Inquiry into the Employment of People with Disabilities

Standing Committee on Health, Ageing and Community Services

August 2017

Report 2

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ACCESSIBILITY

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RESOLUTION OF APPOINTMENT

A Standing Committee on Health, Ageing and Community Services to examine matters related to hospitals, community and public health, mental health, health promotion and disease prevention, disability matters, drug and substance misuse, targeted health programs and community services, including services for older persons and women, families, housing, poverty, and multicultural and indigenous affairs.[1]

TERMS OF REFERENCE

The Committee notes that the:

(a) Employment rate of people with disability in the ACT Public Service is 2.2 per cent as at June 2016;

(b) Australian Human Rights Commission report, Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability found the ACT to be the only jurisdiction with an increase in the employment of people with disability over the 2013-15 period;

(c) ACT Government's new Office for Disability and Disability Reference Group has been established to provide strategic policy advice on disability issues.

As such, the Committee undertakes to inquire into and report on the employment of people with disabilities, with particular reference to:

- the implementation of the ACT Public Service Disability Employment Strategy;

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

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

- data collection, monitoring and reporting mechanisms;

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

- 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;

- gender related matters that intersect with the employment of people with disabilities; and

- any other relevant matter.

The Committee will report back to the Legislative Assembly before the last sitting day of 2017.[2]

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[1] Legislative Assembly for the ACT, *Hansard*, 13 December 2016, pp. 39-43, available at:
http://www.hansard.act.gov.au/hansard/2017/pdfs/20161213a.pdf.
[2] Terms of reference were adopted in a private Committee meeting on 1 March 2017. The Assembly was informed of this on 21 March 2017.

ACRONYMS AND ABBREVIATIONS

ABS	Australian Bureau of Statistics
ACT	Australian Capital Territory
ACTCOSS	ACT Council of Social Services
ACTPS	Australian Capital Territory Public Service
AND	Australian Network on Disability
APS	Australian Public Service
APS Disability Employment Strategy	As On: Making it Happen, the APS Disability Employment Strategy 2016-19
APSC	Australian Public Service Commission
ASBA	Australian School Based Apprentices
BDF	British Business Disability Forum
Bridges	Bridges from School to Work program
COAG	Council of Australian Governments
Committee	Standing Committee on Health, Ageing and Community Services
DES	Disability Employment Services
Employment Strategy	ACTPS 2011-2015 Employment Strategy for People with Disability
Final Report	Final Report on the Review of the Respect, Equity and Diversity Framework
FTE	Full Time Employee
GDP	Gross Domestic Product
HGJTC	High Growth Jobs Talented Candidates
Legislative Assembly	Legislative Assembly for the ACT
NDIS	National Disability Insurance Scheme
NSW	New South Wales
PwC	PricewaterhouseCoopers
PWD ACT	People with Disabilities ACT
RED Framework	Respect, Equity and Diversity Framework
Survey	Australian Bureau of Statistics Survey on Disability, Ageing and Carers

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RECOMMENDATIONS

RECOMMENDATION 1

1.24 **The Committee recommends that the ACT Government adopt a standard definition of disability for use in all training, policies and decisions making processes relating to employment, including reasonable adjustment.**

RECOMMENDATION 2

3.27 **The Committee recommends that the ACT Government have a standalone disability employment strategy for the ACT Public Service developed in consultation with people with a disability, the Disability Reference Group and other stakeholders. This Strategy should include:**

a) **Consideration of any outstanding action items previous strategies, policies and frameworks relating to disability employment in the ACT Public Service.**

b) **Consideration of the *Doing it Differently* "ask the person" approach for service interactions with both employees and service users that disclose a disability;**

c) **A timeline for all ACT Government Directorates to develop Disability Employment Action Plans with clear lines of accountability, monitoring and evaluation;**

d) **Recognition and support for people with mental illness and/or psychosocial disabilities in the workplace;**

e) **A timeline for all ACT Government Directorates to appoint a Disability Inclusion Champion and establish a Disability Employee Network; and**

f) **A timeline for the ACT Government to establish a Practitioner's Network across all Directorates and Agencies.**

RECOMMENDATION 3

3.28 **The Committee recommends that the ACT Government encourage the Disability Reference Group to consider:**

a) **identifying and addressing barriers to employment as part of their forward work plan, and**

b) **disability employment objectives under the National Disability Insurance Scheme to inform the transition.**

RECOMMENDATION 4

3.65 **The Committee recommends that the ACT Government review the NSW *High Growth Jobs, Talented Candidates* project for implementation in the ACT.**

RECOMMENDATION 5

3.66 The Committee recommends that the ACT Government consider evaluating the Lead Toolkit from New Zealand for use in a future training program.

RECOMMENDATION 6

3.67 The Committee recommends that the ACT Government consider what place-based disability employment initiatives can be implemented as part of future disability employment strategies.

RECOMMENDATION 7

3.68 The Committee recommends that the ACT Government consider establishing a paid internship program to build professional skills, provided there are links to an employment pathway, for people with a disability, as part of its continuum of disability employment initiatives.

RECOMMENDATION 8

3.69 The Committee recommends that the Office of the Legislative Assembly for the ACT be funded to deliver a paid internship program for people with a disability in the ACT Legislative Assembly, provided that there are links with an employment pathway.

RECOMMENDATION 9

3.70 The Committee recommends that the ACT Government continue successful initiatives at identified entry points, including the graduate and traineeship programs.

RECOMMENDATION 10

3.71 The Committee recommends that the ACT Government ensure all procurement guidelines for ICT products purchased by the ACT Government require accessibility features as a standard.

RECOMMENDATION 11

3.72 The Committee recommends that the ACT Government review the ACT Government's social procurement guidelines to better support disability employment outcomes.

RECOMMENDATION 12

3.73 The Committee recommends that the ACT Government undertake an evaluation of the payroll tax concession scheme and publish this when finalised.

RECOMMENDATION 13

3.74 **The Committee recommends that the ACT Government establishes an access committee, comprising of representatives with disabilities, to provide advice and comment on planning and transport policies.**

RECOMMENDATION 14

3.75 **The Committee recommends that the ACT Government establishes a register for people with a disability with the purposes of matching people with disabilities with board and committee vacancies.**

RECOMMENDATION 15

3.76 **The Committee recommends that Healthier Work ACT consider focusing on strategies to improve mental health in ACT workplaces including for people with disabilities.**

RECOMMENDATION 16

3.77 **The Committee recommends that the ACT Government advocate for better employment supports, and in particular, the identification of employment opportunities with the National Disability Insurance Agency.**

RECOMMENDATION 17

4.16 **The Committee recommends that the ACT Government work with the Australian Network on Disability to become a disability confident recruiter.**

RECOMMENDATION 18

4.17 **The Committee recommends that the ACT Government reviews standardised selection criteria to improve flexibility and reduce barriers for people with a disability.**

RECOMMENDATION 19

4.18 **The Committee recommends that the ACT Government identifies certain positions suitable for people with a disability for selective recruitment and placement in all Directorates and across all levels of employment.**

RECOMMENDATION 20

4.19 **The Committee recommends that the ACT Government implement the *Doing it Differently* recommendation of co-designing a developmental performance review system to support public servants with a disability.**

RECOMMENDATION 21

4.20   The Committee recommends that the ACT Government supports people with a disability through an emerging leaders program to support career development into future senior leadership roles.

RECOMMENDATION 22

4.38   The Committee recommends that the ACT Government adopt an anonymous reporting process for people employed in the ACT Public Service that is reported on annually in the State of the Service report. The Survey should use terminology consistent with the definition of disability.

RECOMMENDATION 23

4.39   The Committee recommends that the ACT Government consider the Washington Group questions to inform future data collection processes.

RECOMMENDATION 24

4.40   The Committee recommends that the ACT Government and agencies be required to report on disability employment rates and outcomes, as well as progress against disability employment action plans in their annual reports tabled in the ACT Legislative Assembly.

RECOMMENDATION 25

4.53   The Committee recommends that the ACT Government ensure Shared Services ICT, provides timely support for reasonable adjustments in the IT system including hardware and software enhancements.

RECOMMENDATION 26

4.67   The Committee recommends that the Head of Service set short, medium and long term targets for people with a disability in the ACT public service that reflects the broad proportion of people with disabilities in the community.

RECOMMENDATION 27

4.68   The Committee recommends that the ACT Government review performance requirements of senior officers in the ACT Public Service to build in diversity requirements and implementation of disability employment action plans.

RECOMMENDATION 28

4.69   The Committee recommends that the ACT Government ensure all senior executives have detailed targets for the employment of people with disabilities included in their performance agreements.

RECOMMENDATION 29

4.70 The Committee recommends the ACT Government review options to improve data collection from ACT Government contractors around the levels of disability employment for publication.

RECOMMENDATION 30

4.80 The Committee recommends that the ACT Government considers collecting and publishing data in relation to occasions of bullying and harassment of people with disabilities in the ACTPS.

RECOMMENDATION 31

4.89 The Committee recommends that the ACT Government ensure all staff at the Executive Level 1 or 2 equivalent, and all human resource team members, attend compulsory face-to-face disability awareness training and access to a disability employment toolkit. Training should be co-designed by people with disabilities and include reference to mental illness.

RECOMMENDATION 32

4.90 The Committee recommends that training includes awareness of Web Content Accessibility Guidelines (WCAG) 2.0 requirements in electronic communication and publishing.

1   INTRODUCTION

CONDUCT OF THE INQUIRY

1.1   The Standing Committee on Health Ageing and Community Services (the Committee) resolved to conduct an inquiry into the employment of people with a disability on 1 March 2017, at a private meeting. On 21 March 2017, the Committee notified the Legislative Assembly for the ACT (Legislative Assembly) of its resolution.[3]

1.2   The Committee invited submissions from key stakeholders and received 19 submissions. Public hearings were held on 23 and 30 May, 2017. A list of submissions received is provided at Appendix A and a list of witnesses appearing at public hearings is at Appendix B. The Committee would like to thank all individuals and organisations that provided a submission or attended the hearings.

1.3   As part of the Inquiry, the Legislative Assembly's Library assisted with relevant research and information sources in Australia and overseas. The Committee gratefully acknowledges this valuable contribution.

1.4   The Committee notes that the terms of reference for this Inquiry include reference to the *Doing it Differently* report.[4] The Committee references this report regularly and notes that the research is founded on findings from Australian Government Departments, but considers its findings useful for application in the ACT Public Service (ACTPS).

DEFINING DISABILITY

1.5   The Committee understands that there are a number of ways to define and measure disability in Australia. The section below highlights the difference in approaches and discusses how this can have implications for job seekers and employers.

1.6   In relation to the Australian Capital Territory (ACT) specific definitions, the ACT *Discrimination Act 1991* defines disability as:

   a)   total or partial loss of a bodily or mental function; or

   b)   total or partial loss of a part of the body; or

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[3] ACT Legislative Assembly, *Hansard*, 21 March 2017, p. 745, available at: http://www.hansard.act.gov.au/hansard/2017/week03/745.htm.

[4] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016.

c)   the presence in the body of organisms that cause disease or illness; or

d)   the presence in the body of organisms that are capable of causing disease or illness; or

e)   the malfunction, malformation or disfigurement of a part of the body; or

f)   a disorder or malfunction that results in a person learning differently from a person without the disorder or malfunction; or

g)   a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; or

h)   any other condition prescribed by regulation.[5]

1.7   The Commonwealth *Disability Discrimination Act 1992* defines disability in the same terms as the ACT *Discrimination Act 1991.*[6]

1.8   Nationally, there is a breadth of definitions used by Government, within Government and by non-Government organisations. One of the most commonly referenced definitions is that used in the Australian Bureau of Statistics (ABS) 2015 *Survey on Disability, Ageing and Carers* (the Survey). The Survey defines disability as a limitation, restriction or impairment, which has lasted, or is likely to last, for at least six months and restricts everyday activities.[7]

1.9   The Survey further identifies four levels of core activity limitation based on whether a person needs helps, has difficulty, or uses aids or equipment with core activities. The four levels of limitation are:

▪   Profound – the persons is unable to do, or always needs help with, a core activity task;

▪   Severe – the person sometimes needs help with a core activity and/or has difficulties being understood and communicating without non-spoken forms of communication;

▪   Moderate – the person needs no help, but has difficulty with a core activity task; and

▪   Mild – the person needs no help and has no difficulty with any of the core activity tasks but uses aids or has limitations.[8]

1.10   Defining disability was highlighted as a focus area for improvement in the recent *Doing it Differently* report. Researchers highlighted that a standard definition was needed, and that any definition had to be cognisant of the following elements:

▪   People with a disability wish to be regarded not as being provided with special advantages but as working differently. This observation should be captured in any new operational definition that emphasises difference rather than incapacity:

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[5] ACT, *Discrimination Act 1991*, Section 5AA, republication date: 25 August 2016.
[6] Commonwealth, *Disability Discrimination Act 1992,* Section 4, compilation date: 01 July 2016.
[7] Australian Bureau of Statistics, *4430.0 – Disability, Ageing and Carers, Australian: Summary of Findings 2015*, October 2016, available at: http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0.
[8] Australian Bureau of Statistics, *4430.0 – Disability, Ageing and Carers, Australian: Summary of Findings 2015*, October 2016, available at: http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0.

