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

# Submission No 281

**Name** Midlas

# 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**

Disability Advocate

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

Midlas provides individual disability advocacy for people with disabilities in relation to accessing disability and mainstream services, providing linkages and referrals, support through the National Disability Insurance Scheme (NDIS) and assistance going through appeals , assisting clients with accessing Centrelink payments, general enquiries and appeals relating to Centrelink processes. Many participants who engage with Midlas are unemployed and receive a Centrelink payment and have compulsory requirements to search for work. Both voluntary and compulsory clients can be linked with a Disability Employment Services (DES) provider to assist in job searching and support during employment.

For longer term cases involving employment discrimination Advocates may refer to specialist services like Sussex Street (Disability Discrimination Unit) if intensive, systemic assistance is needed.

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

Please see below case study provided by Midlas client and his parent. The following case study has not been altered other than to protect client privacy so may contain grammatical errors.

Michael\* was with Disability Employment Service (DES) Provider 1 for about 2 years and was not offered any type of employment during the first 18 months. He was then given a cleaning job with a franchise owner of a cleaning company. This job was at various locations. Each job had a set time for completing the job and you got paid for that set time. For example, if it was stated that the job take 1-2 hours that is what you got paid even if it had taken six hours.

Another one of the jobs was at a place in Darlington and street lighting was not good and the road was narrow and winding. Michael had been a couple of times to this place, and I [mother] had driven in front of him to show him the way both times. The first time was in daylight but that route I took him along he found confusing when Michael went alone in the dark he got lost. I rang the person from DES Provider 1 and he wanted to know where Michael was as he was sitting outside his second place of work. This person was not happy that it had taken Michael so long and the first job still had not been done or the fact that he had to go to where Michael was and guide him back to the first job. The worker had expected me, an elderly woman, to go out and find Michael in territory I was not familiar with, in the dark. I refused to do this.

These were the only two jobs offered in two years from DES Provider 1. Michael then went to another agency and they found him a job quite quickly with a retail company. Michael quite liked this job, but got into trouble, when he was found to be helping a 16 year old school girl who was there on work experience, as she was not strong enough to do part of her job. The boss was quite angry about this and Michael was only trying to help the girl. So they parted ways.

Michael has been with DES Provider 2 for a couple of years but nothing has come from apart from a month of relief work cleaning at a local school, but nothing else.

At the moment he isn’t with an agency.

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

Employment discrimination can have an impact on people with disabilities in a variety of ways. This can include an impact on their social, personal, health, economic and financial life. Being in employment contributes to a person’s sense of identity and worth as well as enabling personal contribution to the outside community. Having a job can allow people with disabilities to support themselves and their families financially, make friendship groups and can ensure continuous skills development to allow for greater career progression and further opportunities.

For people with disabilities who cannot find employment there may be a reliance on welfare payments and programs. As these payments can often be financially limiting and associated stigma, people with disabilities may neglect their general needs like health, safety and security and create further issues like debt, abuse and risk of homelessness. It may limit an individual’s capacity to make personal choices and take reasonable risks relating to personal finances. This further impedes their personal development regarding financial literacy.

If programs like DES fail to assist in meeting the needs of their clients with disabilities, this may create further disincentives or barriers for people with disabilities accessing employment. As people with disabilities continue to be overlooked in favour of those that do not identify as having a disability, this creates an ongoing barrier that contributes to long term unemployment.

### **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**

Barriers can be experienced whilst a person with a disability is in employment. People with disabilities may not feel confident or comfortable in discussing their needs with their employer for fear that it may impact on their employment. Due to a person’s disability, employers may need to be flexible as employees may require additional arrangements including time off for medical appointments, flexibility within work hours, type and location of work and reasonable adjustments to perform their job.

Consideration needs to be taken by employers to ensure that a worker understands basic employment entitlements. This can include understanding contracts or the relevant award/agreement and minimum employment entitlements such as scheduled breaks/leave and their rights in relation to discrimination. Employers need to ensure that processes relating to employment including recruitment, inductions and policies and procedures are robust and transparent for people with disabilities. For example, this may include presenting information in alternative formats such as easy English or explained verbally.

