



## **Submission**

### **National Disability Employment Strategy**

#### Department of Social Services

People with Disabilities (WA) Inc. (PWdWA) would like to thank the Department of Social Services for the opportunity to provide comment on the development of a National Disability Employment Strategy.

PWdWA is the peak disability consumer organisation representing the rights, needs and equity of all Western Australians with disabilities via individual and systemic advocacy.

PWdWA is run BY and FOR people with disabilities and, as such, strives to be the voice for all people with disabilities in Western Australia.

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## **People with disabilities WA (PWdWA)**

Since 1981 PWdWA has been the peak disability consumer organisation representing the rights, needs, and equity of all Western Australians with a physical, intellectual, neurological, psychosocial, or sensory disability via individual and systemic advocacy. We provide access to information, and independent individual and systemic advocacy with a focus on those who are most vulnerable.

PWdWA is run BY and FOR with disabilities and aims to empower the voices of all people with disabilities in Western Australia.

## **Introduction**

PWdWA welcomes the opportunity to provide feedback into the development of a National Disability Employment Strategy (NDES). PWdWA receives both state and federal funding to provide advocacy around issues experienced by the community, including issues with employment.

As the peak consumer voice for people with disability in Western Australia (WA), our submission is compiled on the experiences of people with disability, their families, and carers. Our responses are also informed through PWdWA collaboration with other advocacy and disability organisations. We have provided case studies where appropriate to furnish our statements.

The Convention on the Rights of Persons with Disabilities guarantees people with a disability the right to full participation within Australian society, including the ability to gain a living through employment. Our work in employment includes advocating with and on behalf of individuals who have experienced difficulties

with employment services and who are seeking assistance in having issues and complaints against employers resolved.

This submission also provides recommendations that PWdWA strongly urges the Australian Government to consider in developing the NDES. These recommendations have been developed as a result of issues brought to our attention through our individual advocacy work and systemic education work.

## **Summary of Recommendations**

### **Recommendation 1**

Scale up and rollout the Diversity Field Officer Service concept nationally, with a focus on training and employing people with a disability as Diversity Field Officers.

### **Recommendation 2**

We would like to see state and federal government adopt procurement policies and practices that support businesses that employ people with a disability in open employment. We do not support procurement practices that encourage the use of Australian Disability Enterprises (ADEs).

### **Recommendation 3**

Government invests in initiatives that build the capacity and capability of people with a disability to undertake leadership positions. This could include incentives for businesses that set targets for recruitment such as procurement incentives.

### **Recommendation 4**

Increase the funding available to specialist discrimination programs, community legal centres and disability advocacy services to ensure adequate support and representation for people with a disability experiencing discrimination, bullying and abuse in the workplace.

### **Recommendation 5**

The Employment Strategy must acknowledge the importance of access to quality and inclusive education as a pre-requisite to successful transition from school to employment

### **Recommendation 6**

The Australian Government commits to a co-design process to develop a new disability employment support program with people with a disability. Any program developed must be independently evaluated, with data about performance publicly reported.

### **Recommendation 7**

The Australian Government implements the recommendations made in the AFDO submission on the Future of Supported Employment. These recommendations include a 5-year timeline for the closure of all ADEs in Australia.

### **Recommendation 8**

Government commits to raising the rate of social security payments to ensure that no person, including those with a disability, is living in poverty.

### **Recommendation 9**

Any public campaigns, initiatives or training etc must be co-designed by people with a disability.

### **Recommendation 10**

In addition to those identified in the Outcomes Framework we would also recommend the following Indicators and Measures be included under the employment domain:

#### Job satisfaction

- People with a disability should experience the same level of job satisfaction as the general population

#### Remuneration for expertise

- Are people with a disability being paid for their time where they are providing their expertise e.g., reference groups, co-design, consultations

## Submission

We have addressed each of the Priority areas identified in the consultation paper and made some general comments at the end of this section.

### **Priority area 1 - Lifting Employer Engagement, Capability and Demand**

We feel that this area of the proposed strategy focuses strongly on entering the workforce, without sufficiently exploring what is needed to ensure support and inclusion once a person has employment. Once a person has found employment, we need to ensure that they can maintain this employment, and that they do not experience discrimination, bullying or abuse.

