

In reply please quote **Ref: A2692754**

4 December 2015

Aged and Disability Commissioner Susan Ryan
Australian Human Rights Commission
GPO Box 5218
SYDNEY NSW 2001

Dear Commissioner Ryan

**Re: Submission to National Inquiry into Employment Discrimination against
Australians with Disability**

I am writing on behalf of the Darebin Disability Advisory Committee (DDAC). DDAC acts as an advisory body to Council on issues relating to access and inclusion for people with a disability in Darebin. DDAC is chaired by a Councillor and its membership is made up of community representatives with a disability, carers, local disability service providers, and relevant Council staff.

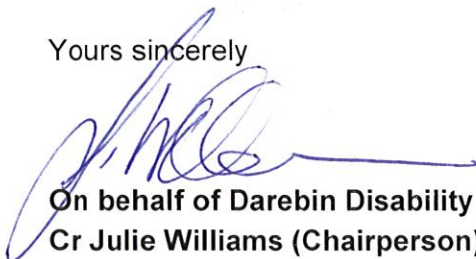
We would like to commend the Attorney-General, Senator the Hon George Brandis QC for initiating the inquiry and the Australian Human Rights Commission for leading the discussion into identifying barriers preventing people with disability from working and establishing strategies to overcome these barriers.

To set some context Darebin has a population of over 148,000 residents, with 5.9% reporting needing assistance in their daily lives due to disability. There are 63,809 people living in Darebin who are employed, of which 62% are working full time and 36% part time. There are a further 6.2% of residents looking for full and part time work and a 6% unemployment rate. 62.4% of Darebin's population are classified as being between the lifestyle stages of 'tertiary education and independence' (18 years +) and 'older workers and pre-retirees' (up to 59 years).

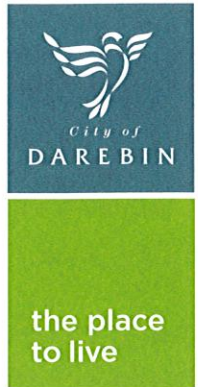
This submission will be addressing some of the key questions posed in the Government Agency Submission Paper.

We thank you for the opportunity to be a part of this important discussion in supporting people with a disability in to have better employment opportunities and are available to clarify any points made throughout our submission.

Yours sincerely



**On behalf of Darebin Disability Advisory Committee
Cr Julie Williams (Chairperson)
Darebin City Council**



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Australian
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Commission

**WILLING
TO WORK**

Willing to Work: National Inquiry into Employment Discrimination against Older Australians and Australians with Disability

Organisation or Government Agency Submission

1. What is your experience of providing work/services/advocacy for Australians with disability?

Darebin City Council has had a Disability Advisory Committee (DDAC) for 21 years. DDAC acts as an advisory body to Council on issues relating to access and inclusion for people with a disability in Darebin. A Councillor chairs DDAC and its membership is made up of community representatives with a disability, carers, local disability service providers, and relevant Council staff.

DDAC have lodged various submissions and responses to sector inquiries and consultations over the years including expressing their views and experiences on the employment of people with disability and the experience of exclusion and discrimination in the workforce.

Darebin Council also has an internal 'Pathways to Employment Committee' whose purpose is to provide strategic and operational direction and recommendations to Council in relation to employment programs and initiatives that provide individuals a pathway to employment. This includes supporting people with disability, among other socially disadvantaged groups in the local community. Therefore, Council provides placement opportunities to students with disability as well as being an equal opportunity employer.

3. What are the impacts of employment discrimination on Australians with disability working or looking for work?

Employment discrimination can affect a person's *'physical and mental health, personal wellbeing and sense of identity'* (*Shut Out report*). We also know that people with disabilities are *'more likely to live below the poverty line'* (*Shut Out report*). Depending on the individual, their experience of discrimination and the frequency of such experiences the impact can be subtle or result in more significant, long term consequences.

Barriers

4. Do you think Australians with disability face barriers when they work or are in a job?

- Yes
- No
- Not sure

5. Please tell us more

Australians with disability still face many barriers when they work or are in a job, including:

- Physical barriers in a workplace - inaccessible entrances, bathroom facilities, staff facilities like lunch rooms, desk/office spaces, multi-level buildings, and emergency egress.
- Attitudinal barriers of employers about a person's abilities, reliability, job productivity and performance and workplace safety.
- Lack of awareness amongst employers about the benefits of employing a person with a disability.
- Direct costs to people with a disability such as transport, assistant care, interpreters or aids and equipment.
- Issues surrounding disclosure of disability - voluntary disclosure supports an individual's right to share private information with the prospective employer. However, an employer may rightly feel deceived if a job applicant revealed they had a disability after they were hired and the disability itself impacted on the job or quality of the work.

None of the above barriers relate to 'disability' – whether the person can or cannot complete the inherent requirements of a job. Rather they relate to barriers in the built environment and societal attitudes.

6. Is employment discrimination a barrier (please tick all that are relevant):

- While working in a job
- While looking for work
- While dealing with recruitment companies

7. Please tell us more

Fear of employment discrimination can be a barrier to an individual with disability even before a person has applied for a job. Disclosure of disability to an employer/ potential employer can create anxiety for an individual with disability at the recruitment phase and/or once employment has started.

As alluded to above ongoing experiences of employment discrimination can have significant impacts on a person's self-esteem and sense of self-worth, resulting in an individual not wanting to pursue further employment opportunities or maintain current employment.