There needs to be acknowledgement regarding workers access to transport options and access to building and facilities. All practicable measures/reasonable adjustments should be taken to ensure that workers are supported in their employment. This could be as simple as an employee being able to work from home when needed through to making environmental modifications within the work place.

**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**

Yes. Clients report that there are many employers who, as a result of limited direct contact with people with disabilities, have preconceived assumptions or perceptions about people with disabilities. Attitudes surrounding the perceived difficulty or time that may be involved in employing/training people with disabilities and financial implications/legislation requirements, often discourage employers from recruiting people with disabilities.

Extensive evidence has been circulated about the benefits of employing a person with a disability. This can have a positive impact on the workplace including increasing diversity and knowledge of people with disabilities and workplace productivity. People with disabilities have been reported to be reliable, productive and affordable employees. Employers need to have an ongoing commitment to increasing their knowledge base and attitudes towards people with disabilities. This may include looking at internal recruitment and organisations processes to ensure they strive to be as accessible as possible. Considerations such as linking an employee with a disability with a buddy/mentor or encouragement of on-site support from a DES provider, may reduce some of the barriers to people with disabilities in achieving long term sustainable employment.

The recruitment process can be difficult for people with disabilities as many job applications are required to be completed online. This means that the user must be computer literate with the ability to comprehend what the job application is requesting. Often it may include answering lengthy selection criteria. This may discourage people with disabilities from applying for the job if they do not have computer or internet access or the skills or ability to comprehend how to apply online for a job. An integral part of a DES providers’ role should be to provide this access and support in completing these online applications.

Disclosing a person’s disability is often a major barrier during the recruitment process. Many job applications now feature this question as standard on applications. Someone’s disability may not have a direct impact on their ability to complete a job yet it may be an automatic barrier to progressing with recruitment selection. DES services often do not have the time or resources to work with participants to address when it is appropriate to disclose this personal information and in what context.

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

See responses above.

**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**

Many government programs and incentives can create employment opportunities for people with disabilities or create further barriers. Effective DES providers can achieve positive outcomes for people with disabilities when they have the time and resources to address barriers of employment and develop an individualised plan to build their work capacity. When employers are open to DES providers supporting a client both on and off-site, this enables a more inclusive, supportive environment. Support may only need to be short term as the person grows more confident in their role and no longer require the ongoing DES services. It can also mean that the person no longer requires income support through Centrelink and can financially support themselves.

However, many barriers are experienced with people with disabilities who are linked with DES providers. High caseloads, unsustainable performance indicators and bureaucratic requirements make it difficult for DES providers to spend quality time assisting a person with a disability to find employment. A focus on getting results quickly is promoted, which may not be in the best interests of that client. Failure to comply with a program of support can often result in a person’s payment being suspended or cancelled. Most jobs sourced by DES providers for clients are in retail or administration fields which are often minimum wage and have limited opportunities for career development. Many people with disabilities hold qualifications and/or want employment in a specialised field. Further discrimination may be faced as only limited opportunities may be afforded to explore employment areas of choice.

Many people with disabilities under 35 years of age claiming the Disability Support Pension were reassessed for their ability to work. From this, many people now have compulsory requirements to search for work or engage in training. This has increased the need for quality government programs to assist people with disabilities to find and maintain work especially as many of these people would be considered unemployable due to lack of experience and skillset. The purpose of the review was to reduce the number of people accessing welfare payments. However, whilst systemic issues regarding the ineffectiveness of many DES programs continues to go unaddressed, the number of people with disabilities who are employed will not improve.

Similarly the Wage Subsidy Scheme that may be available to employers can be a positive or negative outcome for people with disabilities. Employers can use the wage subsidy as a ‘revolving door’ payment. For example, once the employee reaches their 3 month mark they are not progressed past their probationary period, enabling employers to access the Scheme to pay for another employee. On the other hand, it can be an incentive for employing someone with a disability. This increases not only the employers and wider staff’s experience of the positive contribution of people with disabilities but also the community in which the business is located. This experience can lead to future job opportunities within the community as they recognise the person first and their abilities, rather than just their disability.

The Supported Wage System (SWS) is available to people who due to their disability cannot maintain the same level of productivity required by their employer and position. People who receive the SWS are assessed on their work productivity and receive a calculated portion of what is considered to be the full wage rate. It may allow for people with disabilities to have more opportunities to work in open employment and due to their skills, speed or ability may need some extra assistance such as the SWS to complete their job.