#### *Business Confidence*

The consultation paper states that disability confidence, especially in small to medium business, is low in the community. Small to medium businesses are the backbone of our economy yet have received little support to grow their confidence about disability and increase their awareness of the skillsets people with disability can bring. No amount of job-readiness, and upskilling will fix the issues of unemployment for people with a disability if businesses do not employ them. It has been the experience of PWdWA that many small and medium sized businesses in WA are open to hiring a person with a disability but unconscious bias, erroneous assumptions, and lack of knowledge about supports available are all acting as barriers.

Over the last 3 years PWdWA has been rolling out the Diversity Field Officer (DFO) project, which uses tools and methods developed by the Australian Federation of Disability Organisations (AFDO) and Deakin University. The project works one to one to assist to build 'disability confidence' and facilitate the development of more inclusive policies and practices within each business, with practical steps identified to put developing disability confidence into action. Both AFDO and PWdWA have found the approach taken by the project, focusing on the business and their individual needs, has had substantially positive outcomes not only for the business, but for people with a disability in the community. For example, the original AFDO pilot in Geelong saw a two-fold increase in the number of businesses employing a person with a disability at the completion of

the project. Some of the outcomes of the PWdWA projects include changes to premises, policies and recruitment practices and a marked increase in business confidence to successfully recruit and support a person with a disability.

There is already lots of information and resources available to improve inclusion for people with a disability in workplaces. One of the key drivers of success for the project was the ability to link people to the information that was relevant to them and their business' needs. While the project was time and funding limited, many participants commented on the benefit of having a single point of contact that they could reach out to during the project and saw benefit in having that continue in terms of accessing further supports and encouraging accountability.

Based on our experience of the success of the DFO Project both in WA and Victoria we believe that it is a concept for increasing business confidence that has the potential to become an integral component of future employment reform to improve employment outcomes for people with a disability.

### **Recommendation 1**

**Scale up and rollout the Diversity Field Officer Service concept nationally, with a focus on training and employing people with a disability as Diversity Field Officers.**

#### *Procurement*

PWdWA strongly supports the position stated in the paper that inclusive procurement policies and practices can be powerful motivator to change behaviour and attitudes.

### **Recommendation 2**

**We would like to see state and federal government adopt procurement policies and practices that support businesses that employ people with a disability in open employment. We do not support procurement practices that encourage the use of Australian Disability Enterprises (ADEs). (Refer position on page 11).**

#### *Leadership buy-in*

One of the best ways to ensure leadership buy-in around inclusive workplaces is to ensure people with a disability are in leadership positions. The consultation paper

talks about early career development for younger people but does not acknowledge the lack of pathways and opportunities for people with a disability to progress to positions of leadership both within government and non-government/commercial sectors. There needs to be targeted action to upskill people with a disability to take on leadership positions, including being able to sit on boards and committees.

In 2019 the PWdWA On Board with me project found that while 80% of disability related organisations had diversity recruitment policies for their organisation, only 45% had diversity policies when it came to recruiting board members. Only 12% of participating organisations required their Board members to attend disability awareness training. Similarly, research suggests that people with a disability may not get the same opportunities as others for professional development and training in the workplace. This all leads to barriers to obtaining leadership positions.

An example of great practice in promoting inclusion in leadership spaces is the Leadership WA Leadability program. This program “develops the potential of people with a disability and those in the sector who have the potential to lead and generate change”.<sup>1</sup> The course is supported by the WA Government Department of Communities (Disability Services) as part of their commitment to build strong and inclusive communities.

### **Recommendation 3**

**Government invests in initiatives that build the capacity and capability of people with a disability to undertake leadership positions. This could include incentives for businesses who set targets for recruitment such as procurement incentives.**

#### *Supporting Employees*

The consultation paper focuses primarily on business ability and confidence to recruit a person with a disability into employment. While getting a foot in the door is a critical first step businesses must also have the knowledge, resources, and attitude to create an inclusive workplace that helps people to maintain their employment.

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<sup>1</sup> [LeadAbility Course | Leadership WA](#)

## People With Disabilities (WA) Inc. individual & systemic advocacy

Most people contacting PWdWA about employment concerns are experiencing workplace discrimination and bullying. In some cases, workplaces are failing to make reasonable adjustments because they do not understand or are unwilling to access the supports that are available. Many times, people want the support of an advocate to attend workplace meetings because they feel powerless to enforce their rights. We know that people with a disability are more likely to experience discrimination and bullying in the workplace, in addition to other forms of abuse such as financial exploitation and violence. Complaints are the only avenue for a person with a disability to address instances of abuse, discrimination and bullying. They are often the sole external mechanism of accountability for inclusive workplace practices.

