

Standing Committee on Health, Ageing, Community and Social Services
ACT Legislative Assembly
Via email committees@parliament.act.gov.au

Inquiry into the Employment of People with Disabilities

Thank you for the opportunity to participate in this inquiry. The ACT Disability Aged Carer and Advocacy Service (ADACAS) has been providing individual advocacy to people with disability, older people, people with mental health issues and their carers for over 25 years. We are an independent, not for profit organization. ADACAS provides support for people appealing National Disability Insurance Agency (NDIA) decisions (both internally, and also at the Administrative Appeals Tribunal (AAT)). ADACAS also delivers support coordination (with an advocacy style approach) to NDIS participants. Additionally, we deliver a range of supported decision making and other community capacity building activities. ADACAS is a member of the Disability Advocacy Network of Australia (DANA), as well as ACT and NSW disability advocacy networks

As an employer, ADACAS values diversity in our workforce, recognising the benefits that people with disability, people who are older and people from diverse backgrounds bring to the role of advocacy and to the workplace. ADACAS provides a safe and inclusive workplace for our staff with disability.

ADACAS welcomes the inquiry but notes that the terms of reference focus principally on employment with the ACT public service. While the public service is an important local employer it is not the only option in the ACT and ADACAS hopes that the inquiry will also investigate and make recommendations aimed at increasing employment of people with disability within the private, commercial and community sectors in the ACT.

People with disability aspire to participate in the workforce on an equal basis with other Australians. Unfortunately they experience a range of barriers to workforce participation which are systemic in nature and therefore decrease economic participation by people with disabilities. Many of these are well explored by the 'Willing to work' report of the Human Rights Commission and ADACAS supports the recommendations of that report. As advocates we see these barriers in action through our case work and also become aware of them at the systems level. Barriers for people with disability seeking to work are complex and include:

- Cultural bias influencing employer perceptions of workers with disability. People with disability report that other things being equal they are still passed over for employment opportunities or promotion because employers have a bias against them.
- Job design assumes function – employers rarely consider the barriers that are implied through job design or criteria. For instance, a role that requires a drivers licence although the job itself doesn't have to be delivered through driving.

- No exploration of job sharing or redesign to enable parts of roles to be undertaken by a person with disability – for example an office role could be shared such that a person with mobility issues is employed to undertake reception and desk based work, while banking, post etc is undertaken by a person without mobility constraints.
- Barriers to participating in further education because disability access or supports are not available has the flow on effect of limiting employment choices for people with disabilities.
- Limited support to participate in the workforce for people with complex disability despite NDIS packages being available
- Dis-incentives to work, including risk of losing access to the health care card if no longer receiving a pension
- Supervisors not being willing to take account of disability needs in the workplace
- Workers fearing retribution or job loss if they disclose their disability
- Assumptions that people with disability, particularly cognitive disability, should be employed in specialist settings rather than open employment.

While we are aware the ACT Government has undertaken some specific programs and pilot projects targeting people with disability, more can be done to increase representation of people with disability in the government workforce. While there are mixed views about the value of employment targets they could provide a useful measure of effectiveness of government actions to increase employment of people with disability and ADACAS therefore supports the introduction of targets.

ADACAS notes that reporting of rates of disability employment is affected by whether employees chose to disclose that they live with disability and that many may chose not to participate because they fear stigma, bullying or other negative results, particularly where mental illness is present.

The ACT Government also has a responsibility to increase employment in other sectors through promotions, incentives and demonstrating/leading change. While employment was one focus of the Involve Campaign, ADACAS is not aware that there have been any significant outcomes for people with disability from this initiative. Campaigns of this type do not appear to be effective in achieving employment outcomes. Rather, more could be done to:

- promote the positive outcomes of employing people with disabilities;
- support employers to establish positions that are able to be filled by people with disability – including advice on job design, job sharing, disability access and modifications;
- support people with disability to access employment in the open employment market;
- job creation programs that target jobs appropriate for people with disability

Advocacy Case Studies

Below we provide some brief case studies of recent advocacy matters related to employment. They demonstrate the breadth of employment issues for which advocacy has been sought and the urgent need for people with disability to be able to access support in the workplace. The case studies also highlight the extent of cultural change required to ensure that people with disability are not discriminated against in the workplace.

ADACAS was contacted by an employee with disability working in the retail sector. The person lives with Tourettes and had experienced a recent period of being unwell. During previous episodes the persons past supervisor had been aware of the disability and willing and able to make changes to rosters/work to accommodate the persons disability. Now working to a new supervisor however the person found that no allowance was being made and that they were being left off rosters with no explanation. The advocate was able to work with the employee, supervisor and employer to explore more appropriate responses in the workplace that allowed the person to keep their job.

Person living with intellectual and physical disability employed by ACT public service required support to decide about redeployment or redundancy. Advocacy support enabled him to access independent financial advice, understand the advice received, negotiate with employer and make an informed decision about his employment.

Person working in an ADE and experiencing bullying needed advocacy to be heard by the employer. Unfortunately the employer did not address the bullying rather seeking to focus on their expectations for the persons continuing employment. The workplace was so stressful that the person chose to leave work rather than continue to face that environment.

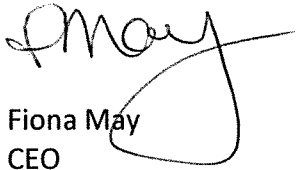
Person living with ASD working in a small company within the private sector had difficulty having his disability needs met. The employment was originally facilitated by a disability employment service however once they withdrew the person did not have access to support to resolve issues with the employer. In addition it transpired that the person with disability was being underpaid and this was not addressed until Fairwork Australia intervened to ensure the minimum wage was paid.

Person with cognitive disability working in retail was not provided with adequate support/modification to learn new aspects of the role when employment shifted from casual to full time. Employer then dismissed the person and does not acknowledge that this was discrimination. The matter will come before Fairwork Australia shortly.

ADE employer simply stopped offering shifts to a person rather than address the workplace concerns raised by the person, the family and the advocate. Claimed they had no work available when the person and advocate sought to ensure ongoing employment.

Thank you for the opportunity to participate in the inquiry. If we can be of further assistance please contact fiona.may@me.com

Yours sincerely

A handwritten signature in black ink, appearing to read 'fmay', with a large, stylized loop at the end of the signature.

Fiona May
CEO

27 April 2017