



**People With
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ACT Inc

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ACT

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By email: committees@parliament.act.gov.au

***Submission* Inquiry into the Employment of people with disabilities**

People With Disabilities ACT acknowledges the Ngunnawal People as the traditional owners of the land on which we work.

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About PWD ACT

People With Disabilities ACT Inc. (PWD ACT Inc.) is a not for profit consumer run systemic advocacy organisation which represents the interests of people with disabilities in the ACT. PWD ACT Inc. works to improve access to all amenities and to all forms of information and activities of the community.

PWD ACT Inc. is a peak body which seeks to inform the community about disability issues. PWD ACT advocates from a human rights perspective and acknowledges the ***UN Convention on the Rights of Persons with Disabilities***.

The text of this Convention can be found at:

www.hreoc.gov.au/disability_rights/convention.htm

Article 27 of this Convention is especially relevant to this submission.

PWD ACT has informed its individual and organisational members of this consultation in its e-Bulletins to members during the consultation period and informed members of our intention to make a submission on this matter.

Summary of Recommendations

PWD ACT recommends that the ACT Government maintain a specific Disability Employment Strategy which has clear, rigorous, timely objectives and public reporting and long term commitment. The Strategy should go beyond the ACT Public Service and should extend to the private sector and the community sector.

The ACT Assembly needs to lead by example by each Assembly Member employing on their staff one person with a disability. At Present only one member of the Assembly employs on her staff a person who is identified as a person with a disability.

The ACT Assembly and ACT Government Directorates needs to review their staffing profiles to identify positions suitable to the employment of people with disabilities and selectively recruit people with disabilities for these positions.

PWD ACT supports the submission and recommendations of the RSI and Overuse Injuries Association to address current employment difficulties experienced by people with RSI and overuse injuries and people who are blind or vision impaired who use adaptive software in their employment.

PWD ACT also recommends to the Committee our own work in this area '***Making Diversity work***' which is still a very relevant resource to both people with disabilities and public sector managers.

PWD ACT supports the recommendations in the submission by Women With Disabilities ACT with respect to the intersection of gender and employment for people with disabilities.

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PWD ACT recommends that the Committee either through an extension to this Inquiry or another means acknowledges **investigates and reports on employment disadvantage** as encountered by people with **cultural and linguistic diversity, gender identity and Aboriginal and Torres Strait Islander Identity, who are also people with disabilities.**

Overview

The Australian Human Rights Commission report, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability 2016* found the ACT to be the only jurisdiction with an increase in the employment of people with disability over the 2013-15 period. However, the experience of many people with disabilities is that The ACT remains a place in which it is very difficult to obtain, hold and progress in a job.

Canberra is a city which has a number of natural advantages which if properly leveraged should produce an environment conducive to the progressive employment of people with disabilities. These advantages include a compact geography and high levels of education, income and social awareness. But these attributes of Canberra are not producing employment outcomes for people with disabilities. PWD ACT suggests that if this inquiry is to progress the employment of people with disabilities in the ACT, it must focus on leveraging these advantages we have mentioned and learning from other Government and Non-government organisations on what has worked to support people with disabilities to gain, keep and grow in their employment.

Improved employment outcomes for people with disabilities requires a whole of Government approach in which ACT Government policies with respect to housing, education, environmental access and transport and employment work together to create an accessible community. PWD ACT's Election platforms for the 2016 election, available at our website <http://www.pwdact.org.au> provide information on practical actions which can be taken in the key areas of housing, environmental access and transport to support the employment of people with disabilities. In particular, the ACT Government should expedite work on a resourced Disability Reference Group to include people with disabilities and to address access issues for transport and new developments. **Recommendation**

The ACT Government should also maintain and strengthen supports such as the ACT Taxi Subsidy Scheme and focus on improving access to buses, including accelerating the roll out of accessible buses currently not scoped for full compliance until 2022.

Responses to Terms of Reference

Implementation of the ACT Public Service Disability Employment Strategy

PWD ACT has a close affinity with the Employment Strategy as its formulation and launch was a direct result of our efforts in first producing and then advocating for the implementing of our report '***Making Diversity Work***'

<http://www.pwdact.org.au/index.php/policyinfo/publications/102-making-diversity-work>

PWD ACT believes that the content and recommendations of this report makes it a resource which can still be used by both Managers and people with disabilities in their day to day work.

