



Submission:

**Inquiry into the employment of people with
disabilities**

**by the ACT Legislative Assembly Standing Committee
on Health, Ageing and Community Services**

May 2017

About ACTCOSS

ACTCOSS acknowledges Canberra has been built on the land of the Ngunnawal people. We pay respects to their Elders and recognise the strength and resilience of Aboriginal and Torres Strait Islander peoples. We celebrate Aboriginal and Torres Strait Islander cultures and ongoing contribution to the ACT community.

The ACT Council of Social Service Inc. (ACTCOSS) is the peak representative body for not-for-profit community organisations, people living with disadvantage and low-income citizens of the Territory.

ACTCOSS is a member of the nationwide COSS network, made up of each of the state and territory Councils and the national body, the Australian Council of Social Service (ACOSS).

ACTCOSS' vision is to live in a fair and equitable community that respects and values diversity and actively encourages collaborations that promote justice, equity and social inclusion.

The membership of the Council includes the majority of community based service providers in the social welfare area, a range of community associations and networks, self-help and consumer groups and interested individuals.

ACTCOSS receives funding from the ACT Government - Community Services Directorate.

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Overview

The ACT Council of Social Service Inc. (ACTCOSS) is the peak representative body for not-for-profit community organisations, people living with disadvantage and low-income citizens of the Territory. ACTCOSS is a member of the nationwide COSS network, made up of each of the state and territory Councils and the national body, the Australian Council of Social Service (ACOSS).

ACTCOSS shares concerns expressed by the ACT Legislative Assembly's Standing Committee on Health, Ageing and Community Services about the low participation of people with disability in the ACT Labour market including the ACT Public Service.

This submission provides responses to issues raised in the Terms of Reference of the Inquiry and makes a number of recommendations to help guide the Committee in developing its final report.

We note that there have been a number of significant pieces of research work into disability employment. These are listed throughout the submission and we encourage the Standing Committee to review these.

Work is important for many people. It provides income, social connections, meaning and purpose.

Key issues

We note that people with disability are **especially vulnerable in the broader economic shifts** we are seeing to a casualised, precarious and insecure workforce reliant on a narrower base in the service industry. We believe that there is much that the Territory might do to create a better context for employment outcomes for people with a disability. Employment is a right under the United Nations Convention on the Rights of People with Disabilities and also provides tangible economic and social outcomes to people with disability. We also note that there are some people who face significant and complex barriers to work and who require the ongoing support of a safety net through a decent, fair and humane income support system.

It is essential to invest in ways that **maximise the growth of secure work that pays a living wage**. We note the links between this inquiry and the Inquiry into the extent, nature and consequence of insecure work in the ACT and the ACT Standing Committee on Economic Development and Tourism Inquiry into a new convention centre for Canberra. We need to consider the impact of insecure work on jobseekers and employees with a disability and believe we need a broader strategy to address insecure work in conjunction with this inquiry.

We believe that the ACT public sector's low employment of people with disability does not model good behaviour and does not shape a service which reflects the richness of the community it serves. The traditional approaches—attitudinal campaigns and soft persuasion—have not created sufficient growth of work opportunities. We need bold innovation, evidence based policy and tangible measures that go to the real problems faced by people with disability evident in current employment arrangements.

The ACT Public Sector **needs targets, identified positions, pooled support funds, work on retention, flexible working hours and more entry level positions especially for people with intellectual and cognitive disability.** Government should walk its talk including **paid internships within the ACT Legislative Assembly** and fostering people with disability in leadership positions.

We note the recommendations of the University of Canberra cultural audit released in November 2016. Cultural work to change attitudes should be evidence based and we should **refresh the ground-breaking work on community attitudes done in 2004** to obtain a gauge on what employers believe about disability and employment and what might increase recruitment and retention of employees with a disability.

There needs to be **more follow through on ACT Public Sector Strategies when they are in place and better retention of corporate knowledge about strategies and issues in relation to disability employment.** To this end, we commend a very extensive report, *Making Diversity Work, A study of the employment of people with disabilities in the ACT Public Service*, published in 2009 by PWD ACT, which included in-depth interviews with people who work in the ACT Public Service. This should be an early point of reference for the Committee.

The ACT Government should **leverage better outcomes through purchasing** both by including the employment of people with disability in the triple bottom line indicators it considers when purchasing from business, the contracts it awards to community organisations and the way it looks at Corporate Social Responsibility and business development work.

ACTCOSS believes that we should make **investments in the community and health sector's capacity** to make accommodations, employ and retain people with disability. This work should be properly resourced, culturally appropriate, rights based and lead by people with disability grounded in the disability rights movement. There should be a program for disability that builds disability confident consumer and employer practice in community organisations, public sector and new entrants under NDIS. The program should progress the Disability Confidence Canberra initiative and build on the model of the Gulanga Program¹.

We also believe that employment is one of the areas needing more focussed attention under the National Disability Strategy and InvolveCBR needs funded initiatives. The ACT should invest in National Disability Strategy areas that remove barriers to people taking up employment including transport, affordable and accessible housing and quality city infrastructure.

1 The Gulanga Program is designed to support ACT homelessness service providers and the children, youth and family sector to develop and improve upon good, culturally appropriate practice standards. The program employs Aboriginal and/or Torres Strait Islander workers and aims to provide better engagement with Aboriginal and Torres Strait Islander peoples and their families to access the services that will best meet their needs.

The program is supported by funding under the National Affordable Housing Agreement (NAHA), which is jointly funded by the ACT and Australian Governments, and the Child, Youth and Family Services Program (CYFSP), an ACT Government funded initiative.

We support targeted investments with wide impact. The ACT needs to be strategic about investments and focus on initiatives which **open doors in a wide scope of workplaces rather than focussing on small complex social venture programs which seek to create jobs around individuals.**

Employment is also a matter at the Territory and Federal interface and we would urge the ACT Government to apply leverage to Federal policies, programs and practices which effect people with disability. The **Federal Government should address significant issues in its own employment of people with disability; These include addressing issues at the interface of the National Disability Insurance Scheme with employment; and removing disincentives in its Centrelink programs** which are actually making it harder for people to move between income and work, including its failed automated debt recovery program.

Tying employment and income support for people with disability together at the Federal level also maintains the view that the only levers for change are Newstart or the DSP. However, this model has not created jobs, supported employers to create jobs, made workplaces more accessible or removed discrimination, created more positive employer attitudes and equipped people with disability with the skills or resilience to retain their place in the workforce.²

People with disability experience uneven support from Disability Employment Services and while these issues stem from a range of causes, including program guidelines, we need to recognise these issues in program design.

Helping vulnerable people gain more stable employment requires a holistic response, including tackling socioeconomic disadvantage and the barriers people face to secure employment. **We should build solid industry collaboration programs which provide place based pre-employment outcomes for people with disability.**

We note specific barriers and supports needed by people with a psychosocial disability and **widespread bullying, discrimination and misunderstanding of people with psychosocial disability** were cited in the ACT Disability Advisory Council report on community attitudes, the Diversity at Work Report and in the recent cultural audit by the University of Canberra.

Approaches to encourage the employment of people with a disability also need to recognise that the opportunities for them to enter employment is shaped by an array of issues which include **family resilience, freedom from abuse and neglect and opportunities to access a range of skills, experiences and supports.**

Employment is reached in the context of educational attainment, the availability of disability supports, access to social networks and access to other community involvement and participation opportunities such as youth development, volunteering and community participation. Many young people with disability are denied these opportunities.

2 People with Disability Australia, *Get real on Jobs*, Federal Election Platform 2013, People with Disability Australia, July 2013, p.1, <<http://www.pwd.org.au/campaigns/federal-election-2011.html>>.

There is a need to invest more in these areas of life and capacity building for people with disability which build a path to paid employment.

In addition, people do not enter employment in a vacuum but in the context of acquiring 'soft skills' which are valued in the workplace (such as being involved in Youth Development opportunities).

We also note that many **people with disability perform work and roles that are not paid but should be paid or that are underpaid**. The ACT's investments should aim to ensure these roles are recognised and to support people with disabilities into secure work at Award wages in open employment.

Lastly we note that **while paid employment is important, it is not the only way that people contribute to our community**. Getting a job should not be seen as the sole end goal of government participation policy for people with disability.

The reality is that some people cannot participate in the traditional labour market due to a complex set of barriers, issues at the health, ageing and disability interface and the way society and the labour market is framed. Barring a universal employment guarantee and the removal of all community barriers, this is likely to be the case for some time.

ACTCOSS believes the community should **continue to provide people with an income safety net, valued roles, recognition and opportunities to be part of civic life whether or not they are in paid employment**.

ACT labour market – disability employment and our changing workforce

Disability employment

People with disability in Australia have more barriers to a fair go than in almost any other developed country in the world.

At the heart of this lies the reality that job prospects for people with disability are dramatically fewer than for other people in Australia.

Across Australia, only 53.4% of working-age people with disability were in the labour force compared with 83.2% of people with no disability.³

While there is a worrying general trend in the economy towards precarious, casualised or part-time employment, lower proportions of persons with disability are employed full-time (27.0%) compared with those without disability (53.8%).⁴

Australians with disability were more likely to be unemployed (10.0% compared with 5.3%). This trend has remained stable since 2012, where the rates were 9.4% compared with 4.9%, respectively.⁵

The Australian Public Service is guilty of being a poorly performing employer, with the number of employees with disability more than halving over the last 17 years, from 6.6% in 1986 to 3.74% last year.⁶

A 2010 OECD study ranked Australia 21st out of 29 OECD countries for employment participation of people with disability.⁷ Our accumulated shortcomings mean that 45% of people with disability in Australia live near or below the poverty line. Australia currently ranks 26 out of 27 OECD countries for the percentage of people with disability living in poverty.⁸

3 Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: First Results, 2015*, cat. no. 4430.0.10.001, Australian Bureau of Statistics, 2016, <[http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4430.0.10.001~2015~Media%20Release~Half%20of%20older%20Australians%20living%20with%20disability%20\(Media%20Release\)~3](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4430.0.10.001~2015~Media%20Release~Half%20of%20older%20Australians%20living%20with%20disability%20(Media%20Release)~3)>.