The systems involved in making a complaint, including the Equal Opportunity Commission (WA), the Human Rights Commission and Fair Work can be difficult to navigate. In many instances people may just need information, or to be pointed in the right direction, and can self-advocate. However, some people need support and there is limited supports available to assist a person with a disability to make a complaint.

Disability Advocacy organisations are also feeling the strain on services with many having extensive waitlists. This means that often they are trying to on-refer to more specialised employment services and have limited capacity to provide ongoing support to make complaints. In WA there are only two lawyers employed for the whole state to assist with discrimination complaints to the Equal Opportunity Commission or Human Rights Commission. These two people work across all areas covered by the Disability Discrimination Act 1992, not just employment. There is also only one Community Legal Centre in WA that specialises in employment law support.

Having access to support to make complaints is key to helping people address issues arising in the workplace. PWdWA knows first-hand the difference an advocate can make in resolving complaints.

### Case Study

*Shelly was a young girl who was both employed by a disability service provider in addition to receiving NDIS employment supports from them. Shelly was terminated from her employment when she decided to cease using the service provider for her*



*NDIS supports. Shelly and her mother asked for help from an advocate because they believed that Shelly had not been paid all her entitlements. Shelly and her mother were initially supported to make a complaint to the employer as she had been receiving a lower wage than specified in her contract, had illegal deductions and had not been paid her leave entitlements or superannuation. Shelly's employer stated that he felt entitled to make deductions and pay Shelly at a lower rate as she was not productive. At no point did they follow any formal performance management processes to address this issue. Shelly and her mother then tried to make a complaint to Fair Work. Initially Fair Work stated that the complaint was outside their scope. Shelly's mother was supported by an advocate to re-contact Fair Work to ask for that decision to be reviewed. The advocate had to support Shelly and her mother to provide further information to Fair Work before they agreed that the complaint was within their scope. The outcome was that Shelly received most of what she believed she was underpaid from the employer and compliance action was taken.*

This case study shows the importance of having access to independent advocacy support for people with disability who are experiencing issues in the workplace. Without the support of an advocate, Shelly would not have received what she was legally entitled to, and the employer would have continued to exploit people with a disability within their workplace. This is why it is important to ensure that there are adequate resources in place to support people to make complaints.

#### **Recommendation 4**

**Increase the funding available to specialist discrimination programs, community legal centres and disability advocacy services to ensure adequate support and representation for people with a disability experiencing discrimination, bullying and abuse in the workplace.**

In addition to being a key component of addressing issues within the workplace, complaints can also be a useful source of data. They can highlight trends across the board and within specific region and sectors. They can also form part of the evidence which demonstrates that specific policies and initiatives are working. For example, initiatives focusing on increasing the uptake of supports to implement reasonable adjustments in the workplace would not only result in an increase in requests

through Job Access, but also a decrease in complaints under the Disability Discrimination Act 1992.

## **Priority Area 2 - Building employment skills, experience and confidence of young people with a disability**

We agree with the consultation paper that more needs to be done to promote the successful transition of young people with a disability from school to employment. The consultation paper focuses on providing specific career development opportunities for students with a disability when they are in school and challenging assumptions about capacity.

One of the issues that is intrinsically linked to this priority area is participation in education. We know that participation in education impacts on the chances of a person finding and maintaining employment. Educational attainment is also a factor in career progression. If we want to ensure that people with a disability have the same employment opportunities as others, we need to ensure they have access to the same opportunities that often underpin success. From our individual and systemic work, PWdWA knows that students with a disability face many barriers to inclusive education. Statistics show that they experience higher rates of suspension and expulsion<sup>2</sup>, and poorer educational outcomes. They are less likely to attend university or other similar institutions compared to people without a disability<sup>3</sup>. University degrees are often a pre-requisite to executive or leadership positions.

We do not believe that improved career development opportunities will have their intended impact without also addressing the barriers to inclusive education. While this may be addressed through education specific policies and initiatives such as the Disability Standards for Education, there needs to be acknowledgement in the proposed employment strategy that success in this area is directly contingent upon the failings of the education sector being address.

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<sup>2</sup> [Disabled students suspended at high rates in NSW schools \(smh.com.au\)](http://smh.com.au)

<sup>3</sup> [People with disability in Australia, Engagement in education - Australian Institute of Health and Welfare \(aihw.gov.au\)](http://aihw.gov.au)

## Recommendation 5

**The Employment Strategy must acknowledge the importance of access to quality and inclusive education as a pre-requisite to successful transition from school to employment**

### **Priority Area 3 - Improving systems and services for jobseekers and employers**

We welcome the acknowledgement that the current Disability Employment Support system (DES) is deeply flawed and does not achieve outcomes for people with a disability or employers. However, the consultation paper talks about “reconsidering” the current program and reforming and streamlining services rather than committing to redesigning it. We believe there must be a complete overhaul of the DES, with a focus on person centred support that achieves sustained, meaningful employment.