The progress of the implementation of the ***ACT Public Service Disability Employment Strategy*** is conveniently tracked in the information on the employment of people with disabilities in the ***State of the Service Reports*** for the years from 2012 to 2016. In essence these reports show a trend in which there was an initial small increase in the employment of people with disabilities in 2012 attributable to the impetus from the launch of that Report. However, in subsequent years the employment of people with disabilities in the ACT Public Service has either plateaued or decreased to the point where in June 2016 the percentage of people with disabilities employed in the ACT Public Service was 2.2%. This is a decrease from 2011 and 2012.

A number of factors have affected the impact of the Employment Strategy. First, the positioning of the *Strategy within the ***Respect, Equity and Diversity (Red) Framework**** while an inclusive move may have also blunted the Strategy's edge. In addition, from the outset the people implementing the Strategy took a cautious rather than a bold approach. This is not necessarily a wrong approach. We will never know if a bolder approach would have yielded a different result. In the end, the Strategy, has, we believe, been given less and less influence over time to the point where people with disabilities either do not know about it or see it as having little practical impact on their working life.

Recommendations

The ACT Government maintain a specific Disability Employment Strategy which has clear, rigorous, timely objectives and public reporting and long term commitment. The Strategy should go beyond the ACT Public Service and should extend to the private sector and the community sector.

The ACT Government should lead by example and be the first jurisdiction in Australia to introduce a Parliamentary paid internship program for people with a disability in the ACT Legislative Assembly to provide employment outcomes and signal to the whole community that the Government is serious about change.

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The ACT Assembly and ACT Government Directorates need to review their staffing profiles to identify positions suitable to the employment of people with disabilities and selectively recruit people with disabilities for these positions. These should include entry level positions and positions for which a lived experience of disability is an advantage in the performance of the relevant duties.

Effectiveness of current attraction and retention programs in the ACT Public Service

PWD ACT has no direct evidence on the effectiveness of current attraction and retention programs in the ACT Public Service and ACT Based Private Enterprise and Community Organisations. To the extent that such programs exist, they are not well known among people with disabilities and do not seem to have much impact for them.

In response to our request to members for input into our submission several highlighted the discrimination they had experienced, repeated failures to gain employment, and difficulties with co-workers. One person described his unpaid work experience in the ACT Public Service as slave labour.

The above suggests that there is a need for The ACT to consult with existing public sector staff and use evidence previously provided by staff, especially staff with a disability, to improve the recruitment and retention of ACT Public Sector staff with a disability. The attraction and recruitment of people with a disability would improve if All ACT Government staff in a recruitment or management position acquired disability confidence training that includes information on reasonable accommodations and inherent requirements of jobs. This training should be provided by a disabled peoples organisation specifically funded for this purpose. There is a case for mandating disability confidence training and making it a requirement for persons and organisations involved in service delivery and undertaking new major projects.

In relation to retention of employment one key issue which has come to our notice is the difficulty experienced by employees with disabilities in the ACT Public Service who use adaptive technology in their employment, especially people who are blind or vision impaired or people who have RSI. The difficulties arise because ACT Government agencies often purchase software which is incompatible with the adaptive technology software used by these people or else modify purchased software which makes it incompatible with this software. ACT Public Service employees who use voice activation software such as Drag and Dictate and screen reading software such as JAWS and Zoom Text are particularly affected. These employees are also affected by poor understanding of their adaptive technology and their needs as employees by both managers and by co-workers especially IT support staff.

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PWD ACT and the ACT RSI and Overuse Injury Association have recently written to the Chief Minister on this issue and have recently spoken with the Minister for Disability, Rachael Stephen Smith, about these matters. The Minister was very supportive of our concerns and asked that PWD ACT cover this matter in our submission to this Inquiry. In our discussions, the Minister acknowledged the ACT Government's obligations to its employees who use these adaptive technologies and wanted to work with both organisations to encourage employees to bring their concerns to managers and to increase awareness of managers of the need to support their employees who use these adaptive technologies. PWD ACT has had the advantage of reading the submission to the Inquiry on this matter by the RSI and Overuse Injury Association and supports their submission and recommendations.