4 Australian Bureau of Statistics, *Disability and Labour Force Participation, 2012*, cat. no. 4433.0.55.006, Australian Bureau of Statistics, 2015, <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/4433.0.55.006>>.

5 *ibid.*

6 Australian Public Service Commission, *State of the Service*, Australian Government, 2016, <<https://stateoftheservice.apsc.gov.au/2016/10/employees-disability-aps/>>.

7 M Thomas, *Disability employment in Australia and the OECD*, Parliament of Australia, 2 December 2011, <http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPosit/2011/December/Disability_employment_in_Australia_and_the_OECD>.

8 Organisation for Economic Co-operation and Development, *Sickness, Disability and Work: Breaking the Barriers*, OECD, 2010, <http://www.oecd-ilibrary.org/social-issues-migration-health/sickness-disability-and-work-breaking-the-barriers_9789264088856-en>.

The 2011 Deloitte Access Economics report *The Economic Benefits of Increasing Employment for People with Disability* concluded that Australia would increase its Gross Domestic Product (GDP) by \$43 billion if employment rates for people with disability were increased by only one third. The report went on to identify this goal as achievable, perhaps even modest, estimating that a 10% increase in the employment rates for people in the labour market would equate to an increase of between 191,000 and 203,000 jobs for people with disability.⁹

The ACT experiences unemployment rates of around 3.9% and good average weekly earnings, however, these averages change when you add disability to the mix.

An ABS survey in 2015 recorded that 15.8% of people in the ACT had a disability. Yet Human Rights Commission data shows the ACT public service disability employment rate of 2.2% (458 people) is lower than all other jurisdictions except South Australia at 1.3%¹⁰.

If our public service looked like the people it served, **it would employ almost four times more people with disability in it than it does now.**

The federal public sector had 3.3% of its workforce identified as being people with disability in 2015 and the ACT government's own target was 3.4% (655 employees). This target was not met.

While the ACT has historically had stable employment opportunities and a strong economy, some old assumptions about the labour market and income patterns in the Territory no longer hold true.

For instance, the image of Canberra is of a public service town where people work a standard 9.00am to 5.00pm day. This no longer corresponds with reality, if it ever did. The public sector now only accounts for one third of our workforce.¹¹

Alongside this, public sector jobs are also increasingly casualised, part time or in contract work connected to short term projects.

Our economy is changing and with it we are developing a different employment mix with an increased share of jobs that are in the service industry which offers more

9 Deloitte Access Economics, *The economic benefits of increasing employment for people with disability*, commissioned by the Australian Network on Disability, August 2011, <<https://www2.deloitte.com/au/en/pages/economics/articles/economic-benefits-increasing-employment-for-people-with-disability.html>>.

10 Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*, Australian Human Rights Commission, July 2016, <<http://www.humanrights.gov.au/our-work/disability-rights/projects/willing-work-national-inquiry-employment-discrimination-against>>.

11 Department of Employment, *Employment Region - Employment by Industry, November 2016*, Labour Market Information Portal, Department of Employment, viewed 22 February 2017, <<http://lmp.gov.au/PortalFile.axd?FieldID=2739698&.xls>>.

precarious and casualised employment than the public sector labour market.¹² As some agencies move out of Canberra the overall mix of jobs is also changing and this may continue given the Federal Government has now flagged a decentralisation agenda.

Entry level positions and ongoing positions at the APS 1-4 level are now uncommon and this also has resulted in a decline in the proportion of young APS employees over the past 50 years.¹³ In addition to removing a gateway for younger people, this removes an entry point into open employment for some people with an intellectual and cognitive disability.

Why aren't people with disability getting jobs and staying in jobs?

People with disability, Disabled Peoples Organisations, advocates and researchers consistently point to a range of issues that are keeping people from getting interviews, from obtaining and keeping a job.

Inaccessible buildings and neighbourhood infrastructure

Some people with disability are marginalised from the workforce because they can't access transport, our cityscape or even the workplace itself.

In 2009 the *SHUT OUT* report highlighted widespread systemic barriers faced by people with disability. 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. The inability of people with disabilities to access the facilities that everyone else in the community takes for granted—cafes, public buildings, swimming pools, libraries, sporting facilities and movie theatres—limits their independence and compromises their quality of life. More than 27% of respondents said that lack of access to the environment acts as a barrier to their full participation in the life of the community.¹⁴

In July 2015 PWD ACT commenced a consultation process around disability access issues in Canberra including a social media forum; an online SurveyMonkey survey; and access phone out to 30 organisational members as well as other key stakeholders during September/October; and a forum at the ACT Legislative Assembly.

12 ACTCOSS & Women's Centre for Health Matters, *Creating Opportunity or Entrenching Disadvantage? ACT Labour Market Data*, ACTCOSS & Women's Centre for Health Matters, October 2014, <<https://www.actcoss.org.au/publications/advocacy-publications/creating-opportunity-or-entrenching-disadvantage-report-act-anti>>.

13 Australian Public Service Commission, *Young employees in the APS*, extract from *State of the Service* report, 2015, <<https://stateoftheservice.apsc.gov.au/2015/10/young-employees-in-the-aps/>>.

14 National People with Disability and Carer Council, *SHUT OUT: The Experience of People with Disabilities and their Families in Australia*, report to the Australian Government, 2009, <<https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/shut-out-the-experience-of-people-with-disabilities-and-their-families-in-australia>>.

Key findings focussed on:

- The lack of access in the 'court areas' around Phillip and Belconnen as well as in older parts of the city like Fyshwick and Manuka
- The lack of access to ATMs due to height and design issues
- Poor street lighting in some suburbs causing trip hazards and people feeling unsafe
- Poor access in iconic buildings like Parliament House including heavy doors and heavy carpet
- ACT residents not being subsidised for the costs of visual smoke detectors;
- Narrow doorways and a lack of access into nightclubs and venues
- Hotels in Canberra advertising access and then failing to deliver
- Trees, bushes, long grass and shrubs covering foot paths making it near impossible to use the foot paths with a mobility aid
- Problems with sensory processing for people with a hearing disability due to flooring, noisy devices like driers
- Issues at the convention centre
- Disability toilets used for storage
- Footpaths being cracked, steep, uneven and having poor camber (sloping into the road); people illegally parking in disability spaces throughout Canberra.¹⁵

Problems with transport services

The consultation also found widespread concerns about transport – including quality experiences in wheelchair taxis; ACTION buses taking off before passengers are seated subjecting people to injury and falls; a lack of any hire cars with hand-controls for visitors; and people illegally parking in disability spaces throughout Canberra. There were also concerns about pedestrian thoroughfares including people needing to travel along overgrown verges and rough ground to get to curb cuts.

Under two thirds of buses are accessible in Canberra and full accessibility across the whole fleet is not slated until 2022.

Transport is a key enabler in finding and retaining employment. ACTCOSS provides a range of recommendations to address transport disadvantage in our position paper, *Transport: A 'wicked problem' we have the strengths and assets to solve*, and take up

¹⁵ People With Disabilities ACT, *2016-17 Budget Submission*, People With Disabilities ACT, 2015, <<http://pwdact.org.au/index.php/policyinfo/211-pwd-act-s-2015-16-act-budget-submission>>.

of these recommendations would support people with disability to obtain and retain employment.¹⁶

Digital access

There are a range of challenges around access to new technologies such as touch-screens presenting barriers to blind people and problems experienced by users of the 'internet of things', including platforms like ride-sharing. People with intellectual and cognitive disability lack access to documents in plain English and information is also often presented in inaccessible formats such as PDFs.

The 2016 Australian Digital Inclusion Index (ADII) found that people with disability experience a low level of digital inclusion (44.4, or 10.1 points below the national average).¹⁷ As noted in the ADII report, 'digital inclusion is about social and economic participation'.¹⁸ The ADII found a 'clear "employment gap" in digital inclusion', suggesting that people with disabilities and without employment are likely to experience even deeper levels of digital exclusion.¹⁹ This is further highlighted by the Australian Communications Consumer Action Network which found that people with disability face unique barriers to digital affordability.²⁰ This is particularly significant given the role that digital access, affordability and ability each have in both finding and performing work – both of which are likely to require access to digital equipment and services.²¹

As the ACT Government pursues its vision of a smart, digital city and region, it will be critical that efforts be directed toward the digital and broader social and economic inclusion for people with disability. This will be especially important for seeking, gaining and maintaining employment in the digital workplace – be it in the public or private sector.²²

Lack of engagement with people with disability to address these issues

The consultation identified a number of coordination issues. A range of people are undertaking work to plan, educate, promote, broker and regulate solutions for access and this work may be high quality but it is not always coordinated for maximum effect.

16 ACTCOSS, *Transport: A 'wicked problem' we have the strengths and assets to solve*, ACTCOSS, September 2016, <<https://www.actcoss.org.au/publications/advocacy-publications/position-paper-transport-%E2%80%98wicked-problem%E2%80%99-we-have-strengths-and>>.

17 J Thomas, J Barraket, S Ewing, T MacDonald, M Mundell & J Tucker, *Measuring Australia's digital divide: the Australian Digital Inclusion Index 2016*, prepared for Telstra, Swinburne University of Technology, Melbourne, 2016.

18 *ibid.*

19 *ibid.*

20 Australian Communications Consumer Action Network, *Affordability map: a resource to inform the development of targeted affordability measures in the Australian telecommunications environment*, Australian Communications Consumer Action Network, Ultimo NSW, 2016.

