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

# Submission No 314

**Name** Queenslanders with Disability Network Ltd (Queensland Disability Network)

**Submission made by**
[x]  Membership based organisation

# Organisation or Government Agency Submission

### **About you**

**What is your role within your organisation?**

[ ]  Owner

[ ]  Manager

[ ]  Human Resources Manager

[x]  Other

**If other, please tell us your role within your organisation**

Project Officer

**What is your experience of providing work/services/advocacy for older Australians/Australians with disability?**

QDN is an organisation of, for, and with people with disability. The organisation’s motto is “nothing about us without us.” QDN operates a state-wide network of members who provide information, feedback and views from a consumer perspective to inform systemic policy feedback to Government and peak bodies. QDN also provides information and referral support to people with disability. QDN is an employer of people with disability.

This submission is informed by feedback from members. QDN has over 700 members and 300 supporters across Queensland. All of QDN’s voting members are people with disability.

QDN’s work in providing feedback and input into systemic policy issues is based upon the organisation’s core values and the place of people with disability in an inclusive Australian society.

QDN believes that:

* all people with disability have a right to a place in the community and have contributions to make to community. This is as empowered, free citizens who are as valued, present, participating and welcomed as members of any dynamic and diverse society
* the place of people with disability in the community is not just about people with disability having a house in the community. Core to this is that they are welcomed in the community as ordinary citizens, where they are genuinely given opportunities to contribute and actively participate. People with disability need to be in communities where their individuality, their talents and their lived experiences of disability are recognised and acknowledged
* culturally and historically, people with disability are not afforded the same value, opportunities or access to community life
* any inclusion in community for people with disability is conditional and vulnerable to withdrawal
* many people with disability in Queensland are excluded from the most basic experiences of ordinary lives
* current exclusionary practices are unacceptable and must be challenged
* these issues affect not only people with disability but the whole community
* the responsibility is shared. It lies within government (federal, state and local) and the community at large, to ensure that people with disability have a place and are resourced to belong in community.

**Do you have any case studies of the experience of older Australians/Australians with disability working or looking for work?**

A consultation was undertaken by QDN with its members and key allies to inform our response to the Willing to Work: National Inquiry into Employment Discrimination against Older Australians and Australians with Disability. The consultation included face-to-face discussions and online feedback through our website and social media forums from our growing membership across the State. Employment is a human right and a key issue for our members. It is fundamental to meeting people’s basic human needs such as affordable, accessible housing and adequate nutrition.

The reality for QDN members is that many people want to work. They simply can’t find work that is suitable to not only their skills and qualifications, but also accommodates their specific needs, including accessible, affordable transport.

QDN members share stories and experiences of their engagement with employers where they feel they are overlooked and seen as too challenging to hire because of specific needs around their disability. QDN members anecdotally have shared stories where they have failed to secure a position despite having the relevant experience and qualifications to meet job requirements.

QDN members have fed back to us numerous stories of their lived experience where employers have taken the $1,700.00 Australian Government wage subsidy to employ a person with disability for 12 weeks and then finishing that person’s employment in order to move on to the next person and the next $1,700.00 subsidy. QDN believes these loopholes need to be closed as they don’t lead to real employment outcomes for people with disability.

QDN also understands from members that there are instances of people with disability across employment types being underemployed, especially in Australian Disability Enterprises (ADE).

**What are the impacts of employment discrimination on older Australians/Australians with disability working or looking for work?**

Employment discrimination can result in people with disability having:

* A long-term impact on their confidence, potentially resulting in low self-worth and self-esteem, anxiety and depression and therefore negatively impacting their current and future job prospects
* Less opportunity for social and economic participation leading to isolation and lower social status
* Less economic security leading to a perpetuation of poverty cycles and further marginalisation
* Increased impacts when intersectionality of disability and other factors of discrimination further marginalise groups such as women, people from Aboriginal and Torres Strait Islander background, people from cultural or linguistically diverse backgrounds, LGBTI people and older people

### **Barriers**

**Do you think older Australians/Australians with disability face barriers when they work or are in a job?**

[x] Yes

[ ] No

[ ] Not sure

**Please tell us more**

One of the biggest barriers to employment of people with disability remains employers’ attitudes towards employing people with disability.  There needs to be targeted strategies developed and ongoing dialogues with employers around the following issues to address this barrier:

* training offered to employers concerning their recruitment and selection processes;
* disability EEO and other affirmative action policies and processes;
* disability competencies present on interview panels; and
* career progression opportunities available to employees with disability on an equal basis to employees without disability.