## Recommendation 6

**The Australian Government commits to a co-design process to develop a new disability employment support program with people with a disability. Any program developed must be independently evaluated, with data about performance publicly reported.**

### *Australian Disability Enterprises (ADE)*

In principle PWdWA does not support the segregated and exclusive workplaces that are most common with ADE’s as evidence shows that segregated settings are more likely to result in exploitation, abuse and neglect<sup>4</sup>. PWdWA does not believe that ADEs promote meaningful and inclusive employment opportunities for people with a disability. For more information on why we do not support ADEs as a mechanism for building employment skills and confidence of young people we direct you to the AFDO submission on the Future of Supported Employment which is endorsed by PWdWA<sup>5</sup>.

## Recommendation 7

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<sup>4</sup> [People with Disabilities Australian: Wage Justice Campaign](#)

<sup>5</sup> Australian Federation of Disability Organisations. March 2018. *Paper: The future of supported employment in Australia*. Retrieved from: [www.afdo.org.au](http://www.afdo.org.au)

**The Australian Government implements the recommendations made in the AFDO submission on the Future of Supported Employment. These recommendations include a 5-year timeline for the closure of all ADEs in Australia.**

### *Poverty and unemployment*

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.

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 UN Convention on the Rights of Persons with Disabilities (CRPD) 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.

We believe it is essential that all people who are seeking employment have access to fair income support that does not place them into poverty. The current Jobseeker payment for people who are seeking work is not enough to live on, or cover the basics such as housing, food, bills and transport. It creates further barriers to successfully gaining employment for anyone who must live on the payment, let alone a person with a disability.

### **Recommendation 8**

**Government commits to raising the rate of social security payments to ensure that no person, including those with a disability, is living in poverty.**

### **Priority Area 4 - Changing community attitudes**

Changing community attitudes is important across the board, not only for employment. The Diversity Field Officer (DFO) project, aside from improving employment opportunities and increasing businesses disability confidence, was also

successful in changing attitudes. A central part of the program is to work with businesses and their staff around unconscious biases and challenge stereotypes.

The most recent round of the DFO saw business identify the value in employing people with a disability such as inclusivity, acceptance, representation, and access to a diverse skill set that may improve business environment. The people involved in these businesses are also members of their community so the work done through the program has a broader impact.

We would like also like to highlight the Lives We Lead project<sup>6</sup> in WA as a great example of a social media campaign co-designed by people with a disability to influence community attitudes about the social, economic, cultural and political contributions of people with a disability.

## **Recommendation 9**

**Any public campaigns, initiatives or training etc must be co-designed by people with a disability.**

## **Overall Comments**

Improving employment opportunities and outcomes for people with disability will not be achieved if broader access and inclusion issues are not addressed. For example, if a person is unable to access the place of employment or unable to use the public transport system to travel to work, or where the public domain from the mode of transport to their place of employment is inaccessible. PWDWA 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.

Therefore, there will be significant overlap between this strategy and others developed under the National Disability Strategy, and through other areas such as the Disability Discrimination Act 1992. There must be consistency across all

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<sup>6</sup> [The Lives We Lead](#)

strategies, and acknowledgement that the various strategies cannot be implemented in isolation.

### *Monitoring and Reporting*

We would expect to see regular public reporting on measures of success as part of the Outcomes Framework that is being developed for the National Disability Strategy. The proposed Outcomes Framework included a number of measures around employment and economic participation that we would see as being appropriate to measure success.

### **Recommendation 10**

**In addition to those identified in the Outcomes Framework we would also recommend the following Indicators and Measures be included under the employment domain:**

#### **Job satisfaction**

- **People with a disability should experience the same level of job satisfaction as the general population**

#### **Remuneration for expertise**

- **Are people with a disability being paid for their time where they are providing their expertise e.g., reference groups, co-design, consultations**

We have included remuneration for expertise as a proposed measure as we know many people with a disability are involved in reference and stakeholder groups, co-design, and/or provide meaningful contributions to the development of legislation, policy and practice. It is rare that people with a disability are paid for these contributions which devalues their time and expertise.