Many people with disabilities accessing SWS may be doing so for a significantly long period. The process of yearly reviews can be daunting for a person with a disability due to being assessed by someone they do not know. People with disabilities may be disadvantaged if they experience anxiety or do not test well and it may not be a true reflection of their ability to perform the role. Continuing existence on the SWS may impact an employee’s chances for career progression or promotion when their capabilities are not adequately recognised.

The option for people with disabilities to apply for workplace modifications through Job Access allows for greater opportunities for accessible employment. The ability to access modifications which belong to the person enables future alternate employment to be gained with less perceived barriers as the modifications needed are already addressed.

Australian Disability Enterprises (ADE) may be a systemic barrier for people with disabilities’ ability to access open employment. ADEs or ‘sheltered workshops’ as they were previously called, often do not offer minimum wage entitlements to people with disabilities. ADE employees may not get the opportunities to build their capacity or skills which may limit their ability to participate in open employment. However, it needs to be recognised that some people with disabilities engage meaningfully with ADEs for purposes other than employment such as social engagement and routine which allows them to work in a safe and welcoming environment.

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

**Incentives**

* Increasing diversity within the workplace
* Wider knowledge and experience of people with disabilities from staff
* Eligible for wage subsidies and organising workplace modifications through Job Access

**Disincentives**

* Perceived assumptions or misconceptions about people with disabilities
* Staff attitudes of people with disabilities
* Additional time and resources may be required to train or for ongoing support

### **Good practice**

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

[ ] Yes

[ ] No

[x] Not sure

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

### **Solutions**

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

Government should ensure that the programs, incentives and policies are adequately addressing the needs for people with disabilities. Targeted and appropriate community campaigns to highlight discrimination issues and the positive contribution/outcomes of focusing on someone’s ability.

Peak/large businesses who are employing and supporting people with disabilities need to become role models and promoted as leaders in providing inclusive workplaces. This can then lead to provision of support/guidance to other employers who are unsure about employing people with disabilities.

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

Exploration of adopting the lived experience approach when recruiting could be beneficial for giving greater opportunities to people with disabilities within the public sector. Advertised positions within the mental health sector often call for or look favourably on a lived experience of mental health. Placing the idea of someone’s ability and personal experience as a strength and not a barrier, may ensure greater representation for people with disabilities.

A focus on ensuring that DES providers are equipped to deliver a service for people with disabilities who wish to engage in employment. An emphasis on sustainable employment for clients through ensuring job placements are suitable and appropriate for an individual’s skills and ability. Although many DES providers may be seen to be achieving employment targets set by their funding body, this is not always a reflection of a person obtaining meaningful employment.

The purpose of DES provision is for people with disabilities who are assessed as requiring additional support to find employment. Participants may require more intensive support initially to build their work capacity including activities like resume writing, work experience and jobs clubs. For some clients, this may take a substantial amount of time that DES providers cannot afford to provide due to certain funding being attached to job placements rather than building job capacity. Although compulsory requirements are necessary to ensure that people receiving New Start Allowance are working towards gaining employment, individual circumstances should be taken into account as well as ensuring that the assistance they are receiving is adequate to meet their needs.

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

* Review of outcomes of Disability Employment Services (DES) programs Australian Disability Enterprises (ADE). This can include a review of quotas expected from DES providers and whether these are achieving sustainable, appropriate employment. Once review is completed, resources need to be invested in ensuring that effective DES programs are readily available.
* Different expectations or funding requirements relating to what stage the client is at in regards to job readiness. For example, specific funding for a DES provider to solely deliver job readiness/capacity building with set reviews by Centrelink to monitor the person’s transition into looking for and retaining employment.
* Success stories available about people with disabilities working in open employment and the ability to learn what barriers were experienced and how they were overcome.
* Review of employers who frequently receive the wage subsidies to monitor misconduct.
* Consideration for how SWS yearly reviews are completed – suggestions include conducting the review from employer feedback as well as adopting a less prescriptive approach to handling the review.
* More use of ADEs as a tool for bridging into open/mainstream employment by providing work routines, capacity building and social skills.