The lived experience of our members informs us that people with disability have many barriers and compounding challenges that make it difficult to find and maintain employment and also meet mutual obligations prescribed by Centrelink. These include:

* reliance on formal services or informal support structures (family/friends) to assist people to get ready for the day
* lack of access to any support services to assist with getting ready and preparation to get to work
* inadequate accessible housing, health services, transport, specialist disability support and other infrastructure systems
* chronic health conditions that compound the impact of their disability
* little or no access to effective assistive devices and equipment
* intellectual and cognitive functioning that impact upon people’s need for support in order to maintain routines, appointments and other mutual obligation responsibilities
* potentially low self-worth and self-esteem, anxiety and depression, which can be further exacerbated when required to meet mutual obligation requirements.

Current practices in the income support and employment sectors promote job seeking behaviours that include applying for any position or role, including ones that may not be suitable to individual experience and qualifications. This systemic issue perpetuates a cycle where individuals fail to achieve employment outcomes and this has impacts on individual self-esteem and confidence, and contributes to lowering the participation rate.

Effective job placement assessments which include examining individual issues such as the availability of safe, affordable and accessible transport, effective formal personal support, and building understanding of medical conditions that may be episodic, will lead to more effective employment outcomes. Setting in place a process to more comprehensively understand an individual’s abilities and limitations will set a more likely foundation for ongoing success.

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

[x] While working in a job

[x] While looking for work

[x] While dealing with recruitment companies

**Please tell us more**

QDN believes people with disability genuinely want to work and participate in labour market programs. However, they experience discrimination at multiple levels while working, looking for work, dealing with recruitment companies and participating in mandatory or voluntary labour market programs. This can include, but is not limited to:

* Discriminatory attitudes and behaviours towards people with disability during recruitment, and in the workplace (including bullying and harassment), from employers, co-workers and others
* Low levels of awareness of people with disability, employers and others regarding rights at work
* Difficulty in accessing skills training and education due to low levels of opportunity and participation of people with disability in education or vocational programs
* Lack of recognition and financial support for additional costs related to an individual’s disability in getting to and from work, support at work and access to assistive technology
* Some people with disability assessed as having work capacity who have high/complex or episodic needs may experience challenges with mutual obligation that required them to work for minimum hours per week, apply for set number of jobs or have compulsory meetings with employment agencies. These may result in unfair, discriminatory practices that can perpetuate poverty cycles. Unemployment of people with disability is not an individual issue, however one that is compounded by systemic barriers.
* Indirect discrimination such as venues or activities for work social functions being chosen that are inaccessible to an employee with disability.

**What impact does employment discrimination have on older Australians/Australians with disability gaining and keeping employment?**

See above answer to: *What are the impacts of employment discrimination on older Australians/Australians with disability working or looking for work?* Additionally people with disability experience:

* Barriers to gaining entry into employment due to attitudes and practices of recruitment companies/ human resource departments
* Less opportunity for promotion or moving out of entry level positions once employed
* Difficulty experienced in accessing flexible work arrangements. People have identified that flexibility for reasons relating to disability can be difficult to negotiate, for example extended leave relating to an extended episode of a severe mental illness
* Difficulty in negotiating reasonable adjustments/accommodation in the workplace. Workplace modification programs can be difficult to access, overly arduous and time consuming for both employee and employer.

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

[x] Yes

[ ] No

[ ] Not sure

**Please tell us more**

Employment remains one of the key issues for people with disability. The current range of employment programs and policy approaches has been unsuccessful in making a significant difference to generational levels of unemployment, underemployment and low participation in the work force.

QDN acknowledges the legislative and policy environment that has been put into place to improve employment outcomes for people with disability, however recognises that there is a significant way to go in order to create a system that is effective in finding appropriate long term employment solutions for people with disability.

The current outcomes-focused employment framework for people with disability which is driven by placement numbers as the measure of outcomes may contribute to inappropriate matching of a person’s skill set and abilities. In some circumstances this can be counterproductive and may have negative long term consequences on a person’s long term job prospects and their motivation to want to continue to apply for jobs and participate in the workforce.

QDN endorses the approach of the National Disability Strategy and encourages the Australian Government to be guided by the broad principles outlined in area three of the Strategy when considering the future direction of disability employment.