- The current definition of disability used by the Australian Public Service (APS) needs greater clarity in regard to its treatment of employees with mental or other cognitive barriers; and

- The adjustments requirements of assistive technology need to be integrated into the definition, for example, just because someone has a hearing aid doesn't mean that their disability has been treated.[9]

1.11   *Doing it Differently* states:

> [T]he existing definition of disability (which is based on a deficit model) disempowers rather than empowers people with disability, particularly those with mental illness and/or requiring organisational support for assistive technology. Lack of empowerment leads to low levels of employee confidence and organisational trust. Trust remains the key to enhancing disclosure.[10]

1.12   Internationally, article one of the United Nation Convention on the Rights of Persons with Disabilities, defines persons with disabilities as those who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.[11]

1.13   The World Health Organisation separates the definition of disability into the medical model and the social model. The medical model views disability as a problem of the person caused by disease, trauma or other health condition that requires medical care provided in the form of individual treatment by professionals. By contrast, the social model views disability as a socially created problem and a matter related to the full integration of individuals into society. That is, disability is seen as a state of existence created and enforced by an inflexible social environment failing to accommodate peoples' needs.[12]

1.14   Throughout the Committee's Inquiry, a number of submissions and witnesses highlighted the confusion between the varying definitions of disability. Enabled Employment advised the Committee that they use the ABS definition, highlighting that there is no standard definition within the sector in the ACT. Enabled Employment further noted that legislation also appeared to be lacking standardisation.[13]

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[9] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 13.

[10] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 18.

[11] United Nations, *Convention on the Rights of Persons with Disability – The Convention Brief*, no date, available at: https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/the-convention-in-brief.html.

[12] World Health Organisation, *Neurological Disorders – Public Health Challenges*, 2006, available at: http://www.who.int/mental_health/neurology/neurological_disorders_report_web.pdf.

[13] Enabled Employment, *Transcript of Evidence*, 23 May 2017, pp. 50-51.

1.15   The Committee heard that the current working definition in the ACT Government has recently been reconsidered:

> We decided to go with the definition as defined by the Australian Network on Disability—an impairment or condition that affects you longer than a six-month period or over a six-month period.[14]

1.16   The Committee heard from witnesses regarding the difficulties faced by employees who have a disability but are unaware due to the varying definitions of disability and perceptions of what qualifies them to seek assistance at work:

> I was talking to a colleague of mine in the ACT public service ... he had a vehicle accident and he had an ongoing back issue. He fits the definition. He had never, ever thought of disclosing, never had the need to, because work provided him with a better chair and that sort of thing, which helped his back complaint. He got up and went for a walk when he needed to if his back was getting stiff, but he had never considered himself to be disabled. Most of the population would not consider him to be disabled, but given the definition, he meets the category. He has a long-term condition that has lasted more than six months.[15]

1.17   The Committee heard that the definition of disability does matter and can affect the choice to disclose a medical condition:

> I had looked into definition of disability previously and there is not really a lot of clarity ... they tend to be whether or not you qualify for Centrelink payments because your disability impacts your ability to work. For me, I guess when I was in school or when I was in university, that kind of definition was not really very useful for me because what was useful to me was were there going to be written materials, was there a set text book that I could rely on instead of listening to two hours of lectures or could I sit close to the front of the room where it was a bit quieter. I guess things like that. So I think it has only sort of been until recently since I have joined JACS that I have considered identifying as having a disability. And I think that that is not really so much about—part of it I think is because there is a lot of stigma around disability. Part of it is because I have sort of felt like I have difficulties in particular situations, but my difficulties are not so severe that I qualify for Centrelink, for example. So where is the space for me to request adjustments? It is not like I cannot work; I can work. For me, there is a lot of uncertainty about where I fit.[16]

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[14] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 68.
[15] Mr Justin Le Couteur, *Transcript of Evidence*, 23 May 2017, p. 62.
[16] Justice and Community Safety Directorate, *Transcript of Evidence*, 30 May 2017, p. 85.

1.18   The Committee recognises that confusion in relation to what qualifies as a disability can place a significant burden on both employers and people with a disability, trying to work within complex systems associated with seeking support for employment.

1.19   The Committee believes that there is scope for the current definition to include people who live with an ailment, or injury rather than a disability. The Committee considers this a significant risk.

1.20   The Committee recognisees the limitations of the current definition used by the ACT Government in the content of employment support as it captures a range of disabilities experienced by people who work in the ACTPS. The Committee considers it essential that the definition be expanded and improved as a priority. The definition should have reference to mild, moderate and profound levels of disability, acknowledge mental illness and not include a length of time element.

1.21   The Committee acknowledges that this is a specialist area and as such it is not appropriate for the Committee to determine the definition but suggests that the ACT Government undertake an urgent process of consultation on a definition appropriate for use in the context of employment related matters.

1.22   For the purposes of clarity, the Committee notes that in this Report 'reasonable adjustment' is the term used to describe an administrative, environmental or procedural modification required to enable an individual to meet the requirements of a position. It may be a change to a Recruitment/Selection process or work process, practice or procedure that enables an individual with a disability or injury to apply for a job and perform their job in a way that minimises the impact of their disability or injury.[17]

1.23   Additionally, the term 'disclosure' refers to an individual's decision on whether they choose to advise a person or organisation of their disability.[18]

Recommendation 1

1.24   The Committee recommends that the ACT Government adopt a standard definition of disability for use in all training, policies and decisions making processes relating to employment, including reasonable adjustment.

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[17] ACTPS, *Reasonable Adjustment Policy*, p. 2, available at:
http://www.cmd.act.gov.au/__data/assets/pdf_file/0009/699372/ACT-Public-Sector-Reasonable-Adjustment-Policy.pdf.
[18] Curtin University, *Disclosure of Disability and Privacy*, last modified, 14 November 2013, available at:
https://hr.curtin.edu.au/disability_disclosure.cfm.

SNAPSHOT

1.25   In 2015, the ABS reported that there were 4.3 million (18.3 per cent) Australians living with a disability. Of the people with a disability, 1.4 million Australians had a profound or severe limitation, with almost half of whom were aged 65 years or over. Almost 600,000 people had a moderate limitation, while 1.4 million had a mild limitation.[19] 2.1 million were of working age with a disability, with 1 million people with a disability being employed and another 114,900 were looking for employment.[20] This is considerably fewer than those without a disability (83.2 per cent). Other key figures for Australians of working age included:

   ▪   The unemployment rate for people with a disability was 10 per cent, which is almost double that for people without a disability at 5.3 per cent;

   ▪   Just over one-quarter (27 per cent) of people with a disability were working full-time, compared with over half (53.8 per cent) of those without a disability; and

   ▪   Almost half of the people with a disability (46.6 per cent) were not in the labour force, compared to 16.8 per cent of those without a disability.[21]

1.26   There is a slight difference in rates of disability between men and women. In 2015, 18.6 per cent of females and 18 per cent of males had a disability.[22] A number of submissions highlighted that women are more likely to have or acquire a disability over the course of their life. In particular, People with Disability ACT (PWD ACT) noted in their submission that statistics show that:

> [W]omen 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.[23]

1.27   In the ACTPS, at 30 June 2016, 56 per cent of employees with a disability were female.[24] During the public hearing held on 30 May 2017, the ACT Government suggested that the numbers of females, who identified as having a disability in the ACTPS, were higher than males due to the

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[19] Australian Bureau of Statistics, *4430.0 – Disability, Ageing and Carers, Australia: Summary of Findings 2015*, October 2016, available at: http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0.

[20] Australian Bureau of Statistics, *4430.0 – Disability, Ageing and Carers, Australia: Summary of Findings 2015*, October 2016, available at: http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0.

[21] Australian Bureau of Statistics, *4430.0 – Disability, Ageing and Carers, Australia: Summary of Findings 2015*, October 2016, available at: http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0.

[22] Australian Bureau of Statistics, 4430.0 - *Disability, Ageing and Carers, Australia: Summary of Findings*, October 2015, available at: http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4430.0Main per cent20Features202015?opendocument&tabname=Summary&prodno=4430.0&issue=2015&num=&view=.

[23] People with Disabilities ACT, *Submission No. 15*, 4 May 2017, p.7.

[24] ACT Government, *Submission No. 3*, 20 April 2017, p. 26.

overall number of females employed in the ACTPS being higher than males.[25] Table 1 shows the gender ratio of people employed with a disability in the ACTPS.

Table 1 – Gender Breakdown for People with Disability[26]

Gender	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Female	200	189	207	229	237	257
Male	151	154	177	186	200	201
Total	351	343	384	415	437	458

1.28   The Australian Government's 2015-16 social security and welfare budget paper highlights that assistance to people with disabilities makes up 19.2 per cent of all social security and welfare spending. The largest expenses in this category are income support payments to people with a disability at $17.1 billion for to 2015-16 budget, which also includes the National Disability Insurance Scheme (NDIS).[27]

1.29   The 2011 report by PricewaterhouseCoopers (PwC), *Disability Expectations: Investing in a better life, a Stronger Australia*, estimates that:

> Australia could achieve additional Gross Domestic Product (GDP) of almost $50 billion (a further 1.4 per cent contribution to GDP) in 2050 if Australia moved into the top eight Organisation for Economic Co-operation and Development courtiers in employing people with disability. This would require productivity of 80 per cent of the average to be achieved and people with a disability to work 80 per cent of the average full time employee (FTE) worker.[28]

1.30   When PwC took into account the NDIS and Disability Support Pension reforms, the estimated projection for 2050 was an additional GDP of $31 billion (a further 0.88 per cent contribution to the GDP). This assumes a productivity of people with a disability at 60 per cent and part-time work at 60 per cent of a FTE worker.[29]

1.31   Economic modelling presented in the Deloitte report, *The Economic Benefits of Increasing Employment for People with Disability*, suggests that closing the gap between labour market

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[25] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 78.
[26] ACT Government, *Submission No. 3*, 20 April 2017, p. 26.
[27] Parliament of Australia, *What Counts as Welfare Spending*, 21 December 2015, available at:
   http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1516/WelfareSpend.
[28] PricewaterhouseCooopers, *Disability Expectations: Investing in a better life, a Stronger Australia*, November 2011, p. 26.
[29] PricewaterhouseCooopers, *Disability Expectations: Investing in a better life, a Stronger Australia*, November 2011, p. 26.

participation rates and unemployment rates, for people with and without disabilities by one-third would result in a $43 billion increase in Australia's GDP over the next decade.[30]

1.32   The ACT Mental Health Consumer Network highlighted the economic argument to increasing participation:

> Current rates are about 20 per cent of the Australian adult population are likely to have a mental health issue annually and 25 per cent in their lifetime. If you are disenfranchising 20 per cent of your working population … that is a huge cost.[31]

1.33   In relation to employment outcomes Job Access noted a number of key facts regarding the benefits of employing people with a disability. This included:

- People with a disability generally take fewer days off, take less sick leave and stay in jobs longer than other workers;

- Employment costs for people with a disability can be as low as 13 per cent of the employment costs for other employees;

- Workers' compensation costs for people with a disability are as low as four per cent of the workers' compensation costs for other employees;

- Once in the right job, people with a disability perform as well as other employees;

- People with a disability build strong connections with customers;

- People with a disability boost staff morale and enhance a sense of teamwork; and

- Hiring people with a disability enhances an organisation's image in the general community.[32]

1.34   The Job Access website further states:

> The business case for hiring people with disability is strong. There are real cost savings through reduced staff turnover and lower recruitment and retraining costs. What's more, because people with disability have fewer compensation incidents and accidents at work, compared to other employees, insurance cover and workers' compensation costs are often lower. [33]

1.35   The Committee also heard from a number of groups that people with disabilities make great employees:

> People with disability actually stay longer in their roles, they are more reliable in their roles, they are very keen, if they have got a job that works well for them, to stay in that

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[30] Deloitte, *the Economic Benefits of Increasing Employment for People with Disability*, August 2011.
[31] ACT Mental Health Consumer Network, *Transcript of Evidence*, 23 May 2017, p. 4.
[32] Job Access, *Benefits of Employing People with Disability*, July 2016, available at:
   https://www.jobaccess.gov.au/employers/benefits-employing-people-with-disability.
[33] Job Access, *Benefits of Employing People with Disability*, July 2016, available at:
   https://www.jobaccess.gov.au/employers/benefits-employing-people-with-disability.

job and to do a good job in that role. So people with disability make good employees. They are a good economic investment for an employer because they are reliable, committed employees.[34]

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[34] Enabled Employment, *Transcript of Evidence*, 23 May 2017, p. 55.