21 J Thomas, J Barraket, S Ewing, T MacDonald, M Mundell & J Tucker, *Measuring Australia's digital divide: the Australian Digital Inclusion Index 2016*, prepared for Telstra, Swinburne University of Technology, Melbourne, 2016.

22 *ibid.*

Many people with disability are also unclear about who is responsible for access issues within the ACT Government and how to raise them. The lines of responsibility within government are also unclear.²³

The Parliamentary Agreement included a commitment to a resourced Disability Reference Group (DRG) to include people with disabilities and to address access issues for transport and new developments. We support work of this kind however it needs to be done by a group that is well resourced and fit for purpose.

It is unclear whether this refers to the existing DRG or a new group specifically focussed on transport and access issues. If it refers to the existing group, we note that any new role for the Disability Reference Group needs to be resourced appropriately and that the existing DRG should be consulted about this role.

Recommendation

The ACT Government should expedite work on a resourced Disability Reference Group to include people with disabilities and to address access issues. The current DRG should be consulted about the Terms of Reference, the resources required and the critical timeframes.

Recommendation

The new City Renewal Authority and the Suburban Land Agency should include disability access considerations in their agendas including building feedback pathways for people with disability in planning and city renewal

Recommendation

The ACT Government recognises the importance of directing efforts toward the digital inclusion for people with disability as it pursues its vision of a smart, digital city and region, noting its growing importance as an enabler of participation.

23 People With Disabilities ACT, Consultation outcomes, PWDACT Forum on Access, presentation at the ACT Legislative Assembly, October 2015, <<http://pwdact.org.au/index.php/policyinfo/211-pwd-act-s-2015-16-act-budget-submission>>.

Recommendation

Recognising that affordable and accessible transport is a major enabler for both social and economic participation, the ACT Government should maintain and strengthen supports such as the ACT Taxi Subsidy Scheme and focus on improving access to buses, including accelerating the rollout of accessible buses as well as taking measures to address transport disadvantage.

Cultural barriers

The Institute for Governance and Policy Analysis at the University of Canberra recently completed a cultural audit of perceptions and practices in relation to the barriers employees with disability face in the APS.²⁴

In essence, this report found that:

the mobilization of unconscious bias against public servants with disability was undermining both the quality of their professional lives and career progression. In overview, people with disability perceived more varied and intractable barriers to workplace participation largely because of poorly implemented departmental policies and procedures, than did people without disability. However, both groups identified significant cultural, organizational and individual barriers. Some of the (overlapping) barriers identified included:

a. Cultural barriers

- unconscious bias in language, behaviours and preconceptions of capabilities;
- at times an inhospitable culture, including in human resource areas; and,
- at times, an absence of committed leadership.

b. Organisational barriers

- the definition of disability used can disempower employees;
- lack of accessible and equitable recruitment, promotion and performance management processes;
- lack of reasonable and prompt workplace adjustment processes;
- unclear management roles and responsibilities;
- an absence of senior role models;

24 M Edwards, M Evans, C McGregor, P Upton, *Employing people with disability in the APS: Findings from a cultural audit*, Institute for Governance and Policy Analysis, 2016, <<http://www.governanceinstitute.edu.au/news-and-media/news/109/employing-people-with-disability-in-the-aps-findings-from-a-cultural-audit>>.

- limited human resource experience of dealing creatively with difference;
 - insufficient provision for targeted learning and development opportunities;
 - the impact of resource constraints; and,
 - a gap (sometimes quite large) between policies and implementation.
- c. Individual barriers
- a lack of empowerment, leading to insufficient autonomy and low confidence;
 - the assignment of work that under-estimates capability;
 - inability to access support networks;
 - inability to access flexible work arrangements;
 - uninformed performance review processes; and,
 - financial costs of participation.²⁵

In addition to these cultural barriers, we note that there are other cultural barriers including mixed messaging from the Federal Government about people with disability. Media reports responding to Federal Government welfare reforms that describe people with disabilities as ‘bludgers’ and ‘rotters’ are counter-productive as they traduce the reputation of people with disability with employers.

The Federal Government should cease its negative approach to welfare changes and focus on lifting supports to people with a disability to reach open employment, acknowledging the achievements of people with disability and placing people with disability into prominent positions in its spheres of influence.

Uneven support services

Disability Employment Services providers are organisations that are focused on the provision of advice, support and connection between job seekers with disability and employers. They are part of the Commonwealth-funded employment support system.

The DES system is complex and we note that these issues are addressed in the submission from National Disability Services ACT. It reflects many years of on-going policy development attempting to address a wide range of issues including ensuring value for money, driving and rewarding successful work outcomes and efforts to sustain a rational but competitive marketplace. The end result, however, is a system that is highly prescriptive. This inflexibility sometimes results in perverse outcomes. Restrictions imposed to address value for money can sometimes result in a reduction of the capacity of the DES provider to be able to support a workplace to accommodate and respond to the specific needs of a particular employee: not through lack of capability of the DES provider, but by virtue of the rules.

²⁵ *ibid.*

There is much support and information that DES providers can and do undertake. Moreover, the ACT only has a small number of such providers. Hence, as NDS points out, there is a relatively easy opportunity to form and foster relationships with them in both recruitment and support. This would open the door to the reach and expertise of the DES not only in relation to specific issues of accommodation of particular individuals or recruitment of people with disability, but also advice and information with regard to job design and general management responses – alongside other guidance.

Advocacy organisations point to mixed experiences with Services. The Final Report of the People with Disability Australia (PWDA) Disability Employment Services (DES) Consumer Engagement Project, August 2014 spoke to people with disability and employers about the quality of services.²⁶

A few people described good relationships between the DES and employers but many stakeholders said they were unaware of the existence of Disability Employment Services and/or unsure of what assistance they offered to people with disability to find employment in the open workforce. This was the case for both people with disability and employers.

Overall feedback reflected general consensus of dissatisfaction with DES. Very few stakeholders reported to be both happy with the services they received and with the job outcome. Many noted there was a large gap between what people were led to expect from a DES and what their experiences were with a DES.

Many felt there had been inappropriate job match as the aspirations, skills, abilities and interests of the jobseeker had not been taken into consideration. Retention in jobs was emphasised as a key issue. Some people felt that support fell away once they were in the job, meaning that they were vulnerable to casualisation or losing employment. Sometimes a failure to provide disability accommodations or a lack of understanding meant that people found themselves on a performance pathway out of employment.

Some people felt that disability support had not kept up with changes in the workplace which was increasingly fast paced, stressful and generalised. Conversely others noted poor recruitment practices which meant that specialised jobs contained generalised criteria. This sometimes selected out people with cognitive or psychosocial disability, especially in entry level jobs.

Barriers in the workplace

Reports such as the PWD ACT *Making Diversity Work* report²⁷ have highlighted a range of issues:

- Insufficient evidence of serious high level commitment and follow-through

26 People with Disability Australia, *Final Report: People with Disability Australia (PWDA) Disability Employment Services (DES) Consumer Engagement Project*, People with Disability Australia, August 2014, <<http://www.pwd.org.au/issues/disability-employment-services-des.html>>.

27 People With Disabilities ACT, *Making Diversity Work – A study of the employment of people with disabilities in the Australian Capital Territory Public Service*, People With Disabilities ACT, June 2009, <<http://www.pwdact.org.au/index.php/policyinfo/publications/102-making-diversity-work>>.

- Lack of specialist supports
- Lack of flexibility for employees
- Lack of internal accountability mechanisms such as reporting against Disability Action Plans
- Poor matching to jobs
- Lack of disability accommodations and disability supports
- Negative views by managers about disability accommodations
- Pressure of workloads meaning that training around disability accommodations and supports were not being followed through
- Lack of granular data collection
- Experience of workplace discrimination, bullying and harassment by employees with disability
- Lack of skills and knowledge in Human Resource areas
- Lack of knowledge about basis supports available to people with different diagnostic disabilities
- Costs of disability
- Inaccessible workplaces
- Inaccessible equipment, meetings, places and spaces.

Federal policy settings

Current 'employer' incentives provided by the Federal Government fail to address, from an employer perspective, the underlying issues that prevent the employment of people with disability.²⁸ Placing all our focus on the 'supply side' assisting people with disability into employment, rather than an integrated supply and demand solution, fails to provide optimal employment outcomes for people with disability.²⁹

Tying employment and income support for people with disability together at the Federal level also maintains the view that the only levers for change are Newstart or the DSP. However, this model has not created jobs, supported employers to create jobs, made workplaces more accessible or removed discrimination, created more positive

28 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, p.2.

29 *ibid.*, p.4.

employer attitudes and equipped people with disability with the skills or resilience to retain their place in the workforce.³⁰

Negative attitudes and misconceptions about disability mean that employers remain reluctant to employ people with disability.³¹ Disability employment policy must be reinvigorated as a matter of priority and could include initiatives such as:

- Increasing 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.
- Mandatory reporting on the numbers of people with disability employed by private sector and not for profit organisations in annual reports.
- The adoption of an accessible procurement policy by the Government to preference employers that demonstrate best practise in the employment of people with disability.
- Retention of the full DSP for at least six months for people with disability entering the workforce in entry level positions in order to provide real incentives and buffers against perverse outcomes due to extra costs.
- Comprehensive tax offsets for the costs of mainstream supports people with disability may encounter in order to maintain themselves in jobs (for instance the costs of tailored clothing, taxis or maintaining a car).
- Transition from the Australia Disability Enterprises model to genuine work training and skills building opportunities that lead to open mainstream employment for people with disability.³²

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 rollout 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.

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. Schemes

30 People with Disability Australia, *Get real on Jobs*, Federal Election Platform 2013, People with Disability Australia, <<http://www.pwd.org.au/campaigns/federal-election-2011.html>>.

31 National People with Disability and Carer Council, *SHUT OUT: The Experience of People with Disabilities and their Families in Australia*, report to the Australian Government, 2009, <<https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/shut-out-the-experience-of-people-with-disabilities-and-their-families-in-australia>>.