Specifically Points 3.3 to 3.8 of the National Disability Strategy which state:

*3.3 Encourage innovative approaches to employment of people with disability such as social enterprises, or initiatives to assist people with disability establish their own small business.*

*3.4 Improve employment, recruitment and retention of people with disability in all levels of public sector employment, and in funded organisations.*

*3.5 Develop innovative approaches to future financial planning including private provision for people with disability, their families and carers.*

*3.6 Develop innovative options to improve affordability and security of housing across all forms of tenure.*

*3.7 At the review points of the National Affordable Housing Agreement and related National Partnership agreements, parties agree to consider including strategies consistent with the Strategy, to ensure they address the housing needs of people with disability.*

*3.8 Consider the implications for economic security for people with disability, their families and carers arising from investigation into a national long-term care and support scheme.*

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

**Incentives**

When employing people with disability, organisations can benefit by:

* attracting and retaining the best person for the job regardless of disability
* increasing the diversity of the workplace
* promoting a workplace culture that is accessible and inclusive of employees with disability

Additionally, there are a variety of incentives and schemes in Australia that may be available to employers when employing a person with disability. These include:

* **Wage subsidies:** payments to eligible employers to help cover the costs of paying wages in the first few months of employment of a person with disability
* **Employment Assistance Fund:** helps pay for the cost of workplace adjustments or solutions needed to accommodate a worker with disability in a job
* **Supported wage system:** supports employees with disability and their employer to match a person’s productivity with a fair wage
* **Disabled Australian Apprentice Wage Support:** provides help and support to employers of eligible apprentices and trainees with disability, as well as tutorial, interpreter and mentor services for off-the-job training
* **Auslan for Employment program:** helps employers provide Auslan interpreting services for deaf employees
* **Transition to Work program:** helps school leavers with disability to develop skills that will enable them to move into employment or further education.

**Disincentives**

Conversely it is the experience of QDN members that some of these incentives also act as disincentives. For example:

* **Wage subsidies:** QDN members have fed back to us numerous stories of their lived experience where employers have taken the $1,700.00 wage subsidy to employ a person for 12 weeks and then finishing that person’s employment in order to move on to the next person and the next $1,700.00 subsidy. These loopholes need to be closed as they don’t lead to real employment outcomes for people with disabilities.
* **Employment Assistance Fund:** while this is an essential resource for many employers and employees, feedback from QDN members has indicated that the current system is overly complex to negotiate with much ‘red tape and hoops to jump through’ in order to attain the most basic of modifications. This can lead to much frustration on behalf of employers and employees and could potentially result in employers not wanting to employ further people with disability.
* **Supported Wage system:** QDN supports the payment of full award wages for all employees and a fair day’s pay for a fair day’s work. QDN is concerned that some employees may become ‘stuck’ in the supported wage system with little or no opportunity to trial open employment. QDN is also concerned about the potential for people to ‘lose their place’ in the supported wage system if they trial other options and that this ultimately acts as a disincentive for people to trial open employment.

Additionally, further disincentives include:

* **Income Support and government programs:** an entrenched dependence on income support and a fear of losing eligibility for government programs that fund essential aids, equipment and services required for living with a disability can act as a disincentive for people with disability to engage in employment. Safeguarding the provision of essential equipment and support for people with disability, including financial support to cover additional work related costs related to an employee’s disability, are required for people with disability (and their families) to feel confident about fully engaging in the workforce.
* **Engaging with Disability Employment Services (DES):** while DES services are meant make it easier for people with disability to enter the workforce, the reality can be opposite. Many people with disability and their employers are required to undertake a range of activities such as attending regular meetings, filling out much paperwork, signing off on various outcomes. These all act as disincentives for hiring a person with disability and a person with disability engaging in this type of service, even if they need it to maintain employment.
* **Additional costs of living associated with disability:** additional costs of living with disability such as specific aids, equipment and clothing, increased transport costs, inaccessible infrastructure systems and poorly funded (or no formal) supports often make it economically unviable for a person with disability to work. Thus further marginalising and entrenching people with disability in poverty cycles.

### **Good practice**

**Are there examples of good practice in employing and retaining older Australians/ Australians with disability in work?**

[x] Yes

[ ] No

[ ] Not sure

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

The corporate initiatives of Westpac and IBM, along with the work of small and medium businesses and social enterprises can be investigated to highlight practical, effective initiatives that develop further opportunities for people with disability.

QDN acknowledges the work of organisations such as the Australian Network on Disability in helping workplaces and employers improve their skills and accessibility for people with disability. QDN supports actions to expand these types of initiatives to scale up more broadly across Australia. This type of investment in enabling the private sector to be a major part of the solution is another example of a long-term vision for better outcomes.