2   PUBLIC CONSULTATION

SUBMISSIONS

2.1   The Committee called for submissions on 8 March 2017 and received 18 responses. The Committee received an additional submission in June 2017 after an extension was granted and one submitter provided an addendum following the public hearings.[35] A number of submissions came from people with disabilities that had lived experience of working in the ACTPS, or from advocacy groups that included case studies and lived experiences from people in the ACT working with the ACTPS, Australian Government and non-government organisations (including business and community organisations).

2.2   On 18 March 2017, the Committee wrote to the Chief Minister asking for an update on the implementation of previous disability employment strategies. The Committee would like to thank the Chief Minister for providing a prompt response and assisting the Committee in the Inquiry. [36]

2.3   The submissions received covered a range of topics. Cross cutting themes included:

- The importance and value of work for everyone in our society, including people with a disability;

- Strengthening education to employment links for people with a disability;

- The importance of, and need for, disability awareness training within workplaces;

- Employment pathway options including disability employee networks; and

- Strengthening the capacity of employers to adequately respond to the needs of people with a disability.

2.4   Below is a summary of submissions received by the ACT Government; the Australian Network on Disability (AND) which is a national, membership based organisation that supports member organisations to advance the inclusion of people with a disability in all aspects of business; and ACT peak representative body for people living with low incomes or disadvantage, and not-for-profit community organisations in the ACT, ACT Council of Social Services (ACTCOSS). The Committee notes that a number of community organisations

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[35] Legislative Assembly, *Submissions*, Inquiry into the Employment of People with Disabilities, available at http://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-health,-ageing-and-community-services/inquiry-into-the-employment-of-people-with-disabilities.

[36] ACT Government, Submission No. 3, available at: http://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-health,-ageing-and-community-services/inquiry-into-the-employment-of-people-with-disabilities.

supported the ACTCOSS submission. These submissions address all of the matters identified above.

ACT GOVERNMENT

2.5   Current ACT Government strategies to assist in the attraction and retention of people with a disability in the ACTPS were highlighted in the ACT Government's submission to the Committee's Inquiry. *The Respect Equity and Diversity Framework* (the RED Framework) was identified as instrumental in encouraging a values based organisation that has a positive workplace culture.

2.6   The submission noted that a review of the RED Framework had been completed. The review confirmed that the RED Framework had been instrumental in developing and fostering a positive workplace culture and should be maintained.[37]

2.7   In regards to the future development of the RED Framework, the ACT Government highlighted that a whole of government mandatory training policy is currently being developed, focusing on a number of approaches the ACT Government has in place to ensure a fair work environment. It is anticipated that this will add to the current RED Framework training available to all ACTPS employees and the ACTPS Induction Manual, which provides information to new employees on the RED framework and diversity.[38]

2.8   The Government notes that the review of the RED Framework also recommended that the *ACTPS 2011-2015 Employment Strategy for People with Disability* (Employment Strategy) should be developed as a stand-alone strategy.[39]

2.9   The Government stated that work has been undertaken to transition the Employment Strategy from the RED Framework, to a stand-alone strategy and that the new People with Disability Employment Framework is to be finalised by 30 June 2017. The Committee notes that the Chief Minister provided the Committee with a draft copy of the new Framework as an attachment to his submission but that the final document is yet to be published. The Committee acknowledges that the Framework includes seven actions to achieve a diverse and inclusive workforce. The Committee further notes that the Framework has committed to the employment of at least 654 people with a disability by 30 June 2019.[40]

2.10   The ACT Government's submission also highlighted the utilisation of a number of programs to attract and retain people with disabilities, which includes 16 inclusion positions in the 2017 ACTPS Graduate Program, two inclusion traineeships and inclusion ICT traineeships, as

[37] ACT Government, *Submission No. 3,* p. 23.
[38] ACT Government, *Submission No. 3,* p. 23.
[39] ACT Government, *Submission No. 3,* pp. 6-7.
[40] ACT Government, *Submission No. 3,* pp. 7-9.

well as the establishment of a register for Australian School Based Apprentices (ASBA) for people with disability.

2.11   A number of internal directorate disability networks were identified as avenues in which support is provided to ACTPS employees with a disability. The Government also indentified that it will be implementing the ACTPS Inclusion Practitioners Network, which will act as an avenue for learning and understanding whole of government inclusion initiatives.[41]

2.12   In addition to internal support networks, the ACT Government holds Gold membership with AND. This provides access to resource material, guidelines, policies and training for disability employment. Additionally, the ACTPS has worked with AND to provide the *Manager's Guide: Disability in the Workplace Toolkit*.[42] This is available online to all managers in the ACTPS.

2.13   The ACTPS Reasonable Adjustment policy and the ACTPS Recruitment Guidelines were highlighted as central policies that apply to all stages of employment. It was noted that these policies allow all people to compete on an equal basis during the recruitment process and provide support throughout employment with the ACTPS.[43]

2.14   An number of initiatives were highlighted as 'in progress' including:

- People with Disability Framework;[44]
- Register for ASBA for People with Disability;[45]
- ACTPS Inclusion Practitioners Network;[46]
- Disability Confidence Seminars;[47] and
- Mandatory training policy on RED Framework, ACTPS Code of Conduct, Values and Signature Behaviours and Cultural Awareness.[48]

AUSTRALIAN NETWORK ON DISABILITY (AND)

2.15   AND works with 160 organisational members across the public, private and non-profit sectors to build their capacity to welcome people with disabilities as customers and employees. This accounts for 1.3 million Australians or 11 per cent of the Australian workforce being employed through members of AND.

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[41] ACT Government, *Submission No. 3*, p. 11.
[42] ACT Government, *Submission No. 3*, pp. 12-21.
[43] ACT Government, *Submission No. 3*, p. 22.
[44] ACT Government, *Submission No. 3*, p. 7.
[45] ACT Government, *Submission No. 3*, p. 11.
[46] ACT Government, *Submission No. 3*, p. 11.
[47] ACT Government, *Submission No. 3*, p. 21.
[48] ACT Government, *Submission No. 3*, p. 23.

2.16   A key concern identified in the AND submission was the lack of awareness and confidence in systems that assist in the recruitment and retention of people with disability. AND noted that the absence of an effective system, to match the needs of the jobseeker with a disability to vacancies, results in low employment participation by people with a disability.[49]

2.17   The absence of an effective job match system is further highlighted through the analysis of the Commonwealth Government's contracts through Disability Employment Services (DES). AND highlighted that DES offers ongoing support in the workplace to help participants retain their employment, as well as supporting employers to maintain quality and sustainable outcomes for people with a disability. However, it is noted in their submission that, as a result of consultation with AND members, there are common concerns that DES providers lack credibility, service is 'patchy' and they cannot be relied upon to deliver the right candidates for their roles. Recommendations are made to improve DES to better understand employers, their culture, job roles and inherent requirements to improve job matching and long term retention.[50]

2.18   Another concern noted in the AND submission is employer lack of awareness in processes and resources available when recruiting a person with a disability. Due to this lack of awareness, or because services do not meet their needs, employers do not utilise DES and other government funded support. Recommendations are made to promote the business benefits of employing people with a disability, provide quality information that responds to 'cost and risk' concerns and encourage employers to utilise free government funded resources.[51]

2.19   In regards to the ACTPS, the AND submission highlighted that the current employment rate of 2.2 per cent of people with a disability working in the ACTPS could be higher if employees were surveyed anonymously. This assumption is supported by international and Australian evidence that confirms that numbers increase when people with disability feel safe to share the information. It is further noted that the sharing of good news stories, where people with a disability have not only been hired but, retained and received professional development and career progression also helps improve the number of people willing to share they have a disability.[52]

2.20   AND supports the targets for employment of people with a disability and other measurable outcomes set in the ACT Government Employment Strategy. Additionally, AND noted that the People with Disability Employment Framework's incorporation of Disability Champion will enhance the Government's approach to attracting and retaining people with a disability

[49] Australian Network on Disability, *Submission No. 14*, p. 3.
[50] Australian Network on Disability, *Submission No. 14*, pp. 7-8.
[51] Australian Network on Disability, *Submission No. 14*, pp. 1-4.
[52] Australian Network on Disability, *Submission No. 14*, p.8.

into the ACTPS. Further recommendation is made to incorporate measures that allow agencies the flexibility to have indentified positions.[53]

2.21   The AND submission made a number of recommendations regarding employer perceptions of cost and risk, job matching and supporting people with a disability to have relevant skills to be work ready.

ACT COUNCIL OF SOCIAL SERVICE (ACTCOSS)

2.22   ACTCOSS is the peak representative body for not-for-profit community organisations, people living with disadvantage and low income citizens in the ACT.[54]

2.23   In their submission, ACTCOSS made a number of observations regarding the Committee's terms of reference, which included the examination of the implementation of the ACTPS Employment Strategy. ACTCOSS recommended that a more consistent, rigorous and targeted approach needs to be implemented across a multi-year period by senior managers.[55]

2.24   ACTCOSS welcomed a number of attraction and retention strategies to be implemented by the ACT Government including the inclusion traineeships, the network of employees and practitioners, identified positions, as well as inclusion targets. However, ACTCOSS did note that an ongoing, fully resourced program of disability confidence training that focuses on direct and indirect discrimination, inherent requirements, job design and reasonable accommodation is needed to address employment issues. The Gulanga program was suggested as a possible model to utilise.[56]

2.25   An additional strategy highlighted for the Committee's consideration was the inclusion of a paid Parliamentary internship scheme for people with a disability in the Legislative Assembly.[57]

2.26   It was also noted that developing and implementing an Action Plan, although voluntary, is a proactive approach that enhances corporate image, delivers services efficiently and provides access to a wider market. While acknowledging the benefits of an Action Plan, ACTCOSS advised that the Health Directorate, the Human Rights Commission, as well as the Action Plan for Accessible Transport in the ACT were the only ACT Government agency action plans registered with the Australian Human Rights Commission and noted this limited application, questioning the use of measures if not fully implemented.[58]

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[53] Australian Network on Disability, *Submission No. 14*, p.6.
[54] ACT Council of Social Service, *Submission No. 17*, p. 2.
[55] ACT Council of Social Service, *Submission No. 17*, p. 21.
[56] ACT Council of Social Service, *Submission No. 17*, p. 24.
[57] ACT Council of Social Service, *Submission No. 17*, p. 25.
[58] ACT Council of Social Service, *Submission No. 17*, p. 27.

2.27   In relation to the attraction and retention programs for private and community
organisations, the ACTCOSS submission highlighted the limited success of the ACT
Government's Payroll Tax exemption of people with a disability. ACTCOSS recommended that
instead of payroll tax concessions, future assistance should be aimed at offsetting the
barriers and costs experienced by workers with a disability. Governments should consider
concessions or comprehensive tax offsets, for the cost of mainstream supports people with a
disability may encounter in order to maintain themselves in jobs.[59]

2.28   ACTCOSS highlighted a number of strategies adopted by other countries to increase
employment participation for people with a disability. Examples provided included a number
of strategies from the United States and Ireland.