32 People with Disability Australia, *Get real on Jobs*, Federal Election Platform 2013, People with Disability Australia, <<http://www.pwd.org.au/campaigns/federal-election-2011.html>>, in People with Disability Australia, *Final Report: People with Disability Australia (PWDA) Disability Employment Services (DES) Consumer Engagement Project*, People with Disability Australia, August 2014, <<http://www.pwd.org.au/issues/disability-employment-services-des.html>>.

such as Work for the Dole where people are forced to take part in employment irrelevant to their goals and aspiration are unlikely to have a long term impact on a persons' employability.³³

Precarious employment

The Victorian Council of Social Service (VCOSS) has noted that people with disability are among the groups of disadvantaged people more likely to face insecure and precarious work; that this leads to cyclical disadvantage and that addressing this requires place based holistic approaches.³⁴ We note that the service and hospitality industries are a growing share of the ACT economy and that these industries are more likely to offer insecure work.

People experiencing disadvantage may face multiple and complex barriers to employment. They are more likely to face insecure work for longer periods than other workers, as well as experiencing higher rates of underemployment, unemployment, and long-term unemployment than other Victorians. People facing these forms of disadvantage include vulnerable young people, Aboriginal people, people with disability, single parents, older people, women, people with low levels of education, people from culturally and linguistically diverse communities, from rural, regional, outer suburban, or low socioeconomic communities, and those with a history of contact with justice system.

Helping vulnerable people gain more stable employment requires a holistic response, including tackling socioeconomic disadvantage and the barriers to secure employment people face. In response to these issues the Victorian Government was encouraged to invest in place-based collaborative whole-of-community responses, involving government, education and training providers, employers and the community sector to help tackle employment issues, particularly within areas of entrenched disadvantage.³⁵

In the ACT, Belconnen Community Services (BCS), Canberra Institute of Technology and Review Project's SPARK initiative worked in collaboration to deliver a new and innovative training-to-employment model, with industry work experience placements, within BCS Early Childhood Centres. Thirteen participants began their training journey with the BCS Childcare Pre-Employment program in July 2016 and the group included women and men, young and mature aged, all from culturally and linguistically diverse background.

Emma Sckrabei, SPARK Training and Employment Manager notes that 'when they started, many participants presented with a few challenges in their life and we are working closely with them to ensure they are building their capacity to become ready

33 J Borland, *Work for the Dole doesn't work, so why is it Coalition policy?*, The Conversation, 13 April 2011, <<http://theconversation.com/work-for-the-dole-doesnt-work-so-why-is-it-coalition-policy-784>>.

34 Victorian Council of Social Service, *Labour Hire and Insecure Work*, Victorian Council of Social Service, 27 November 2015, <<http://vcoss.org.au/document/labour-hire-and-insecure-work/>>.

35 *ibid.*

and successfully secure employment'. Participants went on to receive a Certificate III in Early Childhood Education & Care along with a First Aid Certificate.³⁶

The pre-employment program, which was a finalist in the ACT Training Awards, might be a model for building industry collaboration programs which provide place-based pre-employment outcomes for people with disability.

Recommendation

That we explore opportunities to build solid industry collaboration programs which provide place-based pre-employment outcomes for people with disability.

Other reports relevant to this inquiry

ACTCOSS notes that there have been a range of inquiries and reports into the employment of people with disability and we recommend these to the Committee for close attention.

Willing to Work: the National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability 2016, Australian Human Rights Commission, www.humanrights.gov.au/sites/default/files/document/publication/WTW_2016_Full_Report_AHRC_ac.pdf.

Making Diversity Work, PWD ACT, 2009, www.pwdact.org.au/images/PWDACTMakingDiversityWork1.pdf.

(This includes depth interviews with ACT public servants on their experiences)

Doing it differently: Staff perceptions of the barriers to workplace participation experienced by public servants with disability in the Australian Public Service, Institute for Governance & Policy Analysis, 2016, www.governanceinstitute.edu.au/magma/media/upload/ckeditor/files/online-%20disability%20report.pdf.

³⁶ Supplied by Belconnen Community Service, 3 May 2017.

Response to Inquiry Terms of Reference

We have provided detailed responses to the Terms of Reference where appropriate. They appear below. We also make recommendations drawn from the work of ACOSS and consultations with members of the ACT Council of Social Service including with disability organisations.

a) the implementation of the ACT Public Service Disability Employment Strategy;

We note this extract from the 2009 *Making Diversity Work* report:

Indications are that pro-active recruitment programs are needed to achieve improvement in the level of employment of people with disabilities in the public sector.

Such programs need to be backed up with appropriate disability awareness training; leadership from departmental heads, managers and supervisors; and appropriate support of the individuals employed. Real changes in the levels of employment of people with disabilities can only be achieved where targets for employment levels are set, with time frames for their achievement.

Regular monitoring is needed on at least an annual basis with reporting to a central agency, preferably at the highest level Department (e.g. that of the Premier or Chief Minister) is necessary.

Finally, annual scrutiny by parliament ensures that the impetus for fine tuning of the policies is established. The policies and programs need to be bipartisan and ongoing with long term horizons set beyond a single term of government.³⁷

There is a history of work on disability employment in the ACT Public Service, however this work is patchy and inconsistent and initiatives are sometimes not followed up. Also corporate knowledge is not always being well retained.

A more consistent, rigorous and targeted approach needs to be implemented across a multi-year period by senior managers.

Improving outcomes needs to be clearly specified in job descriptions and these people need to have the background, context, knowledge, profile, seniority and resources to drive change.

The Access to ACT Government Strategy was developed by the ACT Disability Advisory Council (DAC) and launched in July 2003. It was a 'whole of Government' strategy which aimed to ensure that ACT Government services and facilities were accessible to members of the public who have a disability. Through implementing this

³⁷ People With Disabilities ACT, *Making Diversity Work – A study of the employment of people with disabilities in the Australian Capital Territory Public Service*, People With Disabilities ACT, June 2009, <<http://www.pwdact.org.au/index.php/policyinfo/publications/102-making-diversity-work>>.

strategy the risk of litigation under any relevant discrimination legislation was minimised.

As part of the Access to Government Strategy, in 2004 a series of fact sheets were published in an Access to ACT Government audit kit, outlining the barriers to access and actions which can be taken to minimise them. The content is aimed at staff in both Government and non-government organisations that will be interacting with people with disabilities as clients and customers.

As outlined above, following the adoption of the Access to Government Strategy, an accessibility audit of all Government departments, the Canberra Institute of Technology and ACT Emergency Services was undertaken by WestWood Spice consultants. This formally identified the barriers to employment of people with disabilities under specific categories

Each department/agency then developed a Disability Action Plan (DAP) through which it commenced addressing the shortfalls identified in the audit.

Unfortunately there is little evidence that the Strategy was followed through well and continued to have impact on Government. For example, it promoted the development of DAPs as part of the audit process. But as PWD ACT pointed out in their *Making Diversity Work* report³⁸ these did not become plans under the DDA and were not lodged with the Australian Human Rights Commission. At the time they noted there are no ACT Government DAPs registered on the AHRC website and that most of the DAPs developed have not been updated.

Following the PWD ACT report in 2011, the ACT Government launched The Employment Strategy for People with Disability which builds on the ACT Public Service (ACTPS) Respect, Equity and Diversity (RED) Framework and expands on the previous ACTPS Employment Framework for People with Disability 2004 by providing a focus on the employment of people with disability in the ACTPS.

The most recent ACT Public Service Disability Employment Strategy expired in 2015. There were 437 employees (2.1%) with disability in the ACT PS in the strategy's final year, less than the strategy's goal of 655 staff. (Source: ACT State of the Service Report 2014-15).

We recommend that any future strategy have clear, rigorous, timely and public reporting.

We understand that the Government undertook a review of the Respect, Equity and Diversity (RED) Framework in 2014 which included the Employment Strategy for People with a Disability 2011-2015.

The review confirmed that the RED Framework has been instrumental in developing and fostering a positive workplace culture. It also confirmed that the RED Framework has successfully provided a foundation on which employees have built on and should

38 *ibid.*, p.38.

be maintained. In relation to the Employment Strategy specifically, the internal and external feedback strongly identified that it should be officially moved out of the RED Framework, and developed as a stand-alone strategy.

The report identified that this course of action would support a re-focus on the strategy, including the diversity targets; and would provide the opportunity to issue a strong message across the ACTPS about the purpose and vision of the strategy. The report noted that although the diversity targets had not been met, growth had occurred since 2010 at an average of 27 employees per annum who identify as a Person with Disability. A comparison of 2012-13 and 2013-14 headcount indicates a higher growth in the 2013-14 period than that of the total growth in the ACTPS of 2.7%. In 2013-14, the ACTPS employed 31 People with Disability (384 up to 415) representing a growth of 8.1%. The final report from the review was tabled in the Assembly in May 2015.

Over the last twelve months, work has been undertaken to transition the Employment Strategy from an element of the RED Framework to a stand-alone strategy. To acknowledge the level of maturity that now exists in this area across the ACTPS, the Employment Strategy has been reshaped into a People with Disability Employment Framework (the Employment Framework).

The Employment Framework commits the ACT Government to employment of at least 654 People with Disability by 30 June 2019.

Recommendation

The ACT should maintain a specific Disability Employment Strategy which has clear, rigorous, timely objectives and public reporting and longitudinal commitment. It should be an ambitious strategy with pro-active recruitment programs, strong signature measures and be linked to internal accountability mechanisms with reporting to the ACT Legislative Assembly.

Recommendation

There should be a dialogue with the ACT Human Rights office about the way that organisations might best plan and exercise their public authority obligations under the ACT Human Rights Act.

b) the effectiveness of current attraction and retention programs in the ACT Public Service;

ACTCOSS notes that, while the diverse make-up of the ACT public service is an issue of interest to the whole community, we do not represent ACT public servants with a disability.

