disability Employment Services in Australia (October 2011)](http://www.pwd.org.au/documents/pubs/SB11-EEWR-DES.doc)
* [PWDA Submission in Response to the Discussion Paper Improving the Employment Participation of People with Disability in Australia’ (February 2013).](http://www.pwd.org.au/documents/pubs/SB13-DEEWR.doc)
* [PWDA's Disability Employment Services (DES) Consumer Engagement Project report.](http://pwd.org.au/documents/Submissions/Report_-_SB0814.doc)
* [Submission on the National Disability Employment Framework Issues Paper](http://www.pwd.org.au/documents/Word/FINAL_SB_-_PWDA_Disability_Employment_Framework__130715.doc)

Wage equity and Australian Disability Enterprises (ADEs):

* [PWDA Submission to Australian Human Rights Commission re FaHCSIA DDA Exemption Application (October 2013)](http://www.pwd.org.au/documents/pubs/SB131106-AHRC-BSWATexemption.doc)

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# List of Recommendations

**Recommendation 1:** Fully resource and implement the National Disability Strategy (NDS), including allocation of necessary resources and establishment of formal consultation and reporting frameworks to enable monitoring of implementation across all levels and areas of government.

**Recommendation 2:** Develop a comprehensive National Jobs Plan that addresses the transition from the education system to open employment, including transition for those with higher support needs and ADE employees.

**Recommendation 3:** Develop a new Disability Employment Framework in line with the principles and objectives of the National Disability Insurance Scheme (NDIS), which provides a person-centred approach to employment based on the goals and aspirations of people with disability themselves.

**Recommendation 4:** People with disability are given greater choice and control regarding their employment service provider and have the right to move providers if their needs are not being met.

**Recommendation 5:** Disability Employment Services are assessed and funded based on the long-term employment outcomes they achieve for their clients, not on the number of people they get into jobs.

**Recommendation 6:** Job-search funding is provided as an individualised career package to be spent on the job services that the person with disability chooses.

**Recommendation 7:** Participation Plans are based on the goals and aspirations of the individual, and realistically reflect the local employment market.

**Recommendation 8:** Any participation requirements are individually tailored negotiated, and designed to directly improve employment prospects for the person with disability.

**Recommendation 9:** People who are unable to work in the foreseeable future are not subjected to compulsory requirements.

**Recommendation 10:** Simplify and expand the Employment Assistance Fund to include a wider range of modifications across a wider range of employment settings, including traineeships, internships and voluntary work.

**Recommendation 11:** Increase access to on-the-job-support (OTJS) so that employees with disability can access the supports they need throughout employment.

**Recommendation 12:** Retention of the full Disability Support Pension (DSP) for at least six months for people with disability entering the workforce in entry level positions in order to provide real incentives and offset additional costs of entering the workforce.

**Recommendation 13:** Extend eligibility for the Pensioner Concession Card for at least six months people with disability entering the workforce.

Recommendation 14: Introduce a travel allowance which provides individualised funding to offset the additional travel costs often incurred by people with disability in order to travel to work.

**Recommendation 15:** Provide comprehensive tax concessions to people with disability to offset the additional costs of mainstream supports they may encounter in order to maintain employment.

**Recommendation 16:** Undertake further research at the national level on the lived experienced of people with disability in employment to increase the Australian data on the types of barriers experienced and to better inform strategies to address such barriers.

**Recommendation 17:** The Commonwealth to support research on the issues, concerns and employment experiences of women with disability in employment.

**Recommendation 18:** The Commonwealth ensure that authorities or agencies charged with responsibility for measures to promote employment, job retention and return-to-work opportunities for people with disability must incorporate specific actions for women with disability.

**Recommendation 19:** Undertake quantitative national research into employer concerns about employing people with disability.

Recommendation 20: Establish a ‘National Employment Coalition’ to provide a high level forum in which to exchange ideas, showcase good practice and to develop joint strategies that address barriers to employment for people with disability.

**Recommendation 21:** Provide practical resources and support to employers, particularly SMEs, to undertake disability awareness training, and to develop ‘disability confidence’ in employing people with disability.

**Recommendation 22:** Provide tax incentives, concessions and credits to employers as an incentive to employ people with disability and to create more accessible workplaces.

**Recommendation 23:** Improve access to vocational education and training for people with disability which is linked to the individual’s employment goals.

**Recommendation 24:** Provide work experience opportunities for people with disability still at school which is linked to the individual’s employment goals.

**Recommendation 25:** Develop a National Transition to Work Program which provides opportunities for people with disability to gain relevant work experience and a pathway to employment, including for school leavers, those with high support needs and ADE employees.

**Recommendation 26:** Increase opportunities for people with disability to gain work experience and for workplaces to gain exposure to disability. Improve access to work experience internships and volunteer work which are related to the jobseekers work goals.

**Recommendation 27:** Increase targets for employing people with disability in public service positions and initiating key signature measures such as Parliamentary Internships to demonstrate Government commitment to a diversified workforce.

**Recommendation 28:** Adoption of accessible procurement policies and practices in all levels of government to preference products and services which are accessible and businesses that demonstrate best practice in the employment of people with disability.

**Recommendation 29:** Progressively transition from reliance on segregated employment in Australian Disability Enterprises (ADEs) and redirect funding to provide genuine work training and skills building opportunities that lead to open employment.

**Recommendation 30:** Undertake a national public awareness campaign to promote the business case for employing people with disability.

**Recommendation 31:** Allow for a range of innovative employment options, including schemes aimed at improving self-employment opportunities for people with disability.

**Recommendation 32:** Facilitate access to technology, including access to the Internet at home.

Recommendation 33: Resource disability representative organisations to provide independent advocacy and support for people with disability on their industrial rights and employment-related matters.

# Economic participation is a human rights issue

1. Economic participation is a human rights issue that is independent on achievement of other human rights. All people with disability have the right to an adequate standard of living for themselves and their families, and for continuous improvement of their living conditions. Article 28 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD)[[2]](#footnote-2) obliges the Australian Government to safeguard and promote the realisation of these rights. People with disability are entitled to appropriate levels of social protection based on their individual circumstances and which recognises, without discrimination, the barriers to social and economic participation that they experience.
2. Article 27 of the CRPD also articulates the obligation of State Parties to promote and protect the rights of people with disability to ‘gain a living by work **freely chosen** or accepted in a labour market and work environment that is **open, inclusive and accessible** to persons with disabilities. Countries are to **prohibit discrimination** in job-related matters, **promote self-employment**, entrepreneurship and starting one’s own business, employ persons with disabilities in the **public sector**, promote their employment in the **private sector**, and ensure that they are provided with **reasonable accommodation** at work’[[3]](#footnote-3).
3. On the fundamental issue of accessibility, Article 9 of the CRPD requires countries to identify and eliminate obstacles and barriers and ensure that people with disability can access their environment, transportation, public facilities and services, and information and communications technologies. Many rights contained in the CRPD will not be realised until the important area of accessibility is addressed. For example, improving employment opportunities and outcomes for people with disability will not be achieved if a person is unable to use the public transport system to travel to work or where the public domain from the mode of transport to their workplace is inaccessible or where the workplace premises are inaccessible. PWDA would argue that these broader access barriers need to be identified and addressed before real progress can be made in the area of employment and economic participation for people with disability.
4. PWDA supports the recommendations made in the Australian NGO CRPD Shadow Report (2012) in regards to Article 27[[4]](#footnote-4):
* That Australia conducts a comprehensive review of the current employment support arrangements for people with a disability with a view to developing a national plan to significantly increase support for men and women with disability, in particular men and women with intellectual disability to move from school to training to open employment.
* That Australia funds employment support for all people with disability that is attached to the individual and is able to be used in mainstream settings.
* That Australia conducts an audit of the current supported employment wage assessment tools and industrial conditions with a view to ensuring that people with disability receive equitable and fair remuneration for their work, and receive the supports they need to move from supported employment to open employment.
* That Australia increases investment in addressing structural barriers to the employment of men and women with disability, in relation to workplace accommodations and adaption, accessibility of workplaces, flexibility of work requirements and accessible and affordable public transport.
* That Australia adopts initiatives to increase employment participation of women with disability by addressing the specific underlying structural barriers to their workforce participation.
1. The National Disability Strategy (NDS) is the mechanism through which Australia delivers its commitments under the CRPD. Area 3: covers Economic Security Policy directions and includes:
* Increase access to employment opportunities as a key to improving economic security and personal wellbeing for people with disability, their families and carers.
* Income support and tax systems to provide an adequate standard of living for people with disability, their families and carers; while fostering personal financial independence and employment.
* Improve access to housing options that are affordable and provide security of tenure.
1. The NDS recognizes the relationship between improved access to transport, buildings, information and telecommunications and economic security and employment. Further, the NDS acknowledges that, ‘Income support remains an important safety net to ensure an acceptable standard of living for many Australians with disability. These payments should allow people to live with dignity and be geared so that where possible they encourage people who choose to seek employment do so, rather than creating new barriers’[[5]](#footnote-5). The NDS further recognises the important relationship between educational outcomes and economic participation for people with disability.
2. PWDA believes that the Government must take a holistic, cross-Government approach to ensure that Australia is making progress under the NDS, including increased engagement with, and support to, local government. There also needs to be dedicated funding and resources allocated for the specific purpose of implementing the NDS, including resources to ensure the active involvement of people with disability throughout the implementation and review of the NDS, such as funding for accessible formats and Auslan Interpreters. The Commonwealth *Accessible Communities Grant* is a good practice example of how the Commonwealth can support and resource local government to implement the NDS. Under this scheme, the Commonwealth provides a matching grant to Local Councils to undertake projects which will increase access and participation of people with disability in their local community, such as installing accessible toilets in a local park. To be eligible for the grant, Councils must provide evidence that they consulted with people with disability and have their support for the project. PWDA supports this model and sees potential in expanding this grant to provide greater level of funding, particularly to poorer resourced Councils.
3. The Commonwealth should also improve the national monitoring and reporting requirements across all levels of government and report annually on progress towards full implementation of the NDS. PWDA supports the development of State Disability Inclusion Plans, which will be critical to create the enabling environment in which people with disability can find and keep work, but this must also be extended to local government (such as the approach recently implemented in NSW) and, as previously noted, be adequately resourced. In short, unless the structural and systemic barriers that prevent social and economic inclusion of people with disability are addressed, people with disability will remain locked out of employment opportunities and vulnerable to dependence on the welfare system.
4. Any future welfare reform for people with disability must be implemented based on Australia progressively realising its obligations under the UN Convention on the Rights of Persons with Disability and the goals of the National Disability Strategy. By fully implementing the NDS, the Government will address the systemic and structural barriers that prevent the social inclusion of people with disability, including access to affordable and accessible housing, transport, and social and economic opportunities.