2.29   Similar opinions in the AND submission regarding DES are highlighted in the ACTCOSS
submission. ACTCOSS noted that the DES system is 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 by competitive marketplace. However, the end result is a
system that is highly prescriptive.[60]

2.30   ACTCOSS also highlighted that the DES Consumer Engagement Project emphasised that many
felt there had been inappropriate job match as the aspirations, skills, abilities and interests of
the jobseeker had not been taken into consideration. Overall, feedback reflected a general
consensus of dissatisfaction with DES.[61]

2.31   The ACTCOSS submission made 25 recommendations for the Committee to consider
throughout its inquiry into Employment for People with Disabilities.

PUBLIC HEARINGS

2.32   The Committee held two public hearings on 23 and 30 May 2017. The Committee heard from
a wide range of organisations including individuals with lived experience, peak bodies for
mental health consumers, disability advocacy organisations, the ACT Government, networks
representing employers and specialised disability recruitment companies. A full list of
witnesses is available at Appendix B, and transcripts of the hearings are available on the ACT
Legislative Assembly website.[62]

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[59]ACT Council of Social Service, *Submission No. 17*, pp. 33-33.
[60] ACT Council of Social Service, *Submission No. 17*, p. 15.
[61] ACT Council of Social Service, *Submission No. 17*, p. 16.
[62] Available at http://www.hansard.act.gov.au/hansard/2017/comms/default.htm#health.

2.33   The Committee heard a range of views on matters associated with disclosure, targets, effective employment progression strategies including internships, mentoring and networks. These are discussed in Chapter 3 and 4.

3   CURRENT WORKPLACE PRACTICE

ACT GOVERNMENT

3.1   In February 2017, 216,000 people were employed in the ACT.[63] Of this, 21,260 people were employed by the ACTPS.[64] In the 2015-16 ACT *State of the Service Report*, it was noted that 458 people identified as having a disability.[65] People with disabilities are employed across a range of directorates, see Table 2 on page 22.

3.2   Legislative frameworks that influence ACTPS employment include:

- Section 27 of the *Public Sector Management Act 1994*, which states that all eligible people have a reasonable opportunity to apply for selection and that the selection of a person is made on the basis of a comparative assessment of the applicants.[66]

- Section 10 of the *Discrimination Act 1991* provides that it is unlawful for an employer to discriminate against a person in the recruitment process, terms of condition of employment, career progression, transfer or training, as wells unfair dismissal. Additionally, Section 27 of the *Discrimination Act 1991* ensures members of relevant class (including people with a disability) are provided access to facilities, services and opportunities to meet their needs.[67]

- The *Human Rights Act 2004* stipulates that everyone has the right to recognition before the law and is entitled to the equal protection of the law without discrimination.[68]

3.3   Leveraging off legislation, the RED Framework was created in 2010 and is a whole-of-government obligation to establishing a positive, respectful, supportive and fair work environment.

3.4   The RED Framework aims:

> [T]o provide a workplace that enables equal employment opportunities for all applicants and employees and highlights the fundamental importance of each ACTPS employee acting in a way that respects the 'inherent dignity of the person.'[69]

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[63] Australian Bureau of Statistics, *6291.0.55.01 – Labour Force, Australia Table 02: Labour Force by Status of State, Territory, Greater Capital City and Rest of State (ASGS) and Sex,* February 2017, available at: http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6291.0.55.001Feb per cent202017?OpenDocument

[64] ACT Government, *State of the Service Report 2015-16*, October 2016, p. 41.

[65] ACT Government, *State of the Service Report 2015-16*, October 2016, p. 65.

[66] ACT, *Public Sector Management Act 1994*, Section 27, republication date: 09 March 2017, pp. 21-22.

[67] ACT, *Discrimination Act 1991*, Section 10 and 27, republication date: 25 August 2016, pp. 10-23.

[68] ACT, *Human Rights Act 2004*, Section 8, republication date: 02 March 2017, p. 5..

[69] ACT Commissioner for Public Administration, *Respect Equity and Diversity Framework*, 2010, p. 9.

> The Framework supports this approach and implements actions to assist in developing and maintaining a positive, respectful work culture that ensures equity and diversity for all employees.[70]

3.5   In regards to the RED Framework and employment strategies, the Committee heard:

> The RED framework is a fantastic framework. The employment strategies as part of it were great. They probably needed a bit more focus in that there are no time lines and no accountability in them. That is probably one of the most important things, I think, that we need to have built into any future strategies.[71]

3.6   Forming part of the RED Framework was the Employment Strategy, which established actions to be utilised by all ACTPS Directorates to attract and retain employment opportunities for people with a disability. The Employment Strategy expanded on the 2004 ACTPS Employment Framework for People with Disability.

3.7   The Employment Strategy aimed to achieve the objectives conveyed in the National Disability Strategy 2010-2020. As the ACTPS is a member of the Council of Australian Governments (COAG), the ACTPS is required to support and implement the National Disability Strategy 2010-2020. An objective under the COAG Strategy is to increase the employment of people with disability, promote social inclusion and improve national economic productivity.

3.8   The Employment Strategy identified a target of doubling the headcount from the 30 June 2010 headcount. That was a planned increase from 1.6 per cent (327 employees) to 3.4 per cent (655 employees). The 2016 ACTPS *State of the Service Report* noted that 2.2 per cent (458 employees) of people with disability are employed in the ACTPS. This falls short of the projected target by 1.2 per cent (197 employees).[72]

3.9   The Committee heard:

> As somebody who has been around this for a while, I also make the observation that we probably need to pick a consistent approach to an employment strategy in the ACT government and stick to it for a period of time—and make sure it is properly resourced and see it through. We have had a number of different goes at this, including the ACT government's access to government strategy. [73]

3.10 In May 2015, the ACT Government tabled the *Final Report on the Review of the Respect, Equity and Diversity Framework* (the Final Report). The Final Report identified six recommendations to assist the ACTPS to embed a positive workplace culture. Of these

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[70] ACT Commissioner for Public Administration, *Respect Equity and Diversity Framework*, 2010, p. 9.
[71] Justin Le Couteur, *Transcript of Evidence*, 23 May 2017, p. 58.
[72] Commissioner for Public Administration, *2011-2015 Employment Strategy for People with Disability,* 2011, available at: http://www.cmd.act.gov.au/__data/assets/pdf_file/0015/203127/pwdstrategy.pdf.
[73] ACT Council of Social Services, *Transcript of Evidence*, 23 May 2017, p. 36.

recommendations, there was a suggestion to renew the focus on the employment strategies for Aboriginal and Torres Strait Islander people and people with a disability. Additionally, recommendation six of the Final Report suggested that the Employment Strategy be officially moved out of the RED Framework and developed as a stand-alone strategy.[74]

3.11   Whilst the Final Report stated that the implementation of these recommendations had commenced, and that ACTPS employees would see a reinvigoration of the RED Framework and a renewed focus on the ACTPS Employment Strategies over 2015[75], the Committee notes that the new strategy for the employment of people with disabilities has yet to be finalised.

3.12   The Committee also notes that, despite an attempt to revive focus, only three directorates have finalised action plans for the employment of people with a disability and only two directorates have active employment networks for people with a disability.[76]

3.13   During the public hearings the Committee asked about the new Office of Disability and its role in relation to the employment of people with disabilities. The Committee heard that the *Disability Reference Group 2016 Roundtable final report* recommended that the barriers to employment of people with disability be analysed and measures put in place to start to break down those barriers.[77] Additionally the Committee heard that:

> The Disability Reference Group has also been revitalised and there are new members. I think there is a good opportunity for them to take the learnings and the experience of that group, formerly known as the disability expert panel, and look at the roundtable outcomes and focus on a future work plan around employment.[78]

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[74] ACT Government, *Final Report on the Review of the Respect, Equity and Diversity Framework*, May 2015, available at: http://www.cmd.act.gov.au/__data/assets/pdf_file/0003/740676/Final-Report-on-the-review-of-the-Respect.-Equity-and-Diversity-Framework-May-2015.pdf.

[75] ACT Government, *Final Report on the Review of the Respect, Equity and Diversity Framework*, May 2015, available at: http://www.cmd.act.gov.au/__data/assets/pdf_file/0003/740676/Final-Report-on-the-review-of-the-Respect.-Equity-and-Diversity-Framework-May-2015.pdf.

[76] ACT Government, *State of the Service Report 2015-16*, October 2016, pp. 66 and 67.

[77] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 72.

[78] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 72.

Table 2 – People with disability snapshot – June 2016[79]

Total Employees (Headcount)	458 Total	Employees (FTE)	410
People with Disability by Directorate (% and Headcount)			
Chief Minister, Treasury and Economic Development	3.1% (77)	**Age**	
ACT Insurance Authority	n/a	Generation Y	141
Gambling and Racing Commission	0%	Generation X	174
Independent Competition and Regulatory Commission	n/a	Baby Boomers	138
Land Development Agency	6.1% (6)	Pre Baby Boomers	5
Long Service Leave Authority	0%		
Capital Metro Agency	0%	**Employment Type**	
Community Services	3.3% (35)	Permanent	347
Education	1.5% (97)	Temporary	77
ACT Teacher Quality Institute	0%	Casual	34
Environment and Planning	3.4% (11)		
Health	2.0% (145)	**Average Salary**	$85,019
Justice and Community Safety	1.4% (25)	**Median Salary**	$79,051
Territory and Municipal Services	3.1% (60)	Separation Rate	10.6%
ACTPS Total	**2.2%**		

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[79] ACT Government, *State of the Service Report 2015-16*, October 2016, p. 65.

CURRENT ATTRACTION AND RETENTION STRATEGIES

3.14 The Committee is aware that the ACT Government has active recruitment strategies that support the employment of people with disabilities.

3.15 In 2016, the ACTPS Graduate Program included 45 graduate positions. Of these nine were filled by graduates with disabilities. In 2017, the ACTPS Graduate Program identified 16 inclusion positions, which included applicants from Aboriginal and Torres Strait Islander Peoples and people with a disability.[80] The Committee notes that designated positions have been continued into the 2018 Graduated Program.

3.16 In addition to the ACTPS Graduate Program, the ACT Commissioner for Public Administration identified a number of employment strategies for people with disability in the 2015-16 *State of the Service Report*. Such strategies include the:

- Establishment of a register for ASBA for people with Disability;
- ACTPS Disability Employee Network;
- ACTPS Inclusion Practitioners Network;
- Inclusion Traineeship Programs; and
- ACTPS Inclusion ICT Traineeship.[81]

3.17 Of the employment strategies that were in operation during the 2015-16 reporting period, the Graduate Program and work experience were the strategies most utilised. This is shown in Table 3 below.

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[80] ACT Government, *State of the Service Report 2015-16*, October 2016, p. 14.
[81] ACT Government, *State of the Service Report 2015-16*, October 2016, p. 14.

Table 3 – Employment Strategies for the Attraction and Retention of People with Disability[82]

Employment Strategies	2012-13	2013-14	2014-15	2015-16
Designated Positions	5	3	2	1
Disability Traineeship	2	2	0	0
Work Experience	3	5	2	3
Positions in the ACTPS Graduate Program for People with Disability	1	0	3	4
Disability Cadetship	0	0	0	0
Mentoring Programs	0	0	0	0
ASBA for People with Disability	0	0	2	2

3.18   Of the employment strategies for supporting people with a disability during the 2015-16 reporting period, the whole-of-government Reasonable Adjustment and Disability awareness training were the strategies most utilised. See Table 4 for detail.

Table 4 – Strategies to Support People with Disability Employees[83]

[82] ACT Government, *State of the Service Report 2015-16*, October 2016, p. 66.
[83] ACT Government, *State of the Service Report 2015-16*, October 2016, p .67.