Consultation and industrial democracy methodologies should be central to any approaches by the ACT Government and the Government should listen to its own public servants, especially public servants with a disability, about what might improve their work opportunities and working conditions.

ACTCOSS supports focussed and concentrated work across a range of fronts to improve attraction and retention of people with disability in the ACT Public Service.

Positive initiatives

We thank the ACT Government for sharing their submission with us in the course of preparing this one as it provides some useful insights and continuity in our advice.

We note that the ACTPS currently offers two inclusion traineeships which provide people with disability additional employment pathways into the ACTPS. While these involve small numbers of people (two and nine respectively) they are welcomed.

We note the work of the ACT Inclusion Council and Disability Confidence Canberra. This work is welcome however we believe that an ongoing fully resourced program of disability confidence training focussing on direct and indirect discrimination; inherent requirements; job design and reasonable accommodations is needed to address employment issues. This might be modelled on Gulanga.

We note that the ACTPS is currently working with employment providers to establish a register for Australian School Based Apprentices (ASBAs) for People with Disability, with a view to promoting this to directorates as an opportunity to employ an apprentice in 2017-18.

We also note work to form networks of employees and practitioners and this is also welcomed.³⁹

Targets

ACTCOSS acknowledges that there are varying views on targets and quotas in the disability employment sector.

We do note that 'soft' approaches based on marketing and attitudinal change do not appear to be making a substantial difference in employment outcomes for people with disability over time.

The number of people with disabilities in the public service is now so low that people with disability lack role models, peers and mentors in the ACT Public Service.

Some catalytic change is required and historic opponents of targets and quotas, like Former AHRC Commissioner Graeme Innes, have changed their views on

³⁹ ACT Government, *Submission To The Standing Committee On Health, Ageing and Community Services, Inquiry Into The Employment Of People With Disabilities In The ACT*, April 2017.

interventionist measures as the situation has worsened and now support enforced public sector targets to lift the flattened level of disability employment.⁴⁰

We would therefore support ‘targets with a hard edge’ – achievable targets linked to Executive Director performance agreements which work over time to bring the representation of people with a disability within the ACT Public Sector closer to the rate of disability in the general population (over 15%).

Identified positions

ACTCOSS supports the notion of identified positions that would recognise that the Public Service is most effective when it represents the authentic face of the Canberra community and draws on the skills, experience and knowledge of the whole community.

Given around 15.8% of people in the ACT community have a disability, it is problematic that the ACT Public Sector (with 2.1% of people with disability employed) is not representative of the ACT community. There are some areas where it would be clearly appropriate to draw on the expertise and lived experience of people with a disability, including in the government’s own Office for Disability and areas of government working on transport, housing and built infrastructure.

ACTCOSS therefore supports the strategic identification of identified positions for people with a disability in the ACT public service.

ACTCOSS would support the development of identified positions, similar to Aboriginal and Torres Strait Islander identified positions, in places where this is clearly appropriate, including the new Office for Disability and in areas where disability knowledge, skills and contacts would be a strong business case including in transport, planning and land management, education and justice.

We would support two levels of identified positions – identified positions where disability knowledge is valued; and identified positions at the APS 1- 4 levels for administrative staff which would provide a viable gateway for people with an intellectual and cognitive disability.

Assembly internships

The ACT Legislative Assembly is in a powerful position to demonstrate the employability of people with disability in its own recruitment. MLA’s offices are an important contact point with a range of community stakeholders including employers and senior public servants who in turn employ many people in Canberra.

There would be a great deal of value in MLAs having staff members with a disability who could illustrate the employment capacities of people with a disability and also draw them into contact with the lived experience of people with a disability.

40 G Innes, Disability Discrimination Commissioner, interviewed on *The World Today*, radio program, ABC Radio, 25 May 2011, <<http://www.abc.net.au/worldtoday/content/2011/s3226476.htm>>.

There would also be value in allowing people with disability to work within the political precinct and gain skills and contacts from MLAs as leaders in our community.

ACTCOSS would therefore support the ACT becoming the first Parliament in Australia to introduce a paid Parliamentary internship scheme for people with a disability along the lines of internships introduced in the United States and some other jurisdictions (see our response to Terms of Reference at section g).

Entry level positions

ACTCOSS notes a steady decline in the number of APS 1-4 positions in the public sector. These positions have in the past served as a useful gateway and entry point into Public Service for people with disability.

We would support the idea of conducting audits of workplaces to identify work being done by existing staff that might be done by entry level staff using options like an office support model.

We note that the ACT previously offered successful traineeships to staff with intellectual disability as a one-off recruitment exercise. We would support identified positions which include this group of people who are historically excluded from the labour market being consistent and ongoing.

Judicious use of generic selection criteria

ACTCOSS notes that some in the disability community have pointed to the widespread use of generic selection criteria as problematic as it screens out people with some disabilities and does not focus on the inherent requirements of the job.

For instance, not all positions actually need people to be good at working in teams as well as analytical skills but many 'off the shelf' selection criteria templates require people to answer a range of criteria to simply make interview or pass through interview.

Good fit-for-purpose job design would look at the actual requirements of the job at a point in time and allow employers to recruit to the inherent requirements of jobs rather than having to recruit people to standardised or 'cookie cutter' selection criteria. Job design is a proven concept and the Jobs in Jeopardy program run by DEEWR has some capacity to assist with job design with individuals.⁴¹

Consideration might also be given to molding positions around applicants to suit their strengths and capabilities.

We note the Federal Governments RecruitAbility Program which guarantees people with disability who submit an application advance to an interview.⁴² However we are not convinced about the efficacy of this approach and there is limited evidence it has

41 Department of Human Services, *Job in Jeopardy Assistance*, Department of Human Services, viewed 4 May 2017, <<https://www.humanservices.gov.au/customer/services/centrelink/job-jeopardy-assistance>>.

42 Australian Public Service Commission, *RecruitAbility*, Australian Public Service Commission, viewed 4 May 2017, <<http://www.apsc.gov.au/managing-in-the-aps/disability/recruitabilityarchive>>.

resulted in tangible increases in public sector employment. People simply get to the interview and are then excluded due to the same fixed selection criteria and job design issues. One advocate we spoke to said this approach was counterproductive and 'setting people up to fail'.

Job redesign, good supports and the ability to recruit to jobs are needed to improve outcomes.

Outsourced recruitment

An increased reliance on outsourced recruitment is seeing a greater use of methods like assessment centres and psychometric testing which have been criticised for effectively screening out people with many disabilities including non neuro typical people and people with psychosocial disabilities. The UK has produced guidelines on the psychometric testing of disabled people.⁴³

Disability Action Plans

An Action Plan is a way for an organisation to plan the elimination, as far as possible, of disability discrimination from the provision of its goods, services and facilities. Although the Disability Discrimination Act (DDA) defines action plans in terms of service provision, it makes sense to include employment policies and practices. In so doing, an organisation can more adequately address responsibilities under the DDA.

Developing and implementing an Action Plan is a voluntary, proactive approach to DDA compliance. It has benefits both for organisations and for people with disabilities. For organisations, the development and implementation of action plans makes sense in terms of enhancing corporate image, delivering services more efficiently and accessing a wider market.

In the ACT only three ACT Government agencies currently have Action Plans registered with the Australian Human Rights Commission (AHRC) pursuant to section 67 of the *Disability Discrimination Act 1992* (Cwth). These are the Health Directorate and the Human Rights Commission, while there is a plan addressing the ACT's broader approach on accessible transport.⁴⁴

There are differing views about the effectiveness of registering DAPs with the AHRC as a strategy for achieving change within agencies. While its good practice to lodge DAPs, some practitioners that we spoke to in the course of preparing this submission were sceptical, if not of DAPs themselves then of the process involving the AHRC.

They indicated that DAPs were prepared, lodged and then became static documents as the AHRC has limited capacity to review and monitor them.

43 J Hackston & T Gulko, *Guidelines for the use of psychometric assessment with disabled people*, OPP, UK, 2015, <https://www.opp.com/~media/Files/PDFs/Guidelines_Policies/Disability_guidelines.pdf?la=en>.

44 Australian Human Rights Commission, *Register of Disability Discrimination Act Action Plans*, Australian Human Rights Commission, viewed 28 April 2017, <<http://www.humanrights.gov.au/our-work/disability-rights/action-plans/register-disability-discrimination-act-action-plans>>.

We also have a local Human Rights Act and there are clear public authority obligations under the ACT Human Rights Act which might be better engaged to drive accountability.

There should be a dialogue with the ACT Human Rights office about the way that organisations exercise their public authority obligations under the ACT Human Rights Act.

Tackling service wide issues

We note that a number of the respondents to the *Doing it Differently* report identified systemic issues around systems, processes and barriers (such as flexible working hours and delays with reasonable adjustment processes). These issues might be addressed by executive level sponsors, at the Senior Executive level, who have the power to pick up the phone and 'de-block' process.

Changes to practice and attitudes

All ACT Government employees undertaking recruitment should have disability confidence training, by a person with a disability, so that they understand and can practice basic concepts like avoiding direct and indirect discrimination; making reasonable accommodations; and inherent requirements for jobs.

Recommendation

There should be a dialogue with the ACT Human Rights office about the way that organisations exercise their public authority obligations under the ACT Human Rights Act.

Recommendation

There should be a program for disability that builds disability confident consumer and employer practice in community organisations, public sector and new entrants under NDIS. This work should be properly resourced, culturally appropriate, rights based and lead by people with disability grounded in the disability rights movement. The program should progress the Disability Confidence Canberra initiative and build on the model of the Gulanga program. There should be a dialogue with the ACT Human Rights office about the way that organisations exercise their public authority obligations under the ACT Human Rights Act.