*Recommendation 1: Fully resource and implement the National Disability Strategy (NDS)****, including allocation of necessary resources and establishment of formal consultation and reporting frameworks to enable monitoring of implementation across all levels and areas of government.***

# Disability employment reform within the context of the broader welfare reform agenda and the NDIS

1. Welfare Reform and reforms to the disability employment sector are intrinsically linked. It is critical that these processes not lead to perverse outcomes which result in people with disability being shifted from higher to lower working age payments with increased participation and job seeking expectations and penalties for non-compliance, whilst the pervasive barriers that prevent people with disability from finding work are not addressed.
2. When compared with other OECD countries, Australia ranks 21 out of 29 in employment participation rates for people with a disability[[6]](#footnote-6). In June 2014 the need for a new approach to employment for people with disability was emphasised by outgoing Disability Discrimination Commissioner Graeme Innes who called for the Government to develop a ‘Jobs Plan’ for people with disability in his final public address[[7]](#footnote-7). PWDA supports this proposal and we call on the Commonwealth to take the opportunity to develop a comprehensive ‘Jobs Plan’ that addresses transition from the education system to employment and increased opportunities for employees with higher support needs to move into open employment, including those employees working in Australian Disability Enterprises (ADEs).
3. Future social security and employment services reform needs to separate the notion of permanent disability from a person’s capacity to work. Disability, and the interaction of impairment with social barriers, is much more complex than this. Some people may have capacity to work but face multiple barriers to employment due to the nature of their disability. For example, a person with episodic disability such as psychosocial disability may find it difficult to sustain employment, even over the short term.
4. On the other hand, many people previously considered unable to work due to permanent incapacity may soon have greater prospects to pursue economic opportunities due to the provision of adequate disability support from the National Disability Insurance Scheme (NDIS).
5. Any reform of the employment system needs to take into account recent developments, particularly in regards to the introduction of the NDIS. The NDIS realises a fundamental shift in disability policy from a medical model towards delivering support and services from a person centred approach based on the goals and aspirations of people with disability themselves.
6. The NDIS is designed from the premise that, with appropriate supports in place, individuals will have opportunity to pursue their social and economic goals over time. With this support the economic inclusion of people will increase[[8]](#footnote-8).
7. What the NDIS has the potential to do is be an enabler for people with disability to have new goals in terms of workforce participation, which would in turn reduce overall expenditure on income support. The NDIS has the potential to remove barriers to participation, resulting in more people with disability being in a position to enter or re-enter the workforce. Additionally, there will be an increase in employment within the National Disability Employment Agency (NDIA) and other support services as part of the roll out of the NDIS. This offers great potential to have a targeted employment strategy for people with disability within the NDIS system.
8. In addition, a persons’ capacity to work is influenced by their individual circumstances, such as family responsibilities and where they live. For people with disability these circumstances also include access to affordable and accessible transport and housing, their ability to utilise appropriate technology and the attitude towards disability of prospective employers. In short, the capacity of people with disability to take part in social and economic activities is limited by the barriers placed on them by society.

*Recommendation 2: Develop a comprehensive National Jobs Plan that addresses the transition from the education system to open employment****, including transition for those with higher support needs and ADE employees.***

*Recommendation 3: Develop a new Disability Employment Framework in line with the principles and objectives of the National Disability Insurance Scheme (NDIS)****, which provides a person-centred approach to employment based on the goals and aspirations of people with disability themselves.***

# A new Disability Employment Framework must provide increased choice and control, be person-centred and focus on the quality of outcomes for people with disability

1. PWDA supports the development of a new Disability Employment Framework as disability employment policy must be reinvigorated as a matter of priority. The premise of any reforms to the disability employment system should be that no person or group is worse off as they move through transitions in life, potentially in and out of employment.
2. A common theme throughout our consultations with PWDA stakeholders was the need for jobseekers with disability to have increased **choice and control** over employment outcomes. PWDA notes that a primary purpose of the Objectives and Principles of the Disability Services Act (1986) was to move towards a service system in which people with disability were at the centre and could access the elements of support they required to manage their own lives. The purpose was to promote dignity, independence and social and economic participation of people with disability through non-discriminatory access to services tailored to meet the needs and preferences of individuals[[9]](#footnote-9).
3. PWDA is concerned that a great deal of feedback from our members and other stakeholders[[10]](#footnote-10) have raised issues about the lack of **person-centred approaches** to job-matching and job-placement in the current disability employment services system. Many people with disability felt there has been inappropriate job-matching as the aspirations, skills, abilities and interests of the jobseeker had not been taken into consideration. Many people reported that they felt employment services often placed greater importance on job placement than they did on job satisfaction.
4. Low expectationswithin Disability Employment Services (DES) is also a common complaint from jobseekers with disability. DES focus on getting people with disability into jobs, not ensuring that those jobs are retained or does not necessarily match the person’s career goals. Applying the DisabilityCare model of person centred approaches and giving the individual, rather than the DES, the budget to get the supports they need to break into employment, would drive innovation and maximise positive outcomes for people with disability. For example, directly paying a provider to write a CV, a potential employer to make a workplace accessible or buying suitable clothes for an interview.

**Case Study – low expectations[[11]](#footnote-11)**

George has a vision impairment and had been working in a large organisation as an engineer for 20 years until the organisation informed him that he was no longer suitable for the position. He then went on to work for another large organisation for 10 years in a leadership role until he was again let go for being unsuitable for the position. George went to a DES provider in order to gain employment. His employment consultant recommended that George should work within an ADE. George is very upset and angry with this suggestion as he feels the DES didn’t take into account his skills, work experience, or required wage. George says he has become depressed due to the lack of options provided to him by the DES and has remained unemployed for the past 12 months.

1. Disability employment systems need to be based on increased choice and control for people with disability and focused on the **quality of outcomes** it provides.
2. A large proportion of PWDA stakeholders reported the most helpful assistance with finding a job is assistance with **job-readiness**, including assistance with: identifying and accessing **training opportunities**; writing resumes; completing on-line job applications and preparing for a job interview. Again, many stakeholders report getting minimal or no assistance in this area from their employment service provider.
3. In terms of job retention, many people with disability wanted to see increased assistance with identifying and addressing barriers to employment, including: organising **workplace modifications and equipment**; **disability awareness training for employers** and workplaces**; provision of on-going on-the-job-support (OTJS)** where needed e.g. to negotiate workplace adjustments and flexible work practices. However, many people felt they didn’t receive an adequate level of support once placed in the job, which has a direct impact on maintaining employment.
4. For people with intellectual disability, international research[[12]](#footnote-12) has shown that employment support for people with disability, particularly people with intellectual disability, needs to be: an individualised approach to service delivery; meets the individual support needs of the person; and where environmental factors are taken into consideration. PWDA would argue that there needs to be increased individualised on-the-job-support (OTJS) made available to people with disability to support both the transition into employment and maintenance of employment.