3.19   The Committee was pleased to hear testimony from the ACT Government that some new entry points options have been implemented recently:

> [W]e looked at the … Dandelion project, which was a project where they partnered with an international organisation and looked at whether people on the autism spectrum—so autism spectrum disorder—who were well placed to take up roles in ICT, so looking at traineeships targeting people on that spectrum. We thought, "Oh, well, let's see if we can get some proof of concept around what that would look like here." So we worked with Shared Services ICT and we commenced two traineeships in the ICT area. These are larger traineeships programs in that they go for three years and the qualification ends up as a diploma-level qualification and a permanent role.[84]

3.20   The Committee also heard that the ACT Government is attempting to personalise existing entry points:

> [I]nstead of saying one size fits all, traditionally traineeship programs, they would come in and do a certificate III in government. Now we are actually working the directorates and saying, "If you've got a position at the level," so any successful trainee gets a permanent ASO2 position at the end of their traineeship or an equivalent position. So what qualifications would make sense for where this trainee is going to be working and so we have got things as broad as certificates in events management, certificates in education. We have got one in government. We have not given that up completely, but we have just got a range of different qualifications and we are really trying to match the trainees' aspirations with a genuine workplace need.[85]

3.21   The ACT Government also indicated that they are actively exploring ways to increase entry points:

> [W]e are exploring other avenues such as internships, shorter developmental traineeships, work experience placements and school-based apprenticeships.[86]

and:

> [W]e are discussing with them [Australian Network on Disability] the potential for commencing the summer internship program, so at the end of this calendar year.[87]

and:

> [W]e will be looking to establish a register of kids with disability for the Australian school-based apprenticeship scheme as yet another pathway into work.[88]

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[84] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 70.
[85] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 70.
[86] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 70.
[87] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 74.
[88] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 74.

3.22   Enabled Employment noted:

> Where we have seen success is where the Directorates have been empowered to create their own programs. It is also about disability champions. If there is a disability champion at the head of a directorate who has a personal experience with disability, they generally set themselves quite high targets and then make sure that their staff achieve those. That is where we have been seeing changes. There are also the social procurement changes, where you can use affirmative action measures to bring in people with a disability.[89]

3.23   The Committee asked about the status of disability employee networks. The Committee was told:

> What we want to do is first establish—formally establish the inclusion practitioner's network. So out of that we would draw formally inclusion champions across the service ... So we want to get the practitioners linked up first and we are aiming for October, and then after that November, December, to get the employee network.[90]

3.24   Employee networks were identified as crucial to implementing change:

> [W]ithin each directorate, depending on the size and complexity, there should be a group of employees who are allies of people with disability. People with disability and their allies together form an employee network, and that network will find its own feet. [91]

3.25   The Committee notes that the ACT Government itself acknowledges more needs to be done. In the public hearing the Minister told the Committee:

> As an employer, the ACT government is on a journey of development and growth. We realise we have a lot more work to do, particularly to unlock the perceived barriers and provide a level playing field for people with disability to strive in our workplaces. [92]

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[89] Enabled Employment, *Transcript of Evidence*, 23 May 2017, p. 54.
[90] ACT Government, *Transcript of Evidence*, 30 May 2017, pp. 71-72.
[91] Australian Network on Disability, *Transcript of Evidence*, 23 May 2017, pp. 42-43.
[92] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 66.

3.26   Based on this, and mindful of the disability employment framework yet to be released, the Committee makes the following recommendations in relation to strategic policy direction:

Recommendation 2

3.27   The Committee recommends that the ACT Government have a standalone disability employment strategy for the ACT Public Service developed in consultation with people with a disability, the Disability Reference Group and other stakeholders. This Strategy should include:

  a)   **Consideration of any outstanding action items previous strategies, policies and frameworks relating to disability employment in the ACT Public Service.**

  b)   **Consideration of the *Doing it Differently* "ask the person" approach for service interactions with both employees and service users that disclose a disability;**

  c)   **A timeline for all ACT Government Directorates to develop Disability Employment Action Plans with clear lines of accountability, monitoring and evaluation;**

  d)   **Recognition and support for people with mental illness and/or psychosocial disabilities in the workplace;**

  e)   **A timeline for all ACT Government Directorates to appoint a Disability Inclusion Champion and establish a Disability Employee Network; and**

  f)   **A timeline for the ACT Government to establish a Practitioner's Network across all Directorates and Agencies.**

Recommendation 3

3.28   The Committee recommends that the ACT Government encourage the Disability Reference Group to consider:

  a)   **identifying and addressing barriers to employment as part of their forward work plan, and**

  b)   **disability employment objectives under the National Disability Insurance Scheme to inform the transition.**

AUSTRALIAN GOVERNMENT STRATEGIES

3.29   In February 2017, approximately 12 million people were employed in Australia. Of this, 243 thousand people were employed by the Commonwealth Government.[93] In the national 2015-16 *State of the Service Report*, it was noted that 3.7 per cent of Australian Government employees disclosed as having a disability.[94] The Report notes that self-reporting of disability may not be an accurate gauge of numbers, as 8 per cent of the respondents in the anonymous *2016 Employee Census Report* reported that they have an ongoing disability.[95]

3.30   The Committee acknowledges that the 3.7 per cent of people with disability employed in the APS is the largest number of employees with disability in the APS since 2010. Additionally, the Committee notes the significant gap between those who identify as having a disability in the APS and those who classify themselves as having a disability in the anonymous *Employee Census Report*.

AUSTRALIAN PUBLIC SERVICE DISABILITY EMPLOYMENT STRATEGY 2016-19

3.31   On 31 May 2016, the Australian Public Service Commission (APSC) launched the *As One: Making it Happen, the APS Disability Employment Strategy 2016-19* (APS Disability Employment Strategy). The APS Disability Employment Strategy builds on the first strategy, which was published in 2012 and forms part of the Commonwealth's response to the COAG *National Disability Strategy 2010-2020*.

3.32   The APS Disability Employment Strategy highlights the role of human resources and managers in improving employment opportunities for people with a disability. The APSC has also developed an implementation guide for human resource teams and managers which includes the following information:

- Tips for 'disability confident' recruitment;
- Recruiting a person with disability using affirmative measures;
- Using Disability Employment Service providers;
- Employment Assistance Fund; and
- Checklist – How disability friendly is your agency.

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[93] Australian Bureau of Statistics, *6248.0.55.002 – Employment Earning, Public Sector, Australia, 2015-16*, 15 December 2016, available at: http://www.abs.gov.au/ausstats/abs@.nsf/mf/6248.0.55.002.
[94] Australian Public Service Commission, APS *State of the Service Report 2015-16,* 2016, available at: http://www.apsc.gov.au/__data/assets/pdf_file/0008/89225/SoSR-2015-16.pdf.
[95] Australian Public Service Commission, APS *State of the Service Report 2015-16,* 2016, available at: http://www.apsc.gov.au/__data/assets/pdf_file/0008/89225/SoSR-2015-16.pdf.

3.33   There is also a dedicated website that provides a number of resources regarding the attraction and retainment of people with a disability. The website can be located at http://www.apsc.gov.au/managing-in-the-aps/disability.

3.34   The Committee notes that the APSC website has the potential to act as a single source of truth for managers and employees. It is a model that the ACTPS could benefit from applying.

BUSINESS AND COMMUNITY SECTOR

3.35   AND told the Committee that most employers have the will to hire people with disabilities, but are worried about risks associated.[96] The ACT Mental Health Consumer Network supported this approach and told the Committee that an employment relationship has to work for both parties:

> This is not about saying, "Well, okay, we're going to meet all the employee's needs and not worry about what the organisation actually needs." It is about coming together as a partnership to find ways to move forward for the employee and the workplace to be able to work effectively together.[97]

3.36   It was suggested that a brokerage model would be one way to implement a scalable approach to generating ongoing employment for people with disabilities:

> [W]here you can package up an offer that makes sense to the business and links with talented people with disability, you get a better return on investment.'[98]

3.37   The Committee notes that a place based model has been engaged in the ACT through the SPARK program in relation to child care in Ginninderry. [99]

3.38   Internship programs were also identified as a key tool to introducing both employees and employers to the work relationship. The Committee also recognises that Government cannot act alone and that the Legislative Assembly should also provide an example of best practice. The Committee notes that a significant number of submissions and testimony identified that the Office of the Legislative Assembly and elected members of the Legislative Assembly do not currently participate in employment programs.

3.39   The Committee asked AND specifically about the *Stepping Into program*. The Committee learnt that the *Stepping Into program* is a paid internship scheme that matches university students with a disability with businesses.[100] The Committee heard that the Australian

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[96] Australian Network on Disability, *Transcript of Evidence*, 23 May 2017, p. 44.

[97] ACT Mental Health Consumer Network, *Transcript of Evidence*, 23 May 2017, p. 5.

[98] Australian Network on Disability, *Transcript of Evidence*, 23 May 2017, p. 39.

[99] ACT Council of Social Services, *Transcript of Evidence*, 23 May 2017, p. 28.

[100] Australian Network on Disability, *Stepping into*, no date, available at: https://www.and.org.au/pages/stepping-into...-programs.html.

Government is an active partner, but not the ACT Government. AND informed the Committee:

> We found that there was a difference of 20 percentage points between meeting graduate destination outcomes for university students with disability and those without disability. In order to compete with that cohort, you needed to have done some work experience during your education. That is why we implemented that program. It has been running for 12 years now. Over 800 students have had an opportunity to undertake that internship. The last time we assessed it 83.5 per cent of students who had done an internship had met their graduate destination of employment, in comparison to 75 per cent of students without disability.[101]

3.40   In a similar vein, the Committee heard that the ACT could improve its relationship with DES employers to its benefit:

> [O]ne or more of the current registered disability employment service providers might come to the same arrangement with a directorate or a portion of a directorate, an agency of government, to provide similar kinds of assistance in terms of guidance about policies, guidance in relation to employment or recruitment practices, information around the kinds of assisting technology that might be available or utilised by different kinds of people with different kinds of impairments, and an education program where work areas could be better informed about what is disability and how disability actually plays out in relation to their own engagement with it.[102]

3.41   The Committee heard that despite the community sector being a very large service provider to people with disabilities, they are not a significant employer of people with disabilities. The Government told the Committee:

> A large tender was awarded to the National Disability Service, for $1.2 million. That is a project that will go for around two years. The aim of that project is to build the workforce capability within the sector but also to have the opportunity to have a look at how it would bring into that workforce people with disability.[103]

3.42   The Committee heard that the rollout of the NDIS does present some structural barriers for people seeking employment. National Disability Services told the Committee:

> We are finding that there is a very low level, there are very low percentages, of people having employment support included within their packages. In our submission we highlight one provider who has told us that because there is an insufficient number of people coming through with employment in their packages under the NDIS, they are unable to provide the relevant support to enable those folks to obtain work where they

[101] Australian Network on Disability, *Transcript of Evidence*, 23 May 2017, p. 46.
[102] National Disability Services, *Transcript of Evidence*, 23 May 2017, p. 23.
[103] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 72.

know the jobs exist. These are jobs within the ACT public service or contracted to the public service, but they cannot assist them to fill those positions because the packages do not actually have the funding.[104]

3.43   A consistent message from both the business and community perspective was that the ACT Government should look at lessons gained from previous successful inclusion strategies. ACTCOSS highlighted that the ACT Government could look to successful Aboriginal and Torres Strait Islander programs and apply that learning to disability employment.[105] Further, AND told the Committee:

> [L]look at something else that you have done really well that you are really proud of. Maybe that is your Indigenous employment program. Look at what you did and say, "Let's just do that again." You do not have to do something differently. In the organisations that we work with, everyone knows what good looks like, how success works in their organisation, and that is what you should do. If you have done a great job of Indigenous employment or if you have done a great job with women in leadership, look at the wraparound supports you have and ask, "How can we learn from that success? How can we put the same governance framework in and implement a similar strategy in relation to inclusion of people with disability, and what else might we need to do?" Find out the things that you are really good at and just do that again.[106]

3.44   The Committee also heard significant testimony about the role the ACT Government plays as a purchaser of goods and services. The Committee heard that the Government should consider giving priority to suppliers who employ people with disability or ensure that their products are accessible:

> The ACT ... should have a provision similar to section 508 of the Rehabilitation Act in the United States. It mandates that when government purchases things, equipment and software and technology - those purchases are accessible.[107]

3.45   ACTCOSS told the Committee:

> [There] is an opportunity here. That might take the form of actually preferring procurement to an organisation which has some systems and processes in place—like a disability action plan, like an internal target, like reporting in their annual report—and treating this as part of the triple bottom line responsibilities and considerations that we might have in tendering in other areas, such as gender.[108]

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[104] National Disability Services, *Transcript of Evidence*, 23 May 2017, p. 22.
[105] ACT Council of Social Services, *Transcript of Evidence*, 23 May 2017, p. 27.
[106] Australian Network on Disability, *Transcript of Evidence*, 23 May 2017, p. 43.
[107] People with Disabilities, *Transcript of Evidence*, 23 May 2017, p. 17.
[108] ACT Council of Social Services, *Transcript of Evidence*, 23 May 2017, p. 28.