Recommendation

The ACT should consult with existing public sector staff, as well as using evidence previously provided by staff, especially staff with a disability, in improving the recruitment and retention of ACT Public Sector staff with a disability.

Recommendation

The ACT should introduce become the first jurisdiction in Australia to introduce a Parliamentary internship program for people with a disability in the ACT Legislative Assembly to showcase good practice, provide employment outcomes and signal to the whole community that it is serious about change.

Recommendation

The ACT Government should consider identified positions for people with a disability within its own Office of Disability and in key areas that consider and develop policy and programs where the lived experience and knowledge of people with a disability is needed for good outcomes.

Recommendation

The ACT Government should establish employment targets for people with disability in the public service and these should be considered in the context of performance reviews of directorate heads.

Recommendation

The ACT Government review selection criteria and recruitment processes to allow a) managers to recruit to positions rather than standardised selection criteria and/or b) allow managers to mould positions around an applicant to fit their strengths and capabilities.

Recommendation

The ACT Government should undertake audits of work being done within directorates which could utilise the skills of entry level staff and create identified positions for people at the APS 1- 4 level which can be gateways to the service for people with a range of disabilities, including people with cognitive and intellectual disability.

Recommendation

All ACT Government staff in a recruitment or management position should acquire disability confidence training that includes information on direct and indirect discrimination, reasonable accommodations and inherent requirements of jobs.

Recommendation

The ACT Government consider nominating Executive Level Sponsors who can act as a contact point across the service for issues that require a service wide decision or discussion at the senior executive level.

Recommendation

Strategies to support people with a psycho-social disability should be a strong focus in all training and awareness work on disability in the ACT Public Sector.

c) the effectiveness of current attraction and retention programs for ACT based private enterprise and community organisations;

ACTCOSS believes more work should be done by government, in partnership with business and the community sector, to ensure people with disability have opportunities for sustainable employment in the ACT. While the DES is an important mechanism to place and train people with disability, the message must go out to industry and business that all work places should accommodate people with disability.

There should also be recognition by Government as well as by business and industry that specialist programs are not the only means available to facilitate employment for people with disability.

We note the ACT Governments Payroll Tax exemption for the employment of people with a disability seems to have had limited success in improving outcomes.

More targeted investments should focus on investing in the capacity of people with disabilities to improve their scope of employment options and manage pathways out of school and into open employment.

There is also a need for more work with employers. While the DES system focusses on disability supports, there is a lack of work with private employers to get them willing and ready. We lack clear contemporary information on employer attitudes and what is driving recruitment decisions and what it would take to shift them, so some attitudinal research work, to update the work done in 2004, would be welcome.

The work of the ACT Government Inclusion Council is welcome in the disability awareness space and we support its continuation.

That work must be better resourced and backed up by action around procurement which should be part of mandated reporting and addressing systemic barriers.

The ACT community and health sector is a growth employer in the ACT.⁴⁵ There is limited work being done to encourage and support the ACT Community Sector to be a model employer for people with a disability. Many community organisations are situated in older buildings with poor infrastructure that presents barriers to people with disability. There is mixed literacy about concepts like inherent requirements and reasonable accommodations.

Community organisations are often encouraged to adopt public sector style governance and recruitment practice. These same practices have contributed to the exclusion of people with disability in the ACT and Federal Public Sectors, and can have the same effect in community settings.

Along with any work to eliminate unconscious (and conscious) bias in the Public Service, there should be work to increase the literacy, understanding and capacity of the community sector to employ people with disability. For instance, readily available subsidised training in disability confident practice for community organisations and work to encourage community organisations to adopt Disability Action Plans.

Social Procurement

ACT Government procurement is governed by the Government Procurement Act 2001 and the Government Procurement Regulation 2007. The Regulation gives Directors-General the flexibility to target opportunities for social procurement as deemed necessary to achieve greater benefits than would be achieved from an open competitive tender.⁴⁶

45 ACTCOSS & Women's Centre for Health Matters, *Creating Opportunity or Entrenching Disadvantage? ACT Labour Market Data*, ACTCOSS & Women's Centre for Health Matters, October 2014, <<https://www.actcoss.org.au/publications/advocacy-publications/creating-opportunity-or-entrenching-disadvantage-report-act-anti>>.

46 ACT Government, *Procurement Circular PC02: Social Procurement*, ACT Government, 2014, viewed 2 May 2017, <http://www.procurement.act.gov.au/_data/assets/pdf_file/0007/276784/PC02-Social-Procurement-v3-Jul-2014.pdf>.

Social procurement can assist to deliver government policy objectives such as building strong communities by generating employment opportunities and promoting social inclusion. Social procurement targets either disadvantaged groups within the community (such as indigenous persons, long term unemployed, people with disabilities, migrants, refugees and older persons) or organisations that exist primarily to support people experiencing disadvantage and social isolation.

Social clauses detailing the social impacts sought (for example, employment of Aboriginal and Torres Strait Islanders, people with a mental illness, migrants or people with a disability); can be included in tender documentation and evaluated as part of the tender evaluation.

Social benefit requirements can either be specified through targets such as the number and duration of people employed from agreed categories of disadvantage. Alternately, tenderers can be required to outline the social impacts they can deliver in relation to nominated target groups.

The Government Procurement Regulation 2007 provides flexibility for Directors-General to use social procurement. Social procurement can be used to deliver government objectives in relation to building strong communities and promoting social inclusion. Social procurement can be used to target employment of people with disabilities by contractors or to contract disability enterprises (or social enterprises supporting people with disabilities).

Arguably, outcomes such as stronger communities and social inclusion should be considered in general procurement practice, not solely in relation to a targeted social procurement process. The overarching procurement principle of value for money is defined in the Government Procurement Act 2001 to mean the best available procurement outcome. From a triple-bottom line perspective, determining value for money in general procurement practice should require consideration of social outcomes, including those that would provide decent employment and/or training opportunities for people with disabilities or business opportunities for enterprises which offer open employment and Award wages.

Recommendation

The ACT Government should preference private businesses and not for profit organisations who employ people with a disability in open employment at Award wages through social procurement practice. Measures could include: the adoption of a Disability Action Plan; reporting on the numbers of people with disability in annual reports; undertaking an access audit; and meeting the requirements of AS 1428.1.

Recommendation

The ACT Government should encourage the Commonwealth Government through mechanisms such as the Disability Reform Council to develop a Disability Employment Plan – along the lines of the plan recommended by the McClure report. Employment initiatives, as well as initiatives which address barriers to employment, should be addressed through a revitalised National Disability Strategy.

Recommendation

Instead of payroll tax concessions, future assistance should be aimed at offsetting the barriers and costs experienced by workers with disability. Governments should consider concessions or comprehensive tax offsets for the costs of mainstream supports people with disability may encounter in order to maintain themselves in jobs (for instance the costs of tailored clothing, taxis or accessing transport off the trunk routes).

e) data collection, monitoring and reporting mechanisms;

Reporting on the Strategy

The most recent ACT Public Service Disability Employment Strategy expired in 2015. There were 437 employees (2.1%) with disability in the ACT PS in the strategy's final year, less than the strategy's goal of 655 staff. (Source: ACT State of the Service Report 2014-15).

We have received details of the progress reporting under the Strategy and are aware that some progress has been made. However we recommend that any future strategy have clear, rigorous, timely and public reporting.

Reporting by directorates

There should be clear and transparent reporting on disability employment by individuals directorates against more ambitious but achievable employment targets.

We also note the key recommendations of the *Making Diversity Work* report by PWD ACT which included⁴⁷:

RECOMMENDATION 3:

Undertake a follow up to this study to look at current patterns of employment of people with disabilities across all departments and classification levels in the ACT.

⁴⁷ People With Disabilities ACT, *Making Diversity Work – A study of the employment of people with disabilities in the Australian Capital Territory Public Service*, People With Disabilities ACT, June 2009, <<http://www.pwdact.org.au/index.php/policyinfo/publications/102-making-diversity-work>>.

RECOMMENDATION 4:

Immediately recommence collection of, and regular reporting on data for employment levels of people with disabilities in all ACT public sector portfolios and agencies.

Other data gaps – employer attitudes

Australia has also used the same messaging about disability and employment for many years. This includes indicating that people are reliable employees; that they take less sick leave; and they don't present an OHS risk.

We also invest in attitudinal work via the ACT Inclusion Council and the ACT Inclusion Awards, which include categories for employment.

We have limited information on whether these messages or approaches are actually cutting through with employers and making the case for employing people with disability.

Given our poor record on employment it may be that different messaging is required or a different pitch of these existing messages is required. Without evidence it is hard to know which changes would have what impact and Australia also has no internationally benchmarked research on community attitudes towards disability.

The ACT has done work in the area but now has evidence that is over a decade old.

Ireland invests in a series of National Surveys of Public Attitudes to Disability and has conducted these in 2001, 2006 and 2011. The Irish work was the model for some ACT work in 2004 and was intended to enable potential benchmarking in later surveys.

The results of the 2004 ACT work were concerning. **Twenty percent of people** said that they thought that people with disabilities **could not be as effective at work** as people without disabilities (i.e. any person with any disability under *any* circumstances, regardless of skills); negative attitudes were held by people with a direct personal connection to disability; many didn't know what a disability was and just about everyone held major misconceptions about intellectual, cognitive and psychosocial disabilities.⁴⁸

All that in a survey group that included some people with managerial profiles and high levels of tertiary education in a public service town.

This survey was not repeated so we do not know whether attitudes have changed, but there would be value in having periodic surveys of community attitudes in the ACT to gauge employer attitudes and what the best means of changing them are.

ACTCOSS believes that there would be value in refreshing the ACT Community Attitudes work and undertaking an employer focussed survey on their attitudes towards

48 ACT Disability Advisory Council, *Snapshot of Research on Community Attitudes in the ACT*, ACT Disability Advisory Council, 2004.

people with disability to give us solid evidence about what attitudes are held, what practices these encourage or discourage, and what might leverage change.