**Case Study – lack of access to on-the-job-support (OTJS)[[13]](#footnote-13)**

Sarah was assisted by a DES to get a job in a local supermarket. She was provided with support from the DES provider for the first 26 weeks. Shortly after this time Sarah was harassed at work and contacted her DES for assistance in handling the situation. Her employment consultant said that they couldn’t help and told Sarah to see a psychologist about her issues. Sarah felt she had no option but to leave her job due to lack of support from her DES. Sarah felt that her DES provider didn’t help because she had already reached 26 weeks of employment and was therefore a positive statistic for the DES.

1. To drive Disability Employment Services to have a focus on longer term positive outcomes for clients, people with disability should be given **greater choice regarding their employment service provider** and have the right to move providers if their needs are not being met. **Job search funding should be provided as an individualised package** to be spent on the job services that the person chooses. For example, a person may choose to employ a job agent to help them prepare and tailor their CV.
2. In addition, Disability Employment Services should be given a broader brief to **provide holistic solutions which work across a person’s life** to stabilise housing, improve income, build friendship networks, and strengthen community connection, personal capacity and independence. This is especially important for those who have multiple and significant experiences of disability, including people with a cognitive and/or psychosocial disability, and those who have been in segregated education or employment settings.
3. Current incentives for employers which have had a significant impact on opening up opportunities for people with disability to gain and retain work in the open labour market include:
* **Employment Assistance Fund:** This fund*may* reimburse the cost of work-related modifications and equipment such as; modifications to the physical work environment, modification to work vehicles, adaptive equipment for the workplace, information and communication devices, Auslan interpreting, disability awareness training and mental health first aid training.
* **Workplace Modification Scheme**: The Workplace Modifications Scheme provides reimbursement to employers of the cost for workplace modifications and equipment for jobseekers with disability, to assist in the enhancement or retention of their employment.
* **Supported Wage System** **(SWS)**: The SWS is wage assessment and support scheme which is designed to provide employment opportunities in open employment for people who would otherwise be unemployed or working in an ADE because of the impact of the person’s disability on their productive capacity. The employee is paid a trial or training wage, for the first 13 weeks of employment, after which an appropriate productivity based wage is established, based on an independent assessment of the employee's productivity. This assessment is reviewed annually or at the request of either the employee or the employer. A new placement payment of $1,000 may be made to eligible employers to help offset any additional costs associated with employing the worker with disability. The SWS is considered a fair and transparent system of wage assessment and has resulted in increased employment in the open workforce for people with high support needs.
1. Although the EAF provides practical assistance to people with disability and is often cited as one of the most effective programs which assists people with disability to maintain employment, many employers and people with disability are not aware of the availability of incentives and supports. Additionally, those people with disability who have accessed the scheme find it overly complex and difficult to access. The program also excludes people working in voluntary positions, including internships. PWDA supports these incentive schemes and these should be strengthened and expanded as they have led to tangible and positive employment outcomes for people with disability.
2. For many people, the cost of disability means that they can actually be worse off as a result of moving from the DSP into employment, especially if moving into casual employment or a low wage position. There are numerous costs involved for any person entering or re-entering the workforce. For people with disability, this is often exacerbated by the additional costs of having a disability and inaccessibility of our communities.
3. For example, the cost of travel to work for many people with disability can often result in a disincentive to work. The additional costs of getting to and from work can outweigh the economic benefits of having a job. For example, a person may rely on taxis to commute to work as there is no accessible public transport between home and the workplace. Although a person may be eligible for the Taxi Transport Subsidy Scheme (TTSS) and therefore only pays half the fare, this can still constitute a substantial cost for the individual.
4. To counterbalance the numerous financial disincentives to starting work. PWDA believes there needs to be **incentives built into the social security and taxation systems to offset additional costs of participation:** These may include: extension of the full Disability Support Pension (DSP) for at least six months for people with disability entering the workforce, particularly for those in lower paid or entry level positions; eligibility for the Pensioner Concession Card for at least six months for people with disability entering the workforce; a travel allowance to assist with transport costs for employees who are eligible for the TTSS; and provision of comprehensive tax concessions to offset the additional costs of mainstream supports that people with disability may encounter in order to maintain employment.
5. Further, people, who are unable to work in the foreseeable future, should **not be subjected to compulsory requirements**.
6. As previously stated, PWDA welcomes the development of a new Disability Employment Framework, but such reforms will not result in tangible improvements in employment outcomes for people with disability without also developing a **comprehensive and overarching national ‘Jobs Plan’.** Such a ‘Jobs Plan’ must be based on human rights principles of the right to fair and equitable wages and conditions of employment in the open workforce and which provides the practical tools for identifying and addressing systemic and structural barriers to economic participation for people with disability.
7. The NDIS will provide necessary support services for people with disability to engage in everyday life, including economic opportunities if appropriate. Ongoing support for people with psychosocial disability, such as through the Personal Helpers & Mentors (PHaMs), which support people to find and maintain employment, is critical and must be maintained over the longer term for people with psychosocial disability who are NDIS eligible as well as those people who are not.
8. With the roll out of the NDIS, it is envisioned that there will be an increase in the number of people with disability with much higher levels of support needing assistance with moving into employment, and this will need to be taken into account when planning pre-employment preparation for both those participating in the NDIS and those who are not.
9. PWDA has undertaken extensive consultation with people with disability on a range of employment issues. Specific areas highlighted by PWDA for reform and areas that people with disability would like to see in a new Disability Employment Framework are captured in the following recommendations[[14]](#footnote-14).

*Recommendation 4: People with disability are given greater choice and control regarding their employment service provider* ***and have the right to move providers if their needs are not being met.***

*Recommendation 5: Disability Employment Services are assessed and funded based on the long-term employment outcomes they achieve for their clients****, rather than on the number of people they get into jobs.***

*Recommendation 6: Job-search funding is provided as an individualised career package* ***to be spent on the job services that the person with disability chooses.***

*Recommendation 7: Participation Plans are based on the goals and aspirations of the individual****, and realistically reflect the local employment market.***

Recommendation 8: Any participation requirements are individually tailored negotiated, and designed to directly improve employment prospects for the person with disability**.**

*Recommendation 9: People who are unable to work in the foreseeable future are not subjected to compulsory requirements****.***

*Recommendation 10: Simplify and expand the Employment Assistance Fund* ***to include a wider range of modifications across a wider range of employment settings, including traineeships, internships and voluntary work.***

*Recommendation 11: Increase access to on-the-job-support (OTJS)* ***so that employees with disability can access the supports they need throughout employment.***

*Recommendation 12: Retention of the full Disability Support Pension (DSP) for at least six months for people with disability entering the workforce* ***in entry level positions in order to provide real incentives and offset additional costs of entering the workforce.***

*Recommendation 13: Extend eligibility for the Pensioner Concession Card for at least six months people with disability entering the workforce****.***

*Recommendation 14: Introduce a travel allowance which provides individualised funding to offset the additional travel costs* ***often incurred by people with disability in order to travel to work.***

*Recommendation 15: Provide comprehensive tax concessions to people with disabilit****y to offset the additional costs of mainstream supports they may encounter in order to maintain employment.***

# Identify and Address Systemic Barriers to Employment

1. With many years experience in representing people with disability on a wide range of employment matters, PWDA consider barriers to employment for people with disability broadly fall into the following key areas:
* Physical
* Mobility
* Communication
* Financial
* Attitudinal
* Structural
1. The following provides a brief overview of each type of barrier as well as case examples drawn from PWDA’s Individual Advocacy Unit, to illustrate the range of barriers faced by people with disability when trying to find and keep a job.
* **Physical barriers** - such as an inaccessible built environment e.g. lack of access to premises and lack of toilet facilities in the workplace.