3.46   The Committee also notes that there was a trial of payroll tax incentives for businesses that hired people with a disability. The ACTCOSS testimony suggests that there has not been an evaluation of that approach and the sector is unsure if it actually resulted in appreciable improvements.[109]

3.47   The Committee is mindful that all the recommendations must be considered within the broader environment. Noting that in the ACTCOSS testimony aspects such as transport, education and social inclusion are fundamental to being able to seek and maintain employment.[110] ACTCOSS told the Committee that in relation to planning, local councils have an access committee that includes people with a disability, older people, carers—a coalition of people with lived experience and expertise who provide advice on new development as it is occurring on big issues.[111]

3.48   The Committee notes there may be an opportunity to link learning's from previous successful programs and ensure that the voice of people with lived experience of disability is heard in relation to broader policy determinations.

3.49   Using the model of the ACT Women's Register,[112] the Committee encourages the government to consider establishing a separate register for people with lived experience of disability to encourage diversity in on committees and boards.

CASE STUDY 1 - HIGH GROWTH JOBS PROGRAM, NSW

3.50   High Growth Jobs Talented Candidates (HGJTC) is an innovative program that matches people with a disability with employers looking for candidates to fill roles in high growth industries. The process starts with a business being approached by a brokerage model service that has partnered with five DES providers. Candidates are matched according to that need.

3.51   HGJTC uses expert support to build employers' confidence and capability to effectively welcome people with disabilities to their workforce. The model is unique as it focuses on both the employer and job seekers needs. The program is being delivered by AND in partnership with Social Ventures Australia, and funded by the New South Wales Department of Family and Community Services. It works with seven businesses, employing around 57,000 staff nationally.[113]

3.52   AND told the Committee:

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[109] ACT Council of Social Services, *Transcript of Evidence*, 23 May 2017, p. 34.

[110] ACT Council of Social Services, *Transcript of Evidence*, 23 May 2017, p. 27.

[111] ACT Council of Social Services, *Transcript of Evidence*, 23 May 2017, p. 34.

[112] More information is available at http://www.communityservices.act.gov.au/women/act_womens_register.

[113] Australian Network on Disability, *High Growth Jobs, Talented Candidates (HGJTC)*, no date, available at: https://www.and.org.au/pages/high-growth-jobs-talented-candidates-hgjtc.html.

[O]ur goal was not to just look at one particular cohort of people with disability but to go to business and ask, in those growth jobs, what sort of skills capability they were looking for, and then link them with specific talent pools. Rather than say, "We'll just recruit for a particular role or a particular type of disability," you start with the business, work backwards and bridge the skills and capabilities. With that program, we are currently tracking at an 89 per cent retention rate. There have been only 26 placements so far, but we expect that to grow to 50 by the end of next month.[114]

INTERNATIONAL APPROACHES

3.53   With the assistance of the Legislative Assembly Library, the Committee researched a number of international strategies for employing people with disabilities in the Public Service. Below the Committee discusses two case studies to highlight different approaches available to the ACT Government when considering options for the new disability employment strategy.

CASE STUDY 2 - NEW ZEALAND; LEAD TOOLKIT

3.54   In the 2015-2016 financial year, the New Zealand public sector employed approximately 353,000 people, which represents 14 per cent of the total workforce in New Zealand.[115] Of this, 16 per cent identified as having a disability.[116]

3.55   The New Zealand public sector has similar employment rates for people with both sensory and physical disability, but much lower rates for psychiatric or psychological disability and other limitation (this includes impaired speaking, learning and remembering).[117]

3.56   In 2016, the State Service (also known as the public sector) introduced the Lead Toolkit, which aims to assist the State Service in employing people with disabilities. The Toolkit provides a number of resources to three key areas within the State Service; Leadership, Human Resources teams and Managers.

3.57   In regards to Leadership, the Toolkit recommends Leadership teams nominate a sponsor to monitor the progress of employment of disabled people and report back on such progress. Leadership teams are also encouraged to implement the Toolkits five step plan and utilise the checklist provided, which identifies and prioritises areas for improvement.

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[114] Australian Network on Disability, *Transcript of Evidence*, 23 May 2017, pp. 39-40.
[115] New Zealand State Services Commission, *Human Resource Capability in the New Zealand State Services 2015*, 25 November 2015, available at: http://www.ssc.govt.nz/public-sector-workforce.
[116] New Zealand State Services Commission, *Human Resource Capability in the New Zealand State Services 2016*, December 2016, available at: http://www.ssc.govt.nz/sites/all/files/HRCReport-2016_0.pdf.
[117] New Zealand State Services Commission, *Human Resource Capability in the New Zealand State Services 2015*, 25 November 2015, available at: http://www.ssc.govt.nz/disability.

3.58   The section dedicated to assisting Human Resources teams, emphasises on the importance of each level within the Employment Cycle. The Employment Cycle section of the Toolkit includes information about recruitment, induction, development, performance management and retention of people with disabilities, which aims to encourage teams in confidently recruiting and retaining disabled employees in State Service.

3.59   The 'Advice for Managers' section of the Toolkit includes information and resources regarding:

- Reasonable accommodation;
- Disability responsiveness training;
- Useful tools to effectively work with disabled employees (including those with mental health issues); and
- Some health and safety, as well as technology tips.

CASE STUDY 3 - UNITED STATES; BRIDGES PROGRAM

3.60   The Bridges from School to Work program (Bridges) serves as a broker between youth with disabilities and potential employers. Since its inception, over 18 000 young people, mostly aged between 17 and 22, with a disability have participated in the program with approximately 75 per cent of them placed into competitive employment with some 3,500 different employers.[118]

3.61   The Bridges website states 'the program prioritizes the needs of businesses and recognizes that no employment relationship endures unless the needs of the employer are met'.[119] This approach reflected the dual tenets of the program:

> 1. Bridges is an employer driven program, giving priority to the needs of the employer in all employment related activities. This priority is rooted in the sense that any employment relationship that does not fully meet the needs of the employer is unlikely to endure.

> 2. Bridges focuses on the skills, interests and abilities of the youth it serves, not on their disabilities. [120]

3.62   Bridges is comprehensive and typically interfaces with participating youth for 15 to 24 months, seeking to develop permanent, competitive placements, incorporating individual career development plans with the potential for quantifiable vocational advancement.[121]

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[118]Bridges from School to Work, *Bridges from School to Work: Progress Report*, no date, available at:
   http://www.bridgestowork.org/assets/files/1/files/bridges_progress_report-.pdf.
[119] Bridges from School to Work, *Website*, available at: http://www.bridgestowork.org .
[120] J. Hemmeter et al., *Long term outcomes of the Bridges program,* Journal of Vocational Rehabilitation 42, 2015, pp. 1–15.
[121] J. Hemmeter et al., *Long term outcomes of the Bridges program,* Journal of Vocational Rehabilitation 42, 2015, pp. 1–15.

3.63   The only criteria for selection into the program are a consistent and demonstrated interest in participating fully and a schedule that can accommodate working. After acceptance into the program, youth and parents receive orientation about the program. Participating youth are screened by Bridges staff to identify their skills, interests, and other characteristics that are then matched to available positions. Bridges staff also work with the employers and the youth to help identify appropriate employment arrangements for youth that do not easily match readily available positions. The Bridges staff then provide continued job support to the youth (and employer) to ensure a successful work experience.[122]

3.64   The Committee heard that:

> You are probably aware that currently Disability Employment Services have about a 32 per cent success rate of achieving 26-week [employment] outcomes. When we look at programs such as the Bridges program in the US, which works with very disadvantaged youth and people with disability across multiple sites, over a long history we see about a 78 per cent success rate. Part of that is that the Bridges program, a little like our internship program, starts with the employer first and then understands the local labour market, and it has employer-assisted interventions to help people with disability to get closer to the employment market by giving them the skills and capabilities required for those specific roles. You could certainly more than double the current retention rate.[123]

Recommendation 4

3.65   The Committee recommends that the ACT Government review the NSW *High Growth Jobs, Talented Candidates* project for implementation in the ACT.

Recommendation 5

3.66   The Committee recommends that the ACT Government consider evaluating the Lead Toolkit from New Zealand for use in a future training program.

Recommendation 6

3.67   The Committee recommends that the ACT Government consider what place-based disability employment initiatives can be implemented as part of future disability employment strategies.

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[122] J. Hemmeter et al., *Long term outcomes of the Bridges program,* Journal of Vocational Rehabilitation 42 (2015), pp. 1–15.
[123] Australian Network on Disability, *Transcript of Evidence*, 23 May 2017, p. 39.

Recommendation 7

3.68 **The Committee recommends that the ACT Government consider establishing a paid internship program to build professional skills, provided there are links to an employment pathway, for people with a disability, as part of its continuum of disability employment initiatives.**

Recommendation 8

3.69 **The Committee recommends that the Office of the Legislative Assembly for the ACT be funded to deliver a paid internship program for people with a disability in the ACT Legislative Assembly, provided that there are links with an employment pathway.**

Recommendation 9

3.70 **The Committee recommends that the ACT Government continue successful initiatives at identified entry points, including the graduate and traineeship programs.**

Recommendation 10

3.71 **The Committee recommends that the ACT Government ensure all procurement guidelines for ICT products purchased by the ACT Government require accessibility features as a standard.**

Recommendation 11

3.72 **The Committee recommends that the ACT Government review the ACT Government's social procurement guidelines to better support disability employment outcomes.**

Recommendation 12

3.73 **The Committee recommends that the ACT Government undertake an evaluation of the payroll tax concession scheme and publish this when finalised.**

Recommendation 13

3.74   The Committee recommends that the ACT Government establishes an access committee, comprising of representatives with disabilities, to provide advice and comment on planning and transport policies.

Recommendation 14

3.75   The Committee recommends that the ACT Government establishes a register for people with a disability with the purposes of matching people with disabilities with board and committee vacancies.

Recommendation 15

3.76   The Committee recommends that Healthier Work ACT consider focusing on strategies to improve mental health in ACT workplaces including for people with disabilities.

Recommendation 16

3.77   The Committee recommends that the ACT Government advocate for better employment supports, and in particular, the identification of employment opportunities with the National Disability Insurance Agency.

4   BEST PRACTICE APPROACHES

ATTRACTION AND RETENTION

4.1   The Committee heard that there are many options to consider when identifying potential attraction strategies designed to increase the rate of ongoing employment for people with disabilities. There was significant evidence tendered that having identified workplace entry points for people with disabilities, including disability specific work experience, traineeships and internship programs is an important element. Case studies presented earlier in this report highlight this.

4.2   Outside the scope of identified programs the Committee heard that all employers need to make a conscious effort to ensure that position vacancies are advertised in an accessible way to ensure that they are not minimising their talent pool; this includes employers that work with employment agencies who in turn need to ensure accessibility.

ENTRY POINTS

4.3   There are a number of general principles that guide accessibility when it comes to workplaces and advertising vacancies. The Victorian Public Sector Commission produced a checklist for employers to consider. Businesses are encouraged to ask themselves the following:

- Does your website or promotional material profile employees with disabilities?
- Does your department website have a diversity page?
- Does your unit or department have publicly available information about how disability is accommodated?
- Do you advertise roles on websites promoting roles for people with disability?
- Are your representatives attending careers functions briefed about discussing your welcoming applications from people with disabilities and accommodations for them?
- Do you have champions who are happy to disclose their disability and discuss any reasonable adjustments that have been made for them in your workplace?
- Is your workplace featured on any disability industry websites?
- Do you have relationships with disability liaison officers from universities and TAFE?[124]

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[124] Victorian Public Sector Commission, *Getting Recruitment Right*, no date, available at: http://vpsc.vic.gov.au/wp-content/pdf-download.php?postID=5171.