Recommendation

The ACT Government should commit to evidence based policy on changing disability attitudes and undertake an employer focussed survey on community attitudes towards people with disability to give us solid evidence about what attitudes are and what might leverage change.

Recommendation

The ACT Government should look at current patterns of employment of people with disabilities across all departments and classification levels in the ACT and immediately recommence collection of, and regular reporting on data for employment levels of people with disabilities in all ACT public sector portfolios and agencies.

g) relevant experiences and learnings from Australian State, Commonwealth and international jurisdictions;

This inquiry has asked for information on programs and initiatives from other jurisdictions. ACTCOSS is not in a position to quality assure international approaches and notes that there are limits in the efficacy of transplanting programs into different national contexts.

However they do provide ideas on break through approaches which might be explored here and evaluated for their efficacy. They can also show the scope of leadership and intent which is needed to drive change. It is important to consider the applicability of lessons from international approaches given the consistent lack of traction and progress on disability employment over several decades in Australia.

High level commitment

Former President Obama committed to expanding access to employment by having the federal government lead by example in hiring people with disabilities and enforcing existing laws.

The President issued an Executive Order to make the federal government a model employer of persons with disabilities. The Order requires agencies to create hiring plans and holds agencies accountable for their hiring practices.⁴⁹

The United States also had a program of internships which included people with disability in the White House and in Congress.⁵⁰

49 The White House, *Increasing Federal Employment of Individuals With Disabilities*, Executive Order 13548 of July 26, 2010, <<https://www.gpo.gov/fdsys/pkg/FR-2010-07-30/pdf/2010-18988.pdf>>.

While we note that some MLAs have employed people with disability, ACTCOSS believes that the ACT would benefit from a Parliamentary Internship Scheme in the ACT that could be a flagship for demonstrated intent, commitment and practical partnership.

Evidence

Australia lacks up to date evidence on how many people with disabilities are in jobs, why people are being employed or leaving and what might change employer attitudes and practices.

The United States publishes regular information on the employment status of the civilian population by sex, age, and disability status. It is possible to retrieve *monthly* data on disability and jobs.⁵¹ Australia's primary source of information is the ABS SDAC (six yearly) as well as income support numbers.

ACTCOSS is also concerned that reporting of government messaging around welfare reform can be counterproductive. Negative commentary⁵² about people on DSP, such as stories which label people as 'malingerers' or 'burdens', make people less employable. The Federal Government needs to own part of the problem.

As indicated previously we also have limited hard information on why people with disability don't win and retain jobs, especially on links between social and economic participation.

Marketing people to employers

In Australia the Australian Network on Disability does strong work to work with employers building the business case for the employment of people with a disability. They offer a range of products, training, consultancy and programs to help business welcome people with disability across all aspects of the business. They have a strong membership base of businesses within the Network with an extensive list of resources, fact sheets and publications.⁵³

The Campaign for Disability Employment in the United States is a collaborative effort to promote positive employment outcomes for people with disabilities by encouraging employers and others to recognize the value and talent they bring to the workplace. A video contest was organised by the Job Accommodation Network (JAN) to encourage

50 Helen A Kellar Institute, *New Congressional Intern Program for Disabled College Students*, Helen A Kellar Institute, 12 August 2010: <<https://masonlife.gmu.edu/news/stories/news-congressional-internships>>.

51 United States Department of Labor, *Bureau of Labor Statistics*, tables, <<https://www.bls.gov/news.release/empsit.t06.htm>>.

52 'Disability hits \$17 billion burden', *The Australian*, 2 November 2015, (paywalled), <<http://www.theaustralian.com.au/national-affairs/disability-support-pension-burden-hits-17bn-a-year/news-story/61692e10aead22629717d810ca046376>>.

53 Australian Network on Disability, *What we do*, Australian Network on Disability, viewed 4 May 2017, <<https://www.and.org.au/pages/consultancy-ser-what-we-do-997.html>>.

local filmmakers to make short positive films to encourage disability employment. Winners received cash prizes with their video shown on the Campaign Website⁵⁴.

The campaign included public service announcements, such as the 'I Can' PSA which have some very powerful and effective messaging on employment aimed at employers.⁵⁵ It is hard to find any similar campaigns in Australia. There are also profiles of people with different disabilities providing the campaign with a cross disability focus and allowing employers to identify with personal stories.⁵⁶

Ireland has a high profile awards set called the O2 Ability Awards which is specifically about employment. The award winners accumulate as champions. The awards are managed in the NGO sector with sponsorship and are made every few years.

Some jurisdictions have adopted approaches which involve issuing a national challenge on employment. The 10x10 Challenge was an initiative in the State of British Columbia to increase the employment of people with disability in Canada by 10% by 2010. This included an integrated package of tools allowing local regions to sign up to the Challenge.

Mentoring, jobshadowing and career exploration

In the United States each October during National Disability Employment Awareness Month, the American Association of People with Disabilities (AAPD) works with the Department of Labor's Office of Disability Employment Policy to promote Disability Mentoring Day (DMD).⁵⁷

On Disability Mentoring Day, young people with disabilities throughout the country spend a day finding out about the skills and education needed to succeed in different kinds of careers. Students are referred to job shadows and program events by Local Coordinators. Many communities also plan kick-off breakfasts, all-day informational seminars, and/or end-of-day receptions for community participants to attend.

For example, the DO-IT Disability Mentoring Day serves Seattle and surrounding areas. Both college and high school students visit employers such as Microsoft, Boeing, and the Federal Aviation Administration to meet with mentors, many of whom have disabilities themselves.

54 United States Office of Disability Employment Policy & U.S. Department of Labor, *What Can You Do? The Campaign for Disability Employment*, United States Office of Disability Employment Policy & U.S. Department of Labor, viewed 4 May 2017, <<https://www.whatcanyoudocampaign.org/>>.

55 'I Can' PSA, YouTube video, What can YOU do? The Campaign for Disability Employment, 18 September 2009, <https://www.youtube.com/watch?v=BG_W7wAe1kw>.

56 What can YOU do? The Campaign for Disability Employment, *Meet the "I Can" PSA Participants*, What can YOU do? The Campaign for Disability Employment, viewed 4 May 2017, <<https://www.whatcanyoudocampaign.org/blog/index.php/meet-the-i-can-psa-participants/>>.

57 DO-IT, *Disability Mentoring Day: A Promising Practice in Promoting Career Exploration*, DO-IT, University of Washington, 20 August 2015, <<http://www.washington.edu/doit/disability-mentoring-day-promising-practice-promoting-career-exploration?336>>.

Career exploration could be powerful for people with disability as it allows people to 'come and try' an employment experience. It means that people can find out more about the supports they might need in a job.

Australia does not have nationally organised career exploration programs for people with disability with employers and the concept is not well understood. An innovation fund might explore these approaches.

Developing 'soft skills' and volunteering

In Pennsylvania in the United States there is a summer program for 11th and 12th grade students and recent high school graduates with disabilities run through Volunteers of America:

The summer program and work-readiness training for high school students with disabilities focuses on exploring skills talents and abilities, employer expectations, and interview skills as well as professional soft skills development, technology for the workplace and customer service skills development. This program is interactive and community based. The goal is to begin to prepare participants for the world of work.⁵⁸

In Australia there seems to be very little concentrated activity on building these soft skills, especially for young people with disability. Soft skills are further eroded by segregated environments, special schools, overprotective care and service models, inflexible supports, an inadequate application of concepts like dignity of risk and a lack of casual and part time employment as people grow. Work is a social space and a lack of opportunity to build 'soft' (but essential) skills needed to thrive in a workplace can set people up to fail.

Volunteering

In Australia discussions on disability and volunteering often focus on people with disability as *recipients* of volunteering rather than being volunteers. Many people are not recognised for their volunteering roles in organisations and do unpaid work which should be paid. Carly Findlay writes that 'people with disabilities are often asked to sit on committees, contribute to projects and tell our stories but people are seldom willing to pay us for our time'.⁵⁹

In the United States there is an active focus on young people with disability being involved and developed through service and not just with disability organisations. There are programs which include people with disability in youth development and dedicated programs⁶⁰ for international exchange and youth leadership development.⁶¹

58 The Forbes Funds, *Member Spotlight: Volunteers of America Pennsylvania*, The Forbes Funds, viewed 4 May 2017, <<https://forbesfunds.org/member-spotlight-volunteers-america-pennsylvania>>.

59 C Findlay, *Don't expect me to work for free*, ABC Ramp Up, 10 June 2014, viewed 4 May 2017, <<http://www.abc.net.au/rampup/articles/2014/06/10/4022534.htm>>.

60 Mobility International USA, *National Clearinghouse on Disability & Exchange*, Mobility International USA, viewed 4 May 2017, <<http://www.miusa.org/ncde>>.

There are some beacons of better practice in Australia – a program called Sport Matters involves people with disability as volunteers in International Development in the Solomons and elsewhere.⁶² In the ACT Nican worked with Volunteering ACT to work up an Inclusive Volunteering Program that provides support to facilitate vulnerable people into volunteering placements, to increase social and economic participation in the broader community. The program, relaunching in 2017, assisted people with a disability, people from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander people to achieve their goals through volunteering.⁶³

h) the applicability to the ACT Public Service, of recommendations and findings from the report *Employing people with disability in the APS* published by the University of Canberra;

We note the report's emphasis on measures to address unconscious bias and drive cultural change. One example of unconscious bias is generic selection criteria rather than criteria which recruit to positions.