**Case study – access to the workplace[[15]](#footnote-15)**

Jamie, who has a physical disability and uses a walking stick, works as an administrative officer at a local community legal centre. When the centre needed to move premises, Jamie’s employer had the property assessed by an access consultant to ensure the office selected was fully accessible. However, when Jamie went to look at the new office, he found out that the local train station has only one platform with lift access and the other platforms have many stairs which Jamie cannot access. Jamie can use the accessible platform, but it requires him to take a different line with a much longer route to get home. Also, the footpath between the station and Jamie’s office is quite steep and poorly surfaced, making mobility not only difficult for Jamie, but also unsafe. Jamie is worried that the new office will be too difficult for him to access using public transport and will also have financial implications as he will need to use taxis to get to work in bad weather because of the difficult pathway between the train station and his workplace.

* **Mobility barriers** - such as an inaccessible means of public transport e.g. lack of accessible public transport between home and the workplace and lack of accessible parking spaces in close proximity to the workplace.

**Case Study – accessible parking[[16]](#footnote-16)**

Simon uses a wheelchair and relies on driving his own modified vehicle to get to work as there is no accessible public transport between home and his workplace. Simon used to park in the designated accessible parking bay provided in his employer’s car park. However, Simon was recently transferred to another office, which has only two car spaces for the company cars. This has made travel to work very difficult for Simon as he often cannot find on-street parking that is in close proximity to the new office. Simon’s employer wrote to the local council to request they install a designated accessible parking bay in one of the streets near the new office, but have been told that the council considers there to be sufficient accessible parking in the area.

* **Communication and information barriers** - such as inaccessible IT systems and information in inaccessible formats e.g. workplace IT systems are not compatible with screen-reading and voice-activated assistive technologies.

**Case Study – access to Auslan Interpreters[[17]](#footnote-17)**

Jenny had been working for large accountancy firm and was able to access Auslan Interpreter services through the Employment Assistance Fund (EAF) to provide support for her during important meetings. Within six months Jenny had used up her entire quota of Australian sign language interpreting. Jenny would not be able to afford to hire an Interpreter herself and doesn’t want to ask her employer to provide an interpreter in fear she would be seen as a financial burden on the firm. She says this will greatly limit her opportunities for promotion and her ability to “move through the ranks” where more face-to-face meetings are necessary.

* **Financial barriers** – such as high costs of transport e.g. additional costs of using taxi transport to commute to work where there is a lack of accessible public transport options.

**Case Study – higher costs of transport and lack of tax incentives to support the employment of people with disability[[18]](#footnote-18)**

Natasha, who is blind, relies on taxis to travel to work each morning because of has difficulty in accessing local bus services where she lives. Natalie’s employer, who employs a number of staff with disability, provides staff who are eligible for the Taxi Transport Subsidy Scheme (TTSS), with an additional CabCharge voucher per week (up to a maximum of $1,500 total per year) to assist with travel to work. This arrangement has been negotiated as part of the Workplace Enterprise Bargaining Agreement and is provided in recognition of the higher costs of transport for those staff with disability who rely on taxis to travel to work. In 2015 the organisation’s was advised by its auditors that this arrangement is considered to be a Fringe Benefit by the Australian Taxation Office (ATO), and therefore, the organisation would need to pay FB tax on it or stop providing additional CabCharge to its employees with disability. When the organisation explained that this is a form of reasonable adjustment, the auditors advised that the ATO does not recognise additional provisions for staff with disability. The organisation has since ceased to provide the additional CabCharge to its employees with disability.

* **Attitudinal barriers** - such as prejudice and stereotyping e.g. assumptions and perceptions of the community and employers that employees with disability will incur higher risks and costs for the employer in worker’s compensation, sick leave and provision of workplace adjustments.

For people with intellectual and psycho-social disability, community attitudes and low expectations are often the greatest barrier to employment.

**Case Study – attitudes towards employees with psycho-social disability[[19]](#footnote-19)**

Dominique went through a period of severe depression and anxiety in 2014 and decided to cut down from full time to part time work. In consultation with both his employer and GP, he took one day each week as leave without pay and one day as approved sick leave. After a few weeks, Dominique’s employer informed him that he would be required to see a nominated psychiatrist due to taking sick leave. Dominique felt very distressed that he be forced to see a psychiatrist and opted instead to take both days as leave without pay. However, his employer still insisted that he would need to see their nominated psychiatrist, a condition that no other employee had been required to do when taking sick leave. The demands of his employer caused Dominique extreme stress, anxiety and insomnia. Dominique eventually resigned from his job and he chose not to make a complaint about as he felt it would only exacerbate his anxiety levels. He says he has lost a lot of confidence in his capacity to work, is now fearful of disclosing his disability to future employers in case a similar experience occurs, and doesn’t feel he can return to the workforce at this stage.

* **Structural barriers** – such as inflexible procedures and practices e.g. recruitment being undertaken only through on-line applications and refusal to provide flexible start and finishing times.

**Case Study – inflexible work practices**

Janelle works in an office and due to her physical disability, she applied to work one day a week from home, which was granted. Six months later, Janelle’s health deteriorated and she applied to work a second day from home, which was also granted. Janelle was not the only staff person to have approved work from home as several other employees also work two days from home due to child care needs. Janelle’s believes her productivity did not change when working from home and her work performance was never raised as an issue by her employer. However, after a few weeks she was told she could only work one day from home due to business needs. Janelle feels this is unfair as no other employee has been required to decrease the hours that they work from home based on the needs of the business. Janelle’s workplace has also recently introduced a child care scheme which provides more flexible working hours for employees with child care responsibilities, yet Janelle is still unable to work two days from home, which would greatly assist her to better manage her health. Although Janelle feels this will impact negatively on her performance at work, she does not want to raise this with her employer in fear of being viewed as a burden on the business and place her job at risk.