4.4   Similar themes, and the matter of disability visibility within recruitment processes, are also evident within international research. The British Business Disability Forum (BDF) undertook extensive research with 145 employers and 352 employees and identified that:

> First and foremost, disabled people need to be visible in the organisation's talent attraction strategy... It is one of the most successful ways for potential candidates to believe you are committed to recruiting and retaining disabled talent.[125]

4.5   The Committee considers these questions pertinent and notes that the ACT Government would not meet all the guidelines set by the Victorian Public Sector Commission. The Committee notes that this supports testimony given to the Committee by AND:

> We now have a product called disability confident recruiter. That works through two phases. One is called discovery. That means that, during the application process, it is a journey analysis. You would follow the journey of a candidate and identify any barriers. That might be website barriers that prevent a person from being able to apply in an equitable way. It might be the need to clarify the inherent requirements of the role. There are 17 steps of capabilities that we look for, for organisations. After the organisation has gone through those 17 steps and can tick them all off—they are all best practice recruiting strategies; they are nothing special—the people who are recruiting undertake a little e-learning. At the end of that, the organisation is accredited to become a disability confident recruiter, meaning that they are barrier free.[126]

4.6   The Committee notes that the ACT Government has not undertaken the AND disability confident recruiter process.

4.7   PWD ACT told the Committee that the current merit system has not increased the number of people with disabilities as a total percentage of the workforce and as such other recruitment methods need to be considered. PWD ACT encouraged the Government to consider a selective placement system whereby positions suitable for people with varying disabilities are identified and people with disabilities are recruited to those roles.[127]

4.8   The Committee asked for more detail in how such a selective recruitment would operate, and was told:

> It is actually a refinement of the merit approach. Basically it is saying that this position is one for which we could invite applications from people with disabilities and maybe target people with disabilities. It might be that you might put the application out to disability recruitment agencies or you might say, "this is a suitable occupation for

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[125] Business Disability Forum, *A Business Disability Forum guide to best practice for recruiting and retraining disabled people*, 2016, p. 3, available at: http://www.businessdisabilityforum.org.uk/media_manager/public/261/Retention_Toolkit_Teaser_FINAL.pdf

[126] Australian Network on Disability, *Transcript of Evidence*, 23 May 2017, p. 41.

[127] People with Disabilities ACT, *Transcript of Evidence*, 23 May 2017, p. 14.

people with a disability," and you might then, as well as your normal advertising, target your recruitment to specialist disability recruitment agencies or disability organisations and publicise on their websites or in their publications.[128]

4.9   The use of identified positions were also considered by the Committee. They heard:

> What you might do is something like an office support model where you come in and you do an audit of a workplace. You ask, "What is the work that is currently being done by a SOGA or a SOGB that could actually be outsourced, that could be moved together within an office and that could create some entry level positions? What would the cost benefits of those be?" Some of the disability employment organisations actually will do that work. They will cost it up and it will come out as a net neutral or a positive in the workplace.[129]

4.10   Matters associated with retention were also discussed. The Committee heard that workforce development and career pathways are equally important to increasing headcounts:

> Previously there has been a focus on entry level roles to get people in, but then there needs to be a plan to provide them with some career direction, upskill them and actually train them up into the next role. Internships, traineeships, those sorts of things are great, but they get people in and then people get stuck. They stay as an ASO1 or an ASO2 after they have finished their traineeship. But there needs to be some more work to get those people through, to skill them up and into higher areas, to help them work up. By way of example, it is about asking, "I have done a certificate II in business; now I have a certificate III in government. What's next for me? Where can that take me within the organisation?"[130]

4.11   The 2014 *State of the Service Survey* shows that 48 per cent of people with disability were dissatisfied with opportunities for career progression. This was significantly higher than the dissatisfaction shown by people without a disability. Further, 32 per cent of people with disability were dissatisfied with ability to access and use flexible working practices; again significantly higher than the dissatisfaction shown by people without a disability.[131]

4.12   The Committee notes research suggesting that people with disabilities have greater retention rates than other employees (as discussed in Chapter 1). In recognition of this, the Committee considers professional development a fundamental aspect of employment, and highlights the need for identified career pathways.

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[128] People with Disabilities ACT, *Transcript of Evidence*, 23 May 2017, p. 15.
[129] ACT Council of Social Services, *Transcript of Evidence*, 23 May 2017, p. 30.
[130] Justin Le Couteur, *Transcript of Evidence*, 23 May 2017, p. 58.
[131] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 14.

4.13   Research also highlights the need for organisations to inform themselves of practical outcomes of using contracting arrangements:

> You could be doing everything right within your organisation but find yourself working with a recruitment supplier that you assume is disability confident. You've never been to their inaccessible offices where they conduct interviews. You've not asked for materials in alternative formats or had to request they organise a Sign Language interpreter which they say they can't do. You've not seen them ask how a candidate thinks their disability won't limit them to do the job. Yet they are representing your organisation. For the candidates they come into contact with, they represent your brand. [132]

4.14   Given the highlighted complexity associated with attracting people with disabilities, the Committee was particularly interested in the success of brokerage models and work based learning programs. The Committee heard about how finding a particular person one job has a limited effect upon system level issues. Enabling a process that may help many people find employment is a better investment and has the opportunity to secure more employment opportunities. A brokerage model, such as a hub, can also model best practice in areas such as advertising and interview technique and become a practice lead for other areas of government and business in the ACT.

4.15   The Committee notes that the ACT Government provided testimony to the Committee regarding potential expansion of entry points in Chapter 3.

Recommendation 17

4.16   The Committee recommends that the ACT Government work with the Australian Network on Disability to become a disability confident recruiter.

Recommendation 18

4.17   The Committee recommends that the ACT Government reviews standardised selection criteria to improve flexibility and reduce barriers for people with a disability.

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[132] Business Disability Forum, *A Business Disability Forum guide to best practice for recruiting and retraining disabled people*, 2016, p. 8, available at: http://www.businessdisabilityforum.org.uk/media_manager/public/261/Retention_Toolkit_Teaser_FINAL.pdf

Recommendation 19

4.18   The Committee recommends that the ACT Government identifies certain positions suitable for people with a disability for selective recruitment and placement in all Directorates and across all levels of employment.

Recommendation 20

4.19   The Committee recommends that the ACT Government implement the *Doing it Differently* recommendation of co-designing a developmental performance review system to support public servants with a disability.

Recommendation 21

4.20   The Committee recommends that the ACT Government supports people with a disability through an emerging leaders program to support career development into future senior leadership roles.

DISCLOSURE

4.21   The Committee considered extensive research from both Australia and overseas regarding individual disclosure of disability status. The Committee was particularly interested to understand the factors within workplaces and recruitment processes that encourage disclosure.

4.22   *Doing it Differently* found that the majority of APS employees who disclosed that they had a disability did so once a job is secured (71 per cent) mainly to achieve adjustments (60 per cent). There is a strong fear of being treated differently and experiencing different treatment as a consequence.[133]

4.23   *Doing it Differently* also found that positive responses to disclosure ascribed to good fortune and individual management style, rather than supporting policies being enacted. This links to focus group data from the same report which strongly links disclosure to trust. If there is trust between an employee and manager, disclosure is more likely. Despite this, all data suggests that from the perspective of people with disabilities, disclosure should only be

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[133] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 13.

necessary if and when the disability was likely to affect someone's ability to carry out their duties. [134]

4.24 The Committee notes with concern the *2014 State of the Service Survey*, which shows there is a lower rate of disclosure in the ACT (47 per cent) than in other states and territories (57 per cent).[135]

4.25 The Committee understands that underreporting is likely due to the continued stigma and that this is not specific to the ACT or Australia. A recent American study highlights this:

> The decision to disclose a non-evident disability to an employer can be complex. There is a common and not unfounded fear that disclosing a disability may lead to not being selected for a position or result in differential treatment in the workplace. Common concerns include lowered expectations, lack of respect, isolation from co-workers, decrease in job responsibility, and being passed over for promotion. Balancing those concerns are the possible rewards of disclosure. In some cases an individual may need a reasonable accommodation to succeed in the workplace, and therefore need to disclose their disability to the employer. As the result of disclosure, an individual may also receive the support of a coworker or supervisor. In cases where the disability is not apparent, disclosure may help explain behavior to a supervisor or coworkers.[136]

4.26 The same study, which interviewed over 800 people, asked about the importance of both factors that might motivate them to disclose that they have a disability and factors that may be barriers to disclosure. About two-thirds of the respondents with disabilities rated the need for accommodation and supportive supervisor relationship as being very important. However, the context of the workplace was also important, with high ratings for having a disability friendly workplace and knowing that the employer was actively recruiting people with a disability.[137] The following table (Table 5) highlights this and interestingly shows the difference in perceptions between people with a disability, and those without.

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134 Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 14.

135 Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 13.

136 Von Schrader, S., et al, *Emerging employment issues for people with disabilities*, 2011, pp. 37 – 38.

137 Von Schrader, S., et al, *Emerging employment issues for people with disabilities*, 2011.

Table 5: Per cent who rated factor as "very important" when deciding to disclose a disability to an employer

	People with a disability	People without a disability
Need for accommodation	68.2	64.3
Supportive supervisor relationship	63.5	60.9
Disability friendly workplace	56.8	54.6
Active disability recruiting	50.5	49.5
Knowing of other successes	49.9	45.9
Disability in diversity statement	48.9	45.9
Belief in new opportunities	40.7	25.7
Recruitment materials invite disabled applications	37.8	36.1
Disability inclusive message	38.0	37.4
Disabled employee as a recruiter	32.4	28.8
Existence of affinity group	26.1	21.0

4.27   The study then considered factors that influenced a person's decision not to disclose and found that nearly three quarters of people with a disability viewed risks of being fired or not hired as being very important. Other factors most frequently rated as very important were: employer may focus on disability (not ability), fear of limited opportunities, and risk of losing healthcare.[138] This is demonstrated below in Table 6.
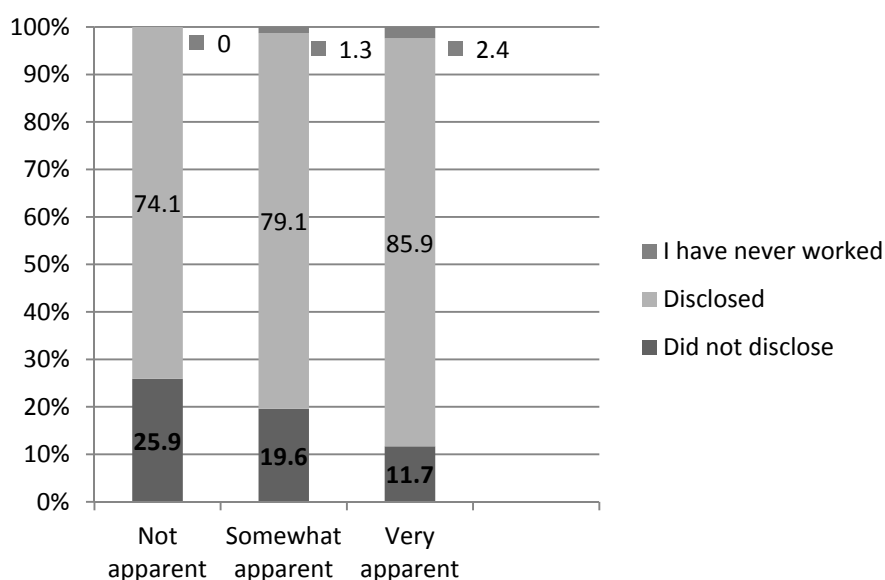
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[138] Von Schrader, S., et al, *Emerging employment issues for people with disabilities*, 2011.

Table 6: Per cent who rated factor as "very important" when deciding NOT to disclose a disability to an employer

	People with a disability	People without a disability
Risk of being fired/not hired	73.0	67.3
Employer may focus on disability	62.0	53.7
Risk of losing health care	61.5	54.7
Fear of limited opportunities	61.1	42.9
Supervisor may not be supportive	60.1	60.5
Risk being treated differently	57.8	49.8
Risk being viewed differently	53.8	51.2
No impact on job ability	44.0	47.5
Desire for privacy	27.9	41.7

4.28   A significant variance in disclosure rates was present when considered in the context of how apparent a person's disability was. The disclosure rate was greater among people with a more apparent disability.[139] This is highlighted in Table 7.

Table 7: Per cent who disclosed disability to their employer in their current or most recent job, by how apparent the disability was to others

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[139] Von Schrader, S., et al, *Emerging employment issues for people with disabilities*, 2011.