9. Are there any practices, attitudes or laws which discourage or prevent equal participation in employment of Australians with disability?

- Yes
- No
- Not sure

10. Please tell us more

There are number of practices, attitudes and laws in different service sectors that discourage or prevent equal participation in employment for people with disability including:

Education

Young people with disability still face significant barriers to and in the education system, directly affecting their employability skills and entrance into the workforce.

Built Environment

'For many people with disabilities the built environment acts as a powerful barrier to their full inclusion in the community. It affects their day-to-day functioning in ways

few others can appreciate' (Shut Out report). The inability of people with disabilities to access the built environment greatly impacts on their full participation and inclusion in the workforce.

Transport

For people with a disability, public transport is not just about getting from point A to B, more importantly it supports people to be independent and to participate in the workforce. For some people with a disability public transport represents the only option for getting to and from a workplace.

What are the incentives and disincentives in employing Australians with disability?

11. Incentives

There are a range of financial incentives for businesses that employ people with disabilities including:

- Government reimbursement for any modifications that may need to be made to your workplace.
- Significant financial support for employing a person with a disability as an apprentice.
- Financial assistance for Auslan Interpreters and training in your workplace to assist employees who are deaf.
- There is also a range of support services available to a business if they are considering employing a person with a disability including:
 - Expert advice about all aspects of employing people with disabilities through Job Access.
 - Tailored job-matching with a jobseeker with a disability through a Government-funded Disability Employment Network or Vocational Rehabilitation Service.

Many people believe that people with disabilities will be less productive and will cost their business more in insurance or benefits than people without a disability, however research conducted with businesses already employing a person with a disability shows that:

- Average or better rates in work safety.
- Average or better rates of on the job performance compared to employees without a disability.
- Higher retention rates and fewer sick days.
- No difference in Workcover compensation costs. *In fact, research suggests that people with disability can have fewer accidents at work. The workers compensation costs for people with disability can be as low as four per cent of the workers compensation costs of other employees (JobAccess website).*
- *Costs of hiring people with disability can be significantly lower than hiring other employees, as low as 13% of the cost of the other employees (JobAccess website).*

12. Disincentives

The Shut Out report 2009 identified that a main *'reason why discrimination had become so systemic and entrenched was the lack of redress. Legislation protecting people with disability is inconsistent across jurisdictions, and there is a remarkable lack of monitoring and enforcement of standards and no effective independent complaints process.'* While an individual can lodge a complaint under the *Disability Discrimination Act 1992*, this is an onerous process and dependent upon the complainant proving discrimination has occurred, rather the onus sitting with the employer to disprove they were discriminatory. *'The significant personal and financial cost involved in making a complaint prevents many from taking their concerns forward' (Shut Out report).*

Good practice

13. Are there examples of good practice in employing Australians with disability in work?

- Yes
- No
- Not sure

14. Please let us know about practices you are aware of.

In Victoria, Local Governments in partnership with the Department of Health and Human Services support the implementation of the 'Community Building Initiative'. It is a community strengthening initiative that supports the inclusion of people with a disability and their carers in their local community. There are a range of approaches used by workers to increase the employment of people with disabilities in councils, including:

- A work experience/mentoring program targeting students with disabilities
- Developing a partnership with an employment agency
- The development of an organisational change strategy which includes key deliverables on employing people with a disability

Council staff chose methods based on their experiences of what would work best in their respective council. Councils have very different views on which strategies best suit their organisation as they each consider the size and demography of their workforce, the readiness of their management teams to support new initiatives and their commitment to social justice principles.

Councils that provided examples to us chose methods to implement a strategy that began with:

- The creation of a new, cross-organisational steering group; or
- Creating new, dedicated positions for employees with disabilities; or
- developing and proposing a strategy to the team responsible for change (e.g. Human Resources, Organisational Development) and enlisting their support; or,
- Presenting an evidence-based and proven solution to management and seeking their endorsement for implementation.

All workers consulted for the development of this resource agreed that any successful strategy for increasing the employment of people with disabilities in council must respond to the organisational culture of each individual organisation.

Successful strategies appear to include the following:

- Be initiated or strongly supported by senior management at council;
- Foster partnerships with external organisations who have specific expertise in the employment of people with disabilities and who are willing to help implement the project;
- Involve a range of staff across council including advocacy workers (social policy officers), Human Resources, Organisational Development, and other departments;
- Proactively seek to employ people with disabilities (rather than simply improving council's overall recruitment policies).

Solutions

16. What should be done to enhance workforce participation of Australians with disability?

The private sector provides numerous services and access points to the public including employment opportunities. The Shut Out report identified the biggest barrier to employment for people with disabilities was 'employer attitudes'. Therefore, the private sector needs to have a greater role in providing employment

opportunities to ensure that people with a disability have economic security, can exercise choice and become independent and active civic participants.

As previously identified access to meaningful education for students with a disability is still a barrier. Access to education is a basic human right and more should be done by the education sector to ensure students with disabilities have access to the same opportunities for a meaningful as their peers.

Broader promotion of the existing incentive programs available to employers could also enhance workforce participation. Human Resource departments within business should be aware of these programs and be relaying the information to all of their staff - who may be the ones doing the recruitment and employment or who may be the staff member benefiting from the support the program provides.

Finally, greater responsibility needs to be placed on employers to step up and increase the employment of people with disability, particularly the government sector who should be leading by example. Rather than placing pressure on people with disability to get off welfare and find, open employment while experiencing significant challenges, such as discrimination, along the way.