1. PWDA considers there’s a need for **targeted research within the Australian context:** on the employment experience of people with disability, including those who are volunteers and self-employed. Despite considerable research and consultation undertaken over recent years, little progress has been made in improving employment opportunities and outcomes for people with disability in Australia. PWDA believes it would be valuable to collect data on the employment experiences of jobseekers and employees with disability within the Australian context in order to develop strategies to deliver better employment outcomes for people with disability. Such consultation must be tailored to ensure the inclusion of people with disability in receipt of income support, jobseekers and those in employment, including people working in ADEs.
2. PWDA would also argue that the **gender dimensions of employment barriers need to be further researched and comprehensively addressed**. Women with disability n Australia are greatly disadvantaged in employment in relation to finding paid work, the relatively low remuneration they receive for the work they do and in the types of jobs they get. Women with disability of working-age who are in the labour market are:
* Half as likely to find full-time employment (20%) as men with disability (42%);
* Twice as likely to be in part-time employment (24%) as men with disability (12%); and
* Regardless of full-time or part-time employment status, are likely to be in lower paid jobs than men with disability[[20]](#footnote-20).
1. Women with Disability Australia (WWDA) have undertaken extensive consultation with women with disability and have outlined a range of barriers facing women with disability in relation to gaining and maintaining paid work. PWDA suggests that this work be included in the current *Willing to Work Inquiry*[[21]](#footnote-21)*.*
2. Some of the key barriers facing women with disability, include:
* Conducting more unpaid work, including parenting and caring activities as well as dealing with the demands of disability means that women with disability often have less time and energy and more risk of ill-health. This makes it difficult to find paid work, to meet the demands of paid work or to gain satisfaction from paid work, let alone consider factors such as career progression or further skill development.
* The over-representation of women with disability in part-time, casual and lower paying jobs or their sole reliance on government payments means that women with disability are one of the poorest groups in Australia. There is a connection between poverty and health, well-being and the exacerbation of impairments and conditions. Financial hardship impacts on obtaining quality housing, skills development and meeting the additional costs associated with disability, such as accessible transport, personal care needs, specialist aids and equipment and medical care[[22]](#footnote-22).
* The lack of accessible childcare centres and outside school hours care makes it extremely difficult for many women with disability to obtain care for their children so they can work. Women with disability may have to travel further and / or pay more to make use of accessible childcare. This situation is especially difficult if the child also has a disability as many childcare centres and outside school hours care options will not accept children with disability or will impose conditions on their enrolment. While this may constitute discrimination, women with disability may not pursue a complaint, deciding that it’s not worth the time and effort involved, and it does not address the immediate need for childcare.
* The family and workplace situations of women with disability make it less likely that they will receive or have access to information about workplace rights, including in relation to sexual harassment and family responsibilities. This is the case in relation to disability discrimination as well as sex discrimination, but many women with disability report knowing less about their rights as women because often this information is produced and distributed in ways that are inaccessible to them. While there have been complaints made jointly under both the Sex Discrimination Act 1984 and the Disability Discrimination Act 1992, there has been no analysis of whether anti-discrimination laws are generally effective for women with disability in dealing with the intersection between gender and disability.
* Specialist employment and support services for people with disability and generic family support services do not generally consider the specific requirements of women with disability. The poorer outcomes for women with disability in open employment services, indicates that these services need to specifically target women with disability and adopt measures to improve employment outcomes. This may require working in collaboration with disability support and family support services to ensure that the unpaid work responsibilities of women with disability are alleviated.
1. Regrettably, despite identifying the range of barriers to employment, little has changed in relation to improving the employment outcomes for women with disability in Australia[[23]](#footnote-23). Specific attention needs to be focussed on undertaking **research on the issues, concerns and employment experiences of women with disability in order to more adequately discuss and address gender inequity in employment**. To this end, the Commonwealth Government should actively support the collection, analysis and publication of gender disaggregated data in relation to women with disability and employment.
2. In order to advance gender equality and address barriers to employment for women with disability, it is critical that **gender is a central consideration in the development and implementation of labour market policies and programs**. To achieve this, the Commonwealth should ensure that authorities or agencies charged with responsibility for measures to promote employment, job retention and return-to-work opportunities for people with disability, incorporate specific actions for women with disability.
3. The *National Inquiry into Employment and Disabilit*y undertaken by the Australian Human Rights Commission in 2005[[24]](#footnote-24), conducted extensive consultations and included a raft of practical suggestions for addressing barriers to employment for people with disability. Many of the recommendations targeted areas of Government responsibility and aimed at bringing about systemic change and PWDA believes these recommendations should be reviewed for their relevance to the current Inquiry. In particular, PWDA considers those recommendations of particular relevance to the current Willing to Work Inquiry include:
* Adequate income support, including introduction of a ‘cost of disability’ and ‘cost of participation’ allowance;
* Extending concessions for those entering the workforce;
* Transport, equipment and health care subsidies, including increased mobility allowance and other assistance with the costs of travel;
* Expansion of the Workplace Modifications Scheme;
* Adoption of a government accessible procurement policy;
* Additional supports in the home and the workplace;
* Improvement to Transition to Work (TTW);
* Improvement to Disability Employment Services and availability of on-the-job-support;
* Public sector innovation.
1. As noted in the final report to the inquiry *Workability II: Solutions – People with Disability in the Open Workforce*, addressing barriers to employment must be considered in a holistic manner: “For example, there is little point of asking people with disability to participate in the open workplace if there are no jobs to go to, or the expenses of participation are higher than the wages earned, or there is inadequate access to the supports needed by employers and employees to ensure that the job can be done properly”[[25]](#footnote-25).
2. Whilst employer incentives assist to some degree with the financial apprehension of employing people with disability, they fail to address the underlying issues that prevent the employment of people with disability from an employer perspective[[26]](#footnote-26). Negative attitudes and misconceptions about disability means that employers remain reluctant to employ people with disability[[27]](#footnote-27). We need **solid benchmarked quantitative national research into employer concerns about employing** people with disability to be able to address the crux of this problem. This would help inform future strategies to meet the needs and concerns of employers. Matched with collection of data on the lived experience of people with disability, in consultation with people with disability and their representative organisations, expectations, challenges and opportunities can be identified to inform future strategies to deliver jobs for people with disability.
3. Sweden’s experience shows that once an organisation has had a positive experience with a person with disability, they are likely to hire more people with disability within their organisation. This research explored employers' perspectives of hiring people with disability[[28]](#footnote-28). Through their research is was shown that Sweden’s wage subsidy scheme was “inadequate in almost every aspect”, with criticism including, lack of job development, people with disability getting ‘pinned down’ in a low paying job and poor job matches. They found that supported employment, using a job coach, had much more positive outcomes for both employers and people with disability[[29]](#footnote-29).PWDA advocates that such research should be undertaken in Australia to determine what employer incentives lead to genuine job outcomes.
4. In addition, there is currently no centralised and coordinated forum through which stakeholders in the disability employment sector can engage with government and work collaboratively on identifying and addressing the systemic barriers to employment for people with disability. Similarly, there is currently no incentive built into the disability employment system to encourage sharing of good practices and certainly no structure that enables people with disability and their representative organisations, to provide direct input to policy development.
5. PWDA urges the Commonwealth to **establish a national multi-sector ‘Disability Employment Coalition**’ to provide a high level forum in which to exchange ideas, showcase good practice and to develop joint strategies that address barriers to employment for people with disability. Such a coalition should be comprised of a broad range of stakeholders with expertise in employment issues, including representatives from; disability, employer and industry peaks, best practice disability service providers and relevant local, state and federal government representatives.

Recommendation 16: Undertake further research at the national level on the lived experienced of people with disability in employment **to increase the Australian data on the types of barriers experienced and to better inform strategies to address such barriers.**

## *Recommendation 17: The Commonwealth to support research on the issues, concerns and employment experiences of women with disability in employment.*

## *Recommendation 18: The Commonwealth ensure that authorities or agencies charged with responsibility for measures to promote employment, job retention and return-to-work opportunities for people with disability, incorporate specific actions for women with disability.*

## *Recommendation 19: Undertake quantitative national research into employer attitudes and concerns about employing people with disability.*

Recommendation 20: Establish a ‘National Employment Coalition’ **to provide a high level forum in which to exchange ideas, showcase good practice and to develop joint strategies that address barriers to employment for people with disability.**