### **Solutions**

**What action should be taken to address employment discrimination against older Australians/Australians with disability?**

QDN supports the establishment of industrial protection around the wages of people with disability and the adoption of industrial conditions to safeguard an equal pay for equal work approach across all government and private sector programs.

QDN believes that a fair wage structure in line with Article 27 of the UNCRPD could be a safeguard in protecting people against discrimination.

QDN supports further capacity building for employers, particularly within small to medium enterprises, so that they are aware of their obligations to not discriminate against people with disability and to enable them to create workplaces that are inclusive and welcoming and deliver long term employment opportunities for people with disability.

As we move to an individualised funding arrangement and a dynamic and changing market environment for people with disability under the National Disability Insurance Scheme (NDIS), it is essential that any new employment initiatives or strategies are complementary and responsive to individuals, while building the capacity of employers and people with disability to be effective employees.

Access to resources for individuals and employers alike, like the JobAccess website are essential to give people with disability access to ‘reasonable and necessary’ employment supports like assistive technologies, wheelchairs, screen readers, height adjustable desks etc.  These kinds of considerations or ‘reasonable adjustments’ not only convert an applicant into an employee, but they enable and empower the person to be a productive and pro-active team member. Someone who is well supported often has lower levels of absenteeism.

**What should be done to enhance workforce participation of older Australians/Australians with disability?**

QDN supports the continuation of the Employment Assistance Fund and the workplace modifications program. However the interface between the programs need to be improved to create a more timely response and a less time consuming and difficult-to-navigate process for employers wishing to access the programs.

All levels of Government, the community and employers of all sizes play an important role in developing a workforce that is accessible to, and inclusive of, all Australians. QDN reinforces the need for Commonwealth, State and Local Governments and the business community to take a leadership role, by setting and achieving benchmarks for people with disability in the workforce.

QDN strongly recommends the adoption of disability business plans by these entities, if currently not in place, and the plans to include similar employment ratio targets for people with disability of 10-13%. This would reflect the proactive planning and targets achieved by the Westpac Group in relation to the employment of people with disability, and similarly within the National Disability Insurance Agency (NDIA).

Investing in skills and training to suitably skill people for the workforce and build upon existing capacity is key to ensuring people with disability are able to meaningfully participate a wide range of employment opportunities.

Through training and education, it is important that people with disability can move from unemployment or under employment to being engaged in employment that facilitates their full and active economic participation.

Additional to the recommendations outlined above, QDN recommends the following strategies:

* multiple pathways to employment: employment services, graduate intake programs, companies linking with employment services and Australian Disability Enterprises to give participants opportunities in open employment
* creation of individual capacity building and peer mentoring support services targeted at people with disability entering the workforce
* targeted job creation opportunities – matching a job to a person’s skills and building upon the person’s disability i.e. giving a job of shredding confidential documents to a person who cannot read and thus, turning a potential deficit into a strength
* incentive schemes – imbed in government contracts targets for employing people with disabilities. This could be facilitated through public/ private/ community formalised partnership arrangements between government and peak bodies representing the business sector and community and disability employment agencies and peaks
* personal care and other disability support funding to be available in the work sphere for those who require it
* specific targeted measures are also needed for the intersectionality of disability and other factors of discrimination that exists for further marginalised groups such as women, people from Aboriginal and Torres Strait Islander background, people from cultural or linguistically diverse backgrounds, LGBTI people and older people
* accessible buildings and workplaces.

**What outcomes or recommendations would you like to see from this National Inquiry?**

QDN would like to see the following outcomes and recommendations from this National Inquiry:

* Capacity building programs for employers, particularly within small to medium enterprises, so that they are aware of their obligations to not discriminate against people with disability and to enable them to create workplaces that are inclusive and welcoming and deliver long term employment opportunities for people with disability.
* Simplification of current programs such as the Employment Assistance Fund to make it easier for employers to employ people with disability and for people with disability to get the support and equipment they need to be an effective worker
* Governments at all levels take a leadership role in setting and achieving benchmarks for employment of people with disability through adopting disability business plans, if currently not in place, which include employment ratio targets for people with disability of 10-13% to reflect positive examples achieved by the Westpac Group and the NDIA. A possible approach could be to imbed in government contracts incentive schemes and targets for employing people with disabilities. This could be facilitated through public/ private/ community formalised partnership arrangements between government, peak bodies representing the business sector and community and disability employment agencies and peaks
* Creation and funding of individual capacity building and peer mentoring support services targeted at people with disability entering the workforce