The report also documented findings on the experiences of people following disclosure including perceptions:

- that they were afforded fewer opportunities
- that judgements were made about their ability/capacity to take on work
- that they experienced a change in employment (e.g. having a permanent position reneged on or experiencing reduced contract hours)
- that they had to work harder to prove their worth
- that they were micro-managed or put on a performance plan
- that their disability was questioned by management when they were asked to provide evidence of fitness to work or proof of disability
- that managers shared information about them without their consent
- feelings of humiliation, embarrassment or even being bullied by supervisors.

61 NYLN Youth Leader Blog, viewed 4 May 2017, <<https://nyln.org/>>.

62 Sport Matters, viewed 4 May 2017, <<http://www.sportmatters.org.au/>>.

63 Volunteering and Contact ACT, *Inclusive Volunteering Program*, Volunteering and Contact ACT, viewed 4 May 2017, <<http://vc-act.org.au/inclusive-volunteering-program/>>.

We note observations in the report that whether the experience was positive or negative seemed to relate to individual managers and their understanding of disability and that experiences could be different in different sectors of an organisation.⁶⁴

Again these and other findings in the cultural audit point to the importance of gaining a good understanding of the experiences of staff in shaping responses as well as the need for good understandings and practice around non-discrimination, inherent requirements and reasonable accommodation.

We would also note that the ACT public service is not the Federal Public Service and there may be dangers in transferring assumptions and findings between the two levels of government. An important aspect of any work to address poor employment outcomes for people with disability within the ACT public service should be to gain a good contemporary understanding of the issues faced by public servants with a disability and also to work with staff association and unions.

any other relevant matter

School to work pathways

We note the importance of work experience to provide positive pathways from school to work for people with disability. We understand that the submission from National Disability Services addresses these issues in some detail.

Participation is a wrapped up problem

Approaches to encourage the employment of people with a disability also need to recognise that people with a disability enter employment in context of educational attainment, the availability of disability supports, access to social networks and access to other community involvement and participation opportunities such as youth development, volunteering, community participation and resilient family networks.

There is an under-investment in these areas of life and capacity building for people with disability due to a narrow focus on paid employment.

In addition people do not enter employment in a vacuum but in the context of an array of informal and personal supports and development opportunities which include education attainment, family resilience, freedom from abuse and neglect and opportunities to access a range of skills, experiences and supports which are valued in the workplace (such as being involved in Youth Development opportunities).

Most young people who gain employment come to the workplace with a range of networks and experiences which have built their capabilities and confidence over time. They may have been involved in team sports, youth leadership or their local sea

64 M Evans, M Edwards, C McGregor & P Upton, *Doing it Differently: Staff perceptions of the barriers to workplace participation experienced by public servants with disability in the Australian Public Service*, November 2016, p.45, <http://www.governanceinstitute.edu.au/magma/media/upload/ckeditor/files/online-%20disability%20report.pdf>.

scouts. People with disabilities are often excluded from these activities and we do not invest in them or nurture them because they do not have an immediate employment outcome.

Lastly we note that while paid employment is important, it is not the only way that people contribute to our community and economic participation should not be seen as the sole end goal of government programs and investments for people with disability.

The reality is that some people cannot currently participate in the labour market due to a complex set of barriers, issues at the health, ageing and disability interface; intersectional issues who people who are Aboriginal and Torres Strait Islander or LGBTIQ and the way society and the labour market is currently framed. Barring a universal employment guarantee and the removal of all community barriers, this is likely to be the case for some time for too many people.

ACTCOSS believes the community should continue to provide people with an income safety net, valued roles, recognition and opportunities to be part of civic life whether or not they are in paid employment.

Recommendation

The ACT Government should invest in creating and removing barriers to participation opportunities for people with disability which may not lead to an immediate paid employment outcome, but which give people skills, capacities, capabilities, confidence and personal networks which can lead to employment outcomes. This includes sport, recreation, volunteering and youth development opportunities.

Recommendation

The ACT Government should invest in serious ongoing paid work lead by people with disability which increases the cultural confidence of employers, community organisations, clubs and government agencies to build inclusive practice for people with a disability.

Recommendation

The ACT Government should be a leader in ensuring people with disability are rewarded for the work they do. It should ensure that it remunerates people with disability for all roles which should be paid including sitting as members of boards and committees; undertaking speaking engagements and providing consumer advice and civic leadership roles which support Government programs, services and policies.

Recommendations

ACTCOSS has made the following recommendations:

Recommendation 1

The ACT Government should expedite work on a resourced Disability Reference Group to include people with disabilities and to address access issues. The current DRG should be consulted about the Terms of Reference, the resources required and the critical timeframes.

Recommendation 2

The new City Renewal Authority and the Suburban Land Agency should include disability access considerations in their agenda including building feedback pathways for people with disability in planning and city renewal.

Recommendation 3

The ACT Government recognise the importance of directing efforts toward the digital inclusion for people with disability as it pursues its vision of a smart, digital city and region, noting its growing importance as an enabler of participation.

Recommendation 4

Recognising that affordable and accessible transport is a major enabler for both social and economic participation, the ACT Government should maintain and strengthen supports such as the ACT Taxi Subsidy Scheme and focus on improving access to buses, including accelerating the rollout of accessible buses as well as taking measures to address transport disadvantage.

Recommendation 5

The ACT should maintain a specific Disability Employment Strategy which has clear, rigorous, timely objectives and public reporting and longitudinal commitment. It should be an ambitious strategy with pro-active recruitment programs, strong signature measures and be linked to internal accountability mechanisms with reporting to the ACT Legislative Assembly.

Recommendation 6

There should be a dialogue with the ACT Human Rights office about the way that organisations might best plan and exercise their public authority obligations under the ACT Human Rights Act.

Recommendation 7

There should be a program for disability that builds disability confident consumer and employer practice in community organisations, public sector and new entrants under NDIS. This work should be properly resourced, culturally appropriate, rights based and lead by people with disability grounded in the disability rights movement. The program should progress the Disability Confidence Canberra initiative and build on the model of the Gulanga program. There should be a dialogue with the ACT Human Rights office about the way that organisations exercise their public authority obligations under the ACT Human Rights Act.

Recommendation 8

The ACT should consult with existing public sector staff, as well as using evidence previously provided by staff, especially staff with a disability, in improving the recruitment and retention of ACT Public Sector staff with a disability.

Recommendation 9

The ACT should introduce become the first jurisdiction in Australia to introduce a Parliamentary internship program for people with a disability in the ACT Legislative Assembly to showcase good practice, provide employment outcomes and signal to the whole community that it is serious about change.

Recommendation 10

The ACT Government should consider identified positions for people with a disability within its own Office of Disability and in key areas that consider and develop policy and programs where the lived experience and knowledge of people with a disability is needed for good outcomes.

Recommendation 11

The ACT Government should establish employment targets for people with disability in the public service and Directorate outcomes in these should be considered in the context of performance reviews of directorate heads.

Recommendation 12

The ACT Government review selection criteria and recruitment processes to allow a) managers to recruit to positions rather than standardised selection criteria and/or b) allow managers to mould positions around an applicant to fit their strengths and capabilities.

Recommendation 13

The ACT Government should undertake audits of work being done within directorates which could utilise the skills of entry level staff and create identified positions for people at the APS 1- 4 levels which can be gateways to the service for people with a range of disabilities, including people with cognitive and intellectual disability.

Recommendation 14

All ACT Government staff in a recruitment or management position should acquire disability confidence training that includes information on direct and indirect discrimination, reasonable accommodations and inherent requirements of jobs.

Recommendation 15

The ACT Government consider nominating Executive Level Sponsors who can act as a contact point across the service for issues that require a service wide decision or discussion at the senior executive level.

Recommendation 16

Strategies to support people with a psycho-social disability should be a strong focus in all training and awareness work on disability in the ACT Public Sector.

Recommendation 17

The ACT Government should preference private businesses and not for profit organisations who employ people with a disability in open employment at Award wages through social procurement practice. Measures could include; the adoption of a Disability Action Plan; reporting on the numbers of people with disability in annual reports; undertaking an access audit and meeting the requirements of AS 1428.1.

Recommendation 18

That we explore opportunities to build solid industry collaboration programs which provide place-based pre-employment outcomes for people with disability.

Recommendation 19

The ACT Government should encourage the Commonwealth Government through mechanisms such as the Disability Reform Council to develop a Disability Employment Plan – along the lines of the plan recommended by the McClure report. Employment initiatives, as well as initiatives which address barriers to employment, should be addressed through a revitalised National Disability Strategy.

Recommendation 20

Instead of payroll tax concessions, future assistance should be aimed at offsetting the barriers and costs experienced by workers with disability. Governments should consider concessions or comprehensive tax offsets for the costs of mainstream supports people with disability may encounter in order to maintain themselves in jobs (for instance the costs of tailored clothing, taxis or accessing transport off the trunk routes).

Recommendation 21

The ACT Government should commit to evidence based policy on changing disability attitudes and undertake an employer focussed survey on community attitudes towards people with disability to give us solid evidence about what attitudes are and what might leverage change.

Recommendation 22

The ACT Government should look at current patterns of employment of people with disabilities across all departments and classification levels in the ACT and immediately recommence collection of, and regular reporting on data for employment levels of people with disabilities in all ACT public sector portfolios and agencies.

Recommendation 23

The ACT Government should invest in creating and removing barriers to participation opportunities for people with disability which may not lead to an immediate paid employment outcome, but which give people skills, capacities, capabilities, confidence and personal networks which can lead to employment outcomes. This includes sport, recreation, volunteering and youth development opportunities.

Recommendation 24

The ACT Government should invest in serious ongoing paid work lead by people with disability which increases the cultural confidence of employers, community organisations, clubs and government agencies to build inclusive practice for people with a disability.

Recommendation 25

The ACT Government should be a leader in ensuring people with disability are rewarded for the work they do. It should ensure that it remunerates people with disability for all roles which should be paid including sitting as members of boards and committees; undertaking speaking engagements and providing consumer advice and civic leadership roles which support Government programs, services and policies.

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