# Urgent need for innovative thinking and systemic change

1. How to increase the employment levels of people with disability is a question in desperate need of innovative thinking. Tying employment and income support for people with disability together at the Federal level maintains the view that the only levers for change are Newstart or the Disability Support Pension (DSP). This model hasn’t created jobs, hasn’t supported employers to create jobs, hasn’t made workplaces more accessible or removed discrimination, hasn’t created more positive employer attitudes and hasn’t equipped people with disability with the skills or resilience to retain their place in the workforce. Not only has this model not worked, it hasn’t even achieved what it was designed to, which was to reduce the number of people in receipt of the DSP. We need to look beyond the DSP and beyond trying to parachute people into jobs. We need to look at the real systemic barriers to employment.
2. Government, employment services and policy makers need to start ‘dreaming big’ and imagining more ambitious solutions. Disability employment is not just a reporting and disclosure problem, it is a participation problem involving barriers, disincentives, community attitudes, service performance and systems like income support.
3. Whilst the Disability Discrimination Act (DDA) and other state-based anti-discrimination legislation plays an important part in addressing discriminatory practices, these are generally individual and complaints-based mechanisms which have limited impact at the systems-level on addressing barriers in government policies and practices; the disability employment service system; the income support system; employer attitudes, employment incentives; access to workplace adjustments; skills development and job creation. Such laws, therefore, do not provide a systemic approach to identifying and addressing barriers to employment for people with disability.
4. Based on feedback from PWDA members, clients and stakeholders, PWDA considers the following areas are in urgent need of innovative thinking and systemic change if we are to see real improvements in employment outcomes for people with disability.
5. **Improved engagement with employers**: Many employers are reticent to hire people with disability due to a lack of ‘disability confidence’ and the fear of cost implications. In reality, the reasonable accommodation a person with disability may require to perform a role on an equal basis as others may be as simple as providing magnification software to read a computer screen. Relying on discrimination law to address our unwelcoming workplaces doesn’t address systemic barriers to employment. We need solid benchmarked quantitative national research into employer attitudes and concerns about employing people with disability to be able to address the crux of this problem.
6. There also needs to further support available to employers to build barrier-free recruitment and employment practices and good practices in provision of reasonable adjustments. Current 'employer' incentives provided by the Government fail to address the underlying issues that prevent the employment of People with Disability from an employer perspective.[[30]](#footnote-30) Placing a focus on the 'supply side' to assist people with disability into employment, rather than an integrated supply and demand solution, fails to provide optimal employment outcomes for people with disability[[31]](#footnote-31).
7. Employer peer networks, such as the Australian Network on Disability (AND)[[32]](#footnote-32), provide a valuable forum through which employers can share good practices and provide peer support to their members to increase disability confidence. Whilst larger and better resourced employers have made significant improvements to their employment practices and workplaces through peer networks, small to medium sized enterprises (SMEs) may require additional resources to encourage them to become more actively involved in such networks.
8. Given that the majority of Australians are employed in SMEs, PWDA calls on the Commonwealth Government to provide increased resources and support to SMEs to assist with any additional costs required to build ‘disability confidence’ in their workplaces.
9. PWDA agrees that if an employer can demonstrate they have ‘disability confidence’, it would be beneficial to have a formalised and national mechanism through which this can be recognised. Systems like the Australian Network on Disability’s ‘Disability Confident Employer’ or the UK ‘Positive about Disability’[[33]](#footnote-33) initiatives provide a structured way for employers to be assessed and recognised (though use of a logo) as having disability confidence. PWDA supports this approach as it provides an incentive to employers as they can use the logo on advertising to improve their reputation by showing they’re a disability confident workplace, whilst encouraging people with disability to apply for positions within their organisation.
10. **Increase access to vocational education and training**: International research emphasises the necessity for education and training as a key factor in facilitating open employment opportunities for people with disability[[34]](#footnote-34). However, the lack of support for people with disability toaccess education and training to build industry skills remains a major barrier to employment for people with disability. People with disability are still routinely segregated into special education or ‘special’ classes within mainstream education despite the overwhelming evidence that this results in lower educational outcomes and lower levels of future economic participation. Barriers to education and training make it almost impossible for people with disability to meet their obligations to find work, and further their own aspirations. Participation Plans should focus on pathways that match the individual goals of the jobseeker, be supported by adequate funding, and be focused on employment outcomes. Compliance regimes which mean that people with disability undertake training that is irrelevant or does not meet the needs of the job market are futile and setting people with disability up to fail.
11. There needs to be increased access to education and training that is relevant and directly linked to a person’s employment goals and which provide a real pathway to employment. It is important that young people with disability have opportunity to gain work experience as early as possible. The NSW Transition to Work model is a good practice example of a program that has consistently achieved positive outcomes in providing a pathway to employment[[35]](#footnote-35). Mentoring also provides an important source of employment support and is beneficial for all areas of employment.
12. A comprehensive international review on research findings on training and employment opportunities for people with intellectual disability[[36]](#footnote-36), found that, with the right training, supports in the workplace and targeted opportunities, people with intellectual disability can make valuable contribution in the open workforce.
13. **Improved and increased pathways to employment:** Many people with disability would benefit from paid work experience or internships. This should be promoted as part of income support related Participation Plans, with participation in this work not affecting a person’s level of income support. A good practice example of work experience for people with disability is the Australian Network on Disability (AND) *‘Stepping into Program’*, which provides structured internships for graduates with employers that are members of AND. The program includes support to both the employer and intern on such things as provision of reasonable adjustments and advice on developing a disability-confident workplace. Internship are also a relatively low-risk way for employers to gain exposure to disability and build their understanding of the value of employing people with disability. Schemes such as Work for the Dole where people are forced to take part in employment irrelevant to their goals and aspirations are unlikely to have a long term impact on a persons’ employability[[37]](#footnote-37).
14. For those people not considered ready for work, some states have a structured ‘Transition to Work’ program (TTW). The NSW TTW has resulted in increased employment outcomes for people with substantial support needs. For example, Jobsupport, the most successful DES that delivers the TTW program, has placed 60% or 179 school leavers into open employment.[[38]](#footnote-38)
15. There’s also a need to address the barriers caused by the current rules around concurrency that prevent a person with disability being registered with more than one service provider. For example, if person is employed in an ADE, they are currently not eligible to register with a DES if they wished to look for a job in the open workforce. A person would need to resign from their job at the ADE in order to be eligible to register with a DES. Similarly, a person cannot register with a DES if they are receiving support through a Transition to Work (TTW) program. This is particularly problematic if this leads to long periods of time where the jobseeker is not active resulting in loss of skills and lowers job-readiness.
16. Additionally, Transition to Work (TTW), employment services and supports are currently under different jurisdictions and there is much inconsistency in the provision of TTW across the states. The current state-by-state approach to TTW has led to much disparity across the country in terms of level of support available to people with disability in transitioning to employment.
17. There are increased barriers to working in open employment if a person is transiting from segregated education or employment settings. Research has shown that there is inadequate planning and opportunities available for those in segregated settings to transition into mainstream employment[[39]](#footnote-39).

**Case Study – few pathways to open employment for ADE employees[[40]](#footnote-40)**

Julia has been working in an ADE for the past 18 months. When she began working she was under the impression that the ADE was a pathway to open employment. However, the ADE has not assisted her in this transition and she remains within the ADE. Julia would like to find a job in open employment, but has been told that she would need to resign from her job at the ADE in order to register with a Disability Employment Services (DES). Although the ADE pays very low wages, Julia does not want to risk leaving the ADE as she has heard negative stories about DES and doesn’t trust the system to find her a good job.

1. **Capitalise on Local, State and Territory Government knowledge and innovation:** These levels of Government have local contacts and procure from industries that provide a diverse range of jobs including many base level jobs. There is far more that states, territories and local governments could contribute to solving the employment crisis facing people with disability if disability employment was made a national priority, such as through the Coalition of Australian Governments (COAG).
2. Innovation also needs to encompass a rethink of how cooperative arrangements might help more people find jobs and resolve a range of issues in their lives. Since the first Commonwealth State Disability Agreement there has been an understanding that employment was in the Commonwealth mandate and the states and territories were responsible for disability support. The NDIS means that the Commonwealth is now assuming greater responsibly for support so this might also be the moment to consider a more cooperative approach to employment. There may be potential to explore a greater role for states, territories and local governments in supporting better employment outcomes for people with disability. Again, PWDA considers this is a problem requiring a coordinated response similar to some other areas where COAG has formed National Partnerships.
3. The Government should set an example by proactively encouraging people with disability into jobs in the public service. Where there are demands for a new workforce, such as with the roll out of the NDIS, the Government and business sector should promote a diversified workforce and put strategies in place to maximise opportunities for people with disability, including adequate training and education support.
4. **Increase accessibility to the built environment, transport, goods and services**: The International Labour Organisation (ILO) has advocated the importance of accessible transport and the need for reasonable accommodation. Failure to provide such support “is not merely a bad employment practice but is increasingly perceived as an unacceptable form of employment discrimination”.[[41]](#footnote-41) However, many people with disability remain marginalised from the workforce solely because buses are inaccessible, train stations don’t always have lifts and workplaces may not have accessible bathrooms.
5. **Transition from continued reliance on segregation of people with disability in Australian Disability Enterprises (ADEs) as a form of employment** - People with disability working in ADEs generally: earn much lower and sub-award wages than people with disability working in open employment; have limited opportunity for career and skills development and do not have choice and control over where they work or a pathway into open employment. Unlike their counterparts in open employment, they do not receive equal pay for work of equal value or have access to the same industrial protections as other workers. Employment outcomes for these workers is unacceptably poor and in breach of Australia’s obligations under the CRPD and other international employment standards. Further, PWDA remains concerned that there is an over-reliance on ADEs as an employment option in the absence of movement to a fairer wage assessment tool, access to job-search assistance, and increased availability of on-the-job-support (OTJS) to support a person to transition into, and retain a job in mainstream employment. There is an urgent need to address the inequitable wages and conditions of ADE employment and improve the open employment opportunities across ADEs.
6. According to the UN High Commissioner on Human Rights, “the right to enjoyment of just and favorable conditions of work applies to all workers with disabilities without distinction, whether they work in the open workforce or in alternative forms of employment.”[[42]](#footnote-42) As previously recommended in this submission, PWDA calls on the Commonwealth to support development of a progressive jobs plan that addresses the transition of ADE employees to fair and equitable wages and conditions of employment, including the right of ADEs employees to appropriate levels of support to move into the open workforce.
7. Further, there is currently very little opportunity for employees of ADEs to access DES, which precludes these employees from open employment opportunities. As previously noted, restrictions regarding ‘concurrency’ of services mean that an ADE employee would be required to resign from their employment at the ADE before they could register with a DES. PWDA is highly concerned that such policy seems to directly disadvantage ADE employees, restricting their opportunities for economic and social inclusion[[43]](#footnote-43).

**Case Study – poor wages and conditions in ADEs[[44]](#footnote-44)**

Michael contacted PWDA as he believes that he, and others working in his ADE, are being exploited and paid unfair wages. Michael has an acquired brain-injury and feels the wage assessment tool being used to calculate his wages is very confusing and doesn’t accurately reflect the quality of his work. Michael has been assessed on three occasions and now receives $3.70 per hour. When he approached his employer to express concern about his pay-rate, he was told not to complain as other employees in the ADE were being paid less.

Michael enjoys the work that he is doing in the ADE, but doesn’t think he is being fairly assessed and that he can’t live on the wage he’s currently earning, even though he still receives the DSP. Michael has worked in open employment before his accident and feels that, with the right training and support, he could get a job in the open workforce. However, Michael doesn’t feel he has any option but to continue working within the ADE.

1. There is urgent need to address the lack of supports to assist employees of ADEs into open employment, which means that the disability employment system continues to rely on ADEs to provide employment for more than 20,000 people with disability. Additionally, the continued operation of ADEs poses a direct barrier to employment for those people employed by an ADE, as well as for those people who will be streamed into an ADE as an employment option.
2. While ADEs continue to operate and provide a legal and accepted employment option for people with disability, there is little incentive to look at innovative ways to support people with disability into open employment. Once a person commences employment in an ADE, they are unlikely to have access to support services that enable them to transition not open employment. PWDA believes that many people with disability who work in ADEs have the skills and ability to work in open employment given the appropriate level of support they need to transition into, and retain, a job in open employment.
3. There needs to be increased investment in providing individualised support for job preparation to enable ADE employees to transition into open employment. This needs to occur alongside a firm commitment from the Commonwealth to progressively move from segregated employment model into opening up real opportunities for movement into open employment.
4. **Raise public awareness** - In addition, the Government should undertake a proactive media and communications strategy and public awareness campaign to challenge the negative stereotypes and perceptions about people with disability as welfare recipients and promote the valuable contribution that people with disability are making in the community and in the Australian workforce.
5. **Encourage innovative employment models** - The 2012 National Disability Strategy (NDS) report to Council Australian Governments (COAG) identified the need for future action to ‘encourage innovative approaches to employment of people with disability such as social enterprises, or initiatives to assist people with disability to establish their own small businesses[[45]](#footnote-45). Self-employment through micro-business provides people with disability the opportunity to pursue their career aspirations and establish financial stability. To reach this goal people with disability may need to retrain or undertake further education courses. Self-employment should be considered a viable long-term goal for people with disability on income support, and adequate financial assistance should be provided for retraining and education.
6. **Improve access to technology** - access to technology is an important enabler for people with disability to find employment[[46]](#footnote-46). Increased access to information and communication technology is an essential tool for social inclusion. For technology to be fully utilised by people with disability, the software and hardware needs to be accessible to all people who need it. Internet at home is still an additional cost that people need to meet out of their income support payments. For people with disability on income support, the costs associated with accessing internet at home may be prohibitive. In addition, provision of flexible work practices such as work from home, will be of little benefit to people with disability if they do not have access to technology, including access to assistive devices, and access to the internet at home.
7. **Increase access to independent advocacy and support on employment-related matters -** There are very few disability advocacy or organisations which are resourced to provide independent advocacy and support on employment-related matters, with some States having no such services. The value of access to independent information and advice provided by people with disability, for people with disability, was highlighted in the findings of the *National Disability Employment Services (DES) Consumer Engagement Project* as critical to enable informed decisions, not only about DES, but also employment pathways. The independence of this information was given particular emphasis[[47]](#footnote-47).
8. Improving access to independent advocacy support on employment-related matters would assist people with disability to exercise greater choice and control over their career goals and prevent job losses through increased awareness of employment options. PWDA believes that access to independent advocacy and support to job-seekers and employees with disability would result in a range of positive employment outcomes, including:
* Opportunity to hear the stories and experiences of other people with disability;
* Assisting people with disability to make informed decisions about employment goals, pathways to employment and choice of services;
* Providing information on the types of jobs that people with disability obtained through DES and the types of services offered (information that may not be objective coming from a service provider trying to secure business);
* Providing information on, and assistance with, navigating the plethora of services available;
* Improved knowledge of workplace responsibilities and obligations;
* Improved disability awareness in the workplace;
* Increased knowledge of employment rights, including how to lodge an employment-related complaint;
* Increased awareness of JobAccess Employment Assistance Fund and the types of reasonable adjustments available;
* Assistance with negotiating reasonable adjustments and flexible workplace practices;
* Addressing discrimination in the workplace;
* Increased access to advocacy support when a job is in jeopardy and potentially prevent job losses and increase job retention.
1. However, poor resourcing of independent disability advocacy and support services with expertise in employment matters, continues to pose a barrier to employment for people with disability who are generally unable to access independent information and advice from other mainstream industrial and employment advisory services.

*Recommendation 21: Provide practical resources and support to employers, particularly SMEs, to undertake disability awareness training, and to develop ‘disability confidence’ in employing people with disability****.***

***Recommendation 22: Provide tax incentives, concessions and credits to employers as an incentive to employ people with disability and to create more accessible workplaces***

*Recommendation 23: Improve access to vocational education and training* ***for people with disability which is linked to the individual’s employment goals.***

***Recommendation 24: Provide work experience opportunities for people with disability still at school which is linked to the individual’s employment goals***

*Recommendation 25: Develop a National Transition to Work Program* ***which provides opportunities for people with disability to gain relevant work experience and a pathway to employment, including for school leavers, those with high support needs and ADE employees.***

*Recommendation 26: Increase opportunities for people with disability to gain work experience* ***and for workplaces to gain exposure to disability. Improved access to work experience internships and volunteer work which are related to the jobseekers work goals.***

*Recommendation 27: Increase targets for employing people with disability in public service positions* ***and initiating key signature measures such as Parliamentary Internships to demonstrate Government commitment to a diversified workforce.***

*Recommendation 28: Adoption of accessible procurement policies and practices in all levels of government* ***to preference products and services which are accessible and businesses that demonstrate best practice in the employment of people with disability.***

*Recommendation 29: Progressively transition from reliance on segregated employment in Australian Disability Enterprises (ADEs) and redirect funding to provide genuine work training and skills building opportunities that lead to open employment*.

*Recommendation 30: Undertake a national public awareness campaign to promote the business case for employing people with disability.*

*Recommendation 31: Allow for a range of innovative employment options, including schemes aimed at improving self-employment opportunities* ***for people with disability***

*Recommendation 32: Facilitate access to technology, including access to the Internet at home.*

*Recommendation 33: Resource disability representative organisations to provide independent advocacy and support for people with disability on their industrial rights and other employment-related matters.*

# Concluding remarks

For people with disability, the barriers to social and economic participation remain significant. Changes, such as a simpler and more flexible employment services structure, will make little difference to the capacity of people with disability to work unless the structural barriers and social and environmental obstacles faced everyday are addressed.

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**People with Disability Australia thanks the Australian Human Rights Commission for the opportunity to make this submission and would welcome further engagement on any of the issues raised.**

1. The Shut Out Report released in 2012 by the Department of Social Services comprehensively documented what life is like in Australia for people with disability. The report can be accessed here:

<http://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research> [↑](#footnote-ref-1)
2. Australia ratified the UN Convention on the Rights of Persons with Disabilities in 2008. The full convention can be found here <http://www.un.org/disabilities/convention/conventionfull.shtml> [↑](#footnote-ref-2)
3. Ibid [↑](#footnote-ref-3)
4. ‘Disability Rights Now: Civil Society Report to the United Nations Committee on the Rights of Persons with Disabilities 2012 can be found at <http://www.disabilityrightsnow.org.au/> [↑](#footnote-ref-4)
5. Australian National Disability Strategy p. 43 <http://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020> [↑](#footnote-ref-5)
6. See here for more information <http://www.oecd-ilibrary.org/social-issues-migration-health/sickness-disability-and-work-breaking-the-barriers_9789264088856-en>. [↑](#footnote-ref-6)
7. Graeme Innes made his last speech as Disability Discrimination Commissioner at the National Press Club in July 2014, see here for more information <https://www.humanrights.gov.au/news/stories/commissioner-innes-calls-disability-jobs-plan> [↑](#footnote-ref-7)
8. Refer to the Principles and Objectives of the NDIS <https://www.coag.gov.au/node/497> [↑](#footnote-ref-8)
9. Disability Services Act 1986 *Principles and Objectives for the purposes of section 5*Accessed at <http://www.comlaw.gov.au/Details/F2009B00030> September 2011 [↑](#footnote-ref-9)
10. Refer to the detailed findings from PWDA DES Consumer Engagement Project [PWDA's Disability Employment Services (DES) Consumer Engagement Project report.](http://pwd.org.au/documents/Submissions/Report_-_SB0814.doc) [↑](#footnote-ref-10)
11. Names have been changed to protect the privacy of the person. Case study drawn from PWDA advocacy unit. [↑](#footnote-ref-11)
12. *Promoting training and employment opportunities for people with intellectual disabilities: international experience* / Trevor R Parmenter; International Labour Office, Employment Sector, Skills and Employability Department – Geneva: ILO, 2011 <http://www.ilo.org/Search4/search.do?searchLanguage=en&searchWhat=working+paper+%23103+Parmenter> [↑](#footnote-ref-12)
13. Names have been changed to protect the privacy of the person. Case study drawn from PWDA advocacy unit. [↑](#footnote-ref-13)
14. Refer to recommendations contained the PWDA [Submission on the National Disability Employment Framework Issues Paper](http://www.pwd.org.au/documents/Word/FINAL_SB_-_PWDA_Disability_Employment_Framework__130715.doc) and the detailed findings from PWDA DES Consumer Engagement Project: [PWDA's Disability Employment Services (DES) Consumer Engagement Project report.](http://pwd.org.au/documents/Submissions/Report_-_SB0814.doc) [↑](#footnote-ref-14)
15. Names have been changed to protect the privacy of the person. Case study drawn from PWDA advocacy unit. [↑](#footnote-ref-15)
16. Names have been changed to protect the privacy of the person. Case study drawn from PWDA advocacy unit. [↑](#footnote-ref-16)
17. Submission by attendee at the CRPD Shadow report consultation in Sydney, NSW 10 November, 2009. [↑](#footnote-ref-17)
18. Names have been changed to protect the privacy of the person. Case study drawn from PWDA advocacy unit. [↑](#footnote-ref-18)
19. Names have been changed to protect the privacy of the person. Case study drawn from PWDA advocacy unit. [↑](#footnote-ref-19)
20. Australian Bureau of Statistics, *‘Labour Force Characteristics of People with a Disability’* in *Year Book Australia* (2006); [↑](#footnote-ref-20)
21. Key WWDA submissions on women with disability and employment can be found on the WWDA Website: [www.wwda.org.au](http://www.wwda.org.au)

WWDA Submission to Disability Employment Taskforce on the Development of a New Disability Employment Framework, July 2005, available on WWDA Website at: [www.wwda.org.au](http://www.wwda.org.au)

- WWDA *Final Report to Department of Social Services (DSS) Disability Employment services (DES) Consumer Engagement Project*, Aug 2014 at: <http://wwda.org.au/wp-content/uploads/2013/12/WWDA_DES_Report_Final.pdf>

WWDA *Submission to the Parliamentary Inquiry into Pay Equity and Associated Issues Related to Increasing Female Participation in the Workforce*, Aug 2008 at: <http://wwda.org.au/wp-content/uploads/2013/12/wwdapesub1.pdf> [↑](#footnote-ref-21)
22. For a fuller discussion on poverty and people with disability see Senate Community Affairs References Committee (2004), *A hand up, not a hand out: Renewing the fight against poverty*, Report on Poverty and Financial Hardship available on the website of the Commonwealth Government at [www.aph.gov.au/senate/committee/clac\_ctte/completed\_inquiries/2002-04/poverty/report/](http://www.aph.gov.au/senate/committee/clac_ctte/completed_inquiries/2002-04/poverty/report/) [↑](#footnote-ref-22)
23. WWDA *Final Report to Department of Social Services (DSS) Disability Employment services (DES) Consumer Engagement Project*, Aug 2014 at: <http://wwda.org.au/wp-content/uploads/2013/12/WWDA_DES_Report_Final.pdf> [↑](#footnote-ref-23)
24. Human Rights and Equal Opportunity Commission, *WORKability II: Solutions People with Disability in the Open Workplace Final Report of the National Inquiry into Employment and Disability* (2005). At <https://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CB4QFjAA&url=https%3A%2F%2Fwww.humanrights.gov.au%2Fsites%2Fdefault%2Ffiles%2FWorkability%2520II%2520-%2520Solutions%25202005_1.pdf&ei=ZaReVfjqFYru8gXr0YDIDg&usg=AFQjCNETb0qGxvbY5QAPta9UHIsBLVUOWw&bvm=bv.93990622,d.dGc> [↑](#footnote-ref-24)
25. Reports of the National Inquiry Into Employment and Disability: WORKability I: Barriers – People with Disability in the Open Workplace & WORKability II: Solutions - People with Disability in the Open Workplace p14 [↑](#footnote-ref-25)
26. The Australian Employers' Network on Disability*, Response to the Exposure Draft of the New Disability Employment Services and Employer Incentives Scheme 2010–2012 Purchasing Arrangements*, Letter to the Minister for Employment Participation (3 July 2009) page 2. [↑](#footnote-ref-26)
27. See the Shut Out Report released in 2012 by the Department of Social Services <http://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research> [↑](#footnote-ref-27)
28. Johanna Gustafson, Julia Prieto Peralta & Berth Danermark, “The employer's perspective: employment of people with disabilities in wage subsidized employments”, *Scandinavian Journal of Disability Research*, 16:3, 249-266, 2014. [↑](#footnote-ref-28)
29. Ibid. [↑](#footnote-ref-29)
30. The Australian Employers' Network on Disability, *Response to the Exposure Draft of the New Disability Employment Services and Employer Incentives Scheme 2010–2012 Purchasing Arrangements*, Letter to the Minister for Employment Participation (3 July 2009) page 2. [↑](#footnote-ref-30)
31. The Australian Employers' Network on Disability, *Response to the Exposure Draft of the New Disability Employment Services and Employer Incentives Scheme 2010–2012 Purchasing Arrangements*, Letter to the Minister for Employment Participation (3 July 2009)page 4. [↑](#footnote-ref-31)
32. Information on Australian Network on Disability can be found on their website: <http://www.and.org.au/pages/products-services.html> [↑](#footnote-ref-32)
33. More information about the ‘Positive about disability symbol’ can be found on their website <http://www.pluss.org.uk/2-ticks-positive-about-disability-symbol> [↑](#footnote-ref-33)
34. O’Brien, J; Dempsey, 1. 2004. Journal of Policies and Practices in Intellectual Disabilities, Vol. 1, [↑](#footnote-ref-34)
35. Ageing, Disability and Home Care NSW, *From Protection to Productivity*

 *An Evaluation of the Transition to Work Program* (2009) available at: <https://www.adhc.nsw.gov.au/__data/assets/file/0020/240374/Evaluation_of_the_Transition_to_Work_Program_Report.pdf> [↑](#footnote-ref-35)
36. See: *Promoting training and employment opportunities for people with intellectual disabilities: international experience* / Trever R Parmenter; International Labour Office, Employment Sector, Skills and Employability Department – Geneva: ILO, 2011 <http://www.ilo.org/Search4/search.do?searchLanguage=en&searchWhat=working+paper+%23103+Parmenter> [↑](#footnote-ref-36)
37. See here for more on the effectiveness of the Work for the Dole <http://theconversation.com/work-for-the-dole-doesnt-work-so-why-is-it-coalition-policy-784> [↑](#footnote-ref-37)
38. See: *Promoting training and employment opportunities for people with intellectual disabilities: international experience* / Trevor R Parmenter; International Labour Office, Employment Sector, Skills and Employability Department – Geneva: ILO, 2011 <http://www.ilo.org/Search4/search.do?searchLanguage=en&searchWhat=working+paper+%23103+Parmenter> [↑](#footnote-ref-38)
39. *Promoting training and employment opportunities for people with intellectual disabilities: international experience* / Trevor R Parmenter; International Labour Office, Employment Sector, Skills and Employability Department - Geneva: ILO, 2011 <http://www.ilo.org/Search4/search.do?searchLanguage=en&searchWhat=working+paper+%23103+Parmenter> [↑](#footnote-ref-39)
40. Names have been changed to protect the privacy of the person. Case study drawn from PWDA advocacy unit. [↑](#footnote-ref-40)
41. ILO, *The International Labour Organisation and Disability*, 2012, 30. <http://www.ilo.org/wcmsp5/groups/public/---ed_norm/relconf/documents/meetingdocument/wcms_191384.pdf> [↑](#footnote-ref-41)
42. Thematic study on the work and employment of persons with disabilities. 17 December 2012

Report of the Office of the United Nations High Commissioner for Human Rights [↑](#footnote-ref-42)
43. PWDA, *Disability Employment Services (DES) Consumer Engagement Project,* August 2014 [↑](#footnote-ref-43)
44. Names have been changed to protect the privacy of the person. Case study drawn from PWDA advocacy unit [↑](#footnote-ref-44)
45. The National Disability Strategy report can be found here <http://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/government-international/national-disability-strategy-2010-2020-report-to-coag-2012> p.92 [↑](#footnote-ref-45)
46. Interim Report of the Reference Group on Welfare Reform p.124 [↑](#footnote-ref-46)
47. Data collected by national organisations representing people with disability in: *What People with Disability Really Think About DES*, AFDO Final Report, 2014 at:

<http://www.afdo.org.au/media/1336/afdo-national-report-what-consumers-really-think-about-des-final-2014-09.docx> [↑](#footnote-ref-47)