4.29   The time of disclosure also varied in recognition of how apparent a disability was. This is evidenced in Table 8.

Table 8: When respondents disclosed their disability, by how apparent the disability was to others
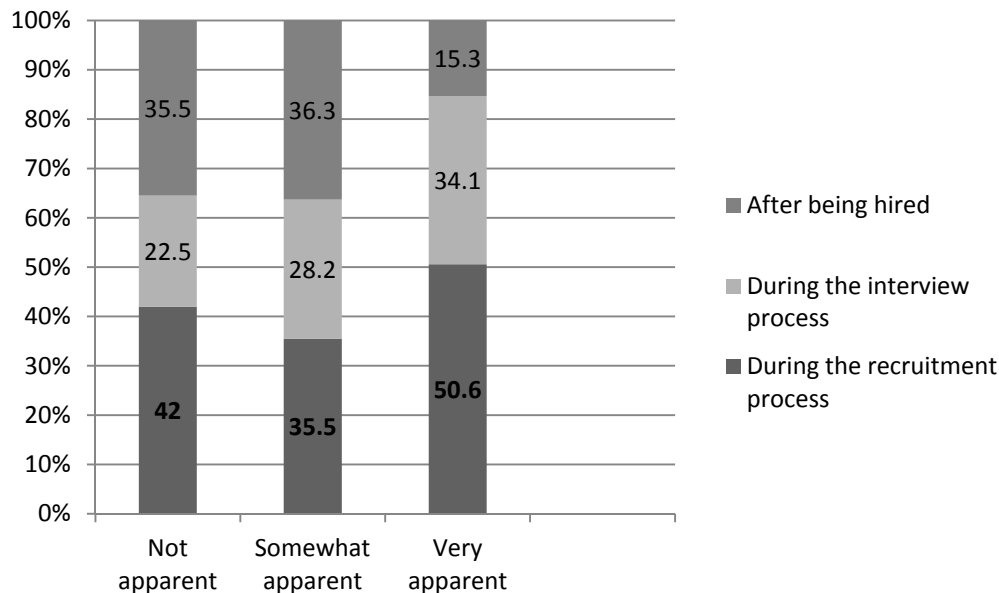
4.30   Among those who disclosed, just more than half rated their immediate disclosure experience as positive, while even fewer rated the longer term consequences of the disclosure as positive.[140] This is shown in Table 9.

Table 9: Per cent who reported immediate and longer –term negative consequences, by how apparent the disability was to others

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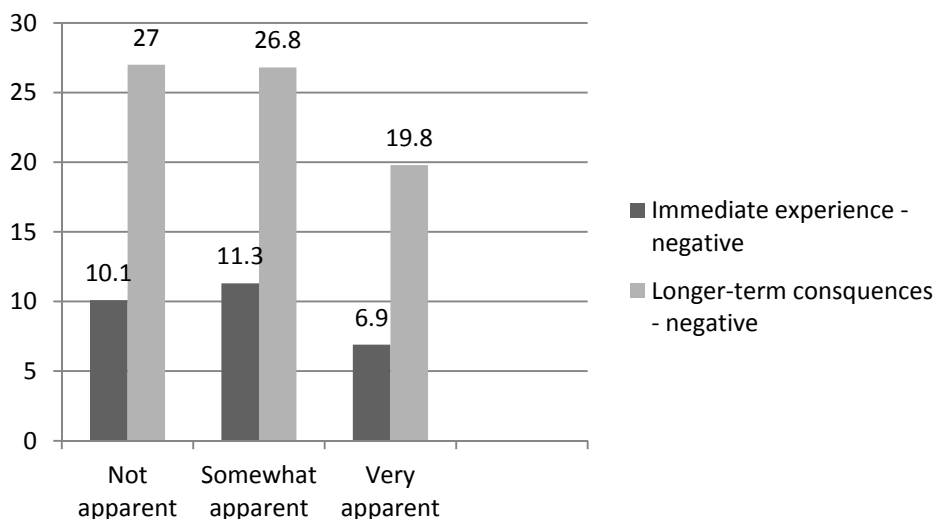
[140] Von Schrader, S., et al, *Emerging employment issues for people with disabilities*, 2011.

4.31   The Committee asked a significant number of witnesses about disclosure. The message was consistent: if you provide a safe and respectful workplace, people are more likely to disclose.

> The thing that employers need to do is to make sure that they create a culture in their workforce where it is okay and safe to disclose disability. If it does not feel safe to disclose, then people will not disclose. But if they know that they will be treated with respect, that there will be no retribution, that there will not be a long-term impact on their employment future, their career prospects by disclosing disability, then they are much more likely to do it. It is a hard thing to achieve, but it is an important thing around the culture of how we respect people with disability in our workplaces. [141]

4.32   The Committee was also encouraged to consider learnings from the Aboriginal and Torres Strait Islander space where employment and disclosure rates are increasing:

> There may be learnings we can use here from the Aboriginal and Torres Strait Islander sector. That is a sector which has achieved substantial growth in numbers and percentages of employment of people from its community cohort in the ACT public service. I think that we need to learn from and adopt practices which have worked. [142]

4.33   The Committee asked the ACT Government why people do not disclose. The Committee heard:

> We have found broadly three categories for reasons for not identifying. The first category are people who do not see the point because they do not believe they need any assistance or reasonable adjustment. They are just fine, thank you very much. The second category is that there are people who sometimes are quite vocal about not wanting to get ahead for any reason other than merit and thinking that they could get a job because they identify with a disability. And the third reason is that some people say that they fear that they may be treated differently somehow. [143]

4.34   The Committee notes that this is consistent with research from the APS and international trends.

4.35   The ACT Government told the Committee that they are working to address this through the use of an anonymous survey:

> We are in conversation at the moment with the Australian Network on Disability. They have made an offer that they would run a third-party anonymous survey which would reach into the organisation then invite anybody anonymously to contribute to a survey if they have disability. We have the opportunity with that survey to ask a number of questions and that would be about us getting some baseline data about a number of

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[141] ACT Disability, Aged and Carer Advocacy Services, *Transcript of Evidence*, 23 May 2017, p. 13.
[142] People with Disabilities ACT, *Transcript of Evidence*, 23 May 2017, p. 18.
[143] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 68.

things: perceptions of how disability confident the place is, how inclusive it is, but also reasons why or why not people will identify.[144]

4.36   The Committee notes that the use of Washington Group census style questions could inform any future data collection method, including an anonymous survey as recommended in the *Doing it Differently* report.[145] Washington Group questions ask whether people have difficulty performing basic universal activities to determine potential struggles without using the term 'disability'.[146]

4.37   The Committee acknowledges that the foundation to improving data collection is a supportive workplace which encourages self reporting. Anonymous reporting serves to identify the 'gap' between rates of self disclosure, and the rate disclosed anonymously. This reflects the approach taken in the APS.

Recommendation 22

4.38   The Committee recommends that the ACT Government adopt an anonymous reporting process for people employed in the ACT Public Service that is reported on annually in the State of the Service report. The Survey should use terminology consistent with the definition of disability.

Recommendation 23

4.39   The Committee recommends that the ACT Government consider the Washington Group questions to inform future data collection processes.

Recommendation 24

4.40   The Committee recommends that the ACT Government and agencies be required to report on disability employment rates and outcomes, as well as progress against disability employment action plans in their annual reports tabled in the ACT Legislative Assembly.

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[144] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 68.
[145] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 22.
[146] Washington Group, *Short Set of Questions on Disability,* no date, available at:
 http://www.washingtongroup-disability.com/washington-group-question-sets/short-set-of-disability-questions/.

REASONABLE ADJUSTMENT

4.41   Reasonable Adjustment was identified as a significant factor influencing retention rates and as noted earlier in the report, identified as the primary reason for formal disclosure of disability in the workplace.

4.42   The Committee heard that flexibility is the key to many successful adjustments and that adjustments can take the form of different working hours, working from home arrangements, physical changes to a workplace or the appropriate use of technology.[147]

4.43   The Committee was also reminded that employees may commence employment prior to disability, or have a disability that is episodic in nature, highlighting the need for responsiveness and flexibility throughout the course of employment. It is not only a discussion at the commencement of employment.

4.44   The Committee asked about what additional resources are needed to ensure reasonable adjustments can be made in an appropriate manner and timeframe. The ACT Government told the Committee that it is not more resources, as most costs are subsidised by the Australian Government, but more visibility of availability of existing resources that is needed:

> [W]e have built a body of knowledge about what is available and we have gone some way to working out how to navigate it, but now it is a matter of really generalising that.[148]

4.45   It was in relation to sharing working knowledge that the ACT Government told the Committee about the role that inclusion officers play:

> [T]hey serve a really valuable navigation service … for applicants and potential employers in linking up not only employment providers … individualised training and support and work teams and supervisors and everything like that.[149]

4.46   The Committee notes that not every Directorate has a specific inclusion officer position, but rather, in a majority of Directorates inclusion responsibilities are shared within the broader human resources team.

4.47   The ACT Government informed the Committee that successful reasonable adjustment happens when there is a respectful relationship between the manager who understands what the person's requirements are and then builds a personalised return-to-work program or an ongoing work program around their capacity to undertake work. [150]

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[147] ACT Mental Health Consumer Network, *Transcript of Evidence*, 23 May 2017, p. 3.
[148] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 71.
[149] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 71.
[150] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 75.

4.48   The link between reasonable adjustment, diagnosis and the definition of disability was highlighted to the Committee. An ACTPS employee informed the Committee:

> I was able to request an adjustment without having to say, "I have a disability. This is my disability." I could just say, "Look, all I need is some written assistance." I think that was a big difference.[151]

4.49   The Committee acknowledges that in this instance, a low cost adjustment was possible, and that for the purposes of Australian Government funding the circumstances and flexibility around making adjustments without a diagnosis may prove to be more difficult.

4.50   In relation to best practice models, the Committee heard that despite the policies and resources being available, a change in manager could result in a subsequent change in adjustment being available.[152] In response to this, a number of submissions mentioned the use of a passport system, where an employee agrees with their manager on any adjustments needed; this is written up and agreed to, and then shown to a new manager if the employee moves within the organisation, or if a new manager commences. Such a system ensures that reasonable adjustments made will not be altered without cause.[153] *Doing it Differently* also recommends this approach.[154]

4.51   In relation to technical aspects the Committee learned that it can be complex:

> Public service departments acquire software that is ostensibly accessible. They then make their own modifications to it [for program security purposes], which makes it inaccessible.[155]

4.52   The Committee also heard that mental illness continues to be a struggle for employers and is treated differently to that of a physical illness. The ACT Mental Health Consumer Network told the Committee:

> Mental health is not treated in the same way as physical illness. So if you are experiencing poor mental health, you feel the need to say that there is something else wrong, that you are feeling sick. So where they legitimately need a day off due to illness, but due to past experience, they do not feel as though they can say it is because of their mental health rather than physical health. So just recognition from employers that mental illness and physical illness are the same; it's an illness, you need time off.[156]

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[151] Justice and Community Safety Directorate, *Transcript of Evidence*, 30 May 2017, pp. 81-82.
[152] ACT Mental Health Consumer Network, *Submission 16*, 04 May 2017.
[153] Canberra Community Law, *Submission No. 8*, 26 April 2017.
[154] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 22.
[155] People with Disabilities ACT, *Transcript of Evidence*, 23 May 2017, p. 16.
[156] ACT Mental Health Consumer Network, *Transcript of Evidence*, 23 May 2017, p. 4.

Recommendation 25

4.53   The Committee recommends that the ACT Government ensure Shared Services ICT, provides timely support for reasonable adjustments in the IT system including hardware and software enhancements.

TARGETS

4.54   The Committee sought peer reviewed research underpinning the rational that setting targets improves employment outcomes for people with a disability, and was unable to find material proving, or disproving, the effectiveness of targets. The Committee was also unable to find a relationship between setting targets and retention rates. As such, the Committee is unable to comment on the use of targets in relation to increased employment rates, or increased retention rates.

4.55   The Committee notes that it did find material suggesting that setting a disability employment target will not achieve results if done in isolation,[157] and acknowledges the benefits of target setting in relation to workplace culture. In this aspect, the Committee references nationally focussed research undertaken by PwC which highlights that the introduction of a minimum per year target can contribute to increasing employment opportunities for people with a disability.[158]

4.56   The Committee notes local research undertaken by PWD ACT in 2009 which compared rates of employment across sectors and States, finding that "it is essential to set targets". Although the report is not explicit, the Committee understands that organisations with targets had higher rates of disability employment than those that did not.

4.57   Additionally, the *Making Disability Work* report noted that if targets are set, they need to have time frames for their achievement, clearly defined data collection protocols, and an annual requirement for detailed reporting.[159] The Committee supports this view, and in the absence of research encourages organisations in the ACT to start publishing their findings in relation to outcomes related to target setting practices.

4.58   The Committee heard evidence that targets make a cultural difference to both employers and