The Effectiveness of attraction and retention policies in ACT Based Private Sector Organisations and Community Organisations

There is great potential to restructure mechanisms to attract and retain people with disabilities as employees in the non-Government, private and community sectors to make these measures more effective. These include:

The inclusion in Act Government tendering specifications of mandatory requirements for goods and equipment purchased by the ACT Government to comply with principles of universal accessibility (CRPD Article 9);

The Act Government could give preference in its purchasing decisions to suppliers who employ people with disabilities;

Payroll tax concessions could be given to companies who meet targets for the employment of people with disabilities; and as the Commonwealth is a major employer in the ACT, the ACT Government should use opportunities in intergovernmental discussions to influence the Commonwealth government's to adopting procurement policies to promote the employment of people with disabilities and to amend the income tax law to ensure that people with disabilities can claim expenses arising from their employment such as work related transport and personal support as tax deductions.

Data Collection Monitoring and Reporting Mechanisms

People with disabilities need to be encouraged to identify and record themselves as employees with disabilities. However, this can only be done effectively in organisations which have a culture which supports people with disabilities in their employment. In this respect the organisation's culture needs to go beyond the current Respect, Equity and Diversity Framework and deal specifically with disability awareness and disability confidence.

Recommendation

The ACT Government should immediately recommence collection of and regular reporting on data for employment levels of people with disabilities in all ACT public Service agencies. To the extent that this can be done without breaching personal privacy or providing disincentives for people to identify as having a disability, this data should be disaggregated for gender, age, cultural and linguistic diversity, gender identity and orientation, Aboriginal and Torres Strait Islander identity and for diagnostic types.

Relevant Experiences and Learnings from Commonwealth, State and International Jurisdictions

PWD ACT has limited resources and this has meant that we have been unable to research and evaluate the learnings and experiences of the Commonwealth, other States and international jurisdictions with respect to the employment of people with disabilities in their Public Service. We would refer the Committee to material on this matter in other submissions and references in particular the reports of recent enquiries by the Australian Human Rights Commission. The Australian Public Service researched and published a report on best practices in employment of people with disabilities in about 2006. PWD ACT also recommends to the Committee our own work in this area '***Making Diversity work***' which is still a very relevant resource to both people with disabilities and public sector managers.

Gender Related Matters that Intersect with the Employment of People with Disabilities

PWD ACT is aware that such statistics as there are repeatedly show that women with disabilities experience more difficulties than men with disabilities in gaining and keeping employment and in progressing in their employment. PWD ACT supports the use of special measures to address the gender related employment disadvantages experienced by women subject to such measures being developed and implemented in consultation with Women With Disabilities ACT and the women with disabilities employed in the relevant ACT Public Sector agencies.

PWD ACT draws the attention of the Committee to the contribution by Women With Disabilities ACT to the ACTCOSS submission to this Inquiry.

Applicability to ACT Public Service of University of Canberra Report

PWD ACT submits that the Report prepared by Professor Meredith Edwards and others from the University of Canberra titled ***Employing people with disability in the APS: Findings from a cultural audit*** published in November 2016, is broadly applicable to the ACT Public Service. The Report is a cultural audit of seven APS agencies and their employment practices in relation to people with disabilities. Although the Report's language is academic, a person

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with a disability who reads it can see reflected in their own experience the issues of organisational culture related in the report especially in relation to attitudes to and expectations of people with disabilities. The difficulties experienced by users of adaptive technology mentioned in this submission illustrate the cultural issues which result in a lack of reasonable accommodation for people with disabilities and which are highlighted in this Report.

Other Matters

People from Diversity Groups

PWD ACT points to the omission from the terms of reference for this Inquiry to the intersection with disability of cultural and linguistic diversity, gender identity and orientation and Aboriginal and Torres Strait identity. PWD ACT is very aware that the interaction of disability with these characteristics has a profound effect on a person's employment experience. Cultural and linguist diversity, sexual identity and aboriginal and Torres Strait Islander identity often interact with disability to compound the difficulties experienced by a person in gaining and keeping employment and in progressing in their employment.

PWD ACT recommends that the Committee either through an extension to this Inquiry or another means acknowledges, investigates and reports on employment disadvantage as encountered by people with cultural and linguistic diversity, gender identity and orientation or Aboriginal and Torres Strait Islander Identity who are also people with disabilities.

ACTCOSS Submission

PWD ACT has had the benefit of reading the recommendations of the ACTCOSS submission to this Inquiry. Many of these recommendations reflect policies developed and advocated for by PWD ACT in the last two years.

PWD ACT strongly endorses these recommendations and commends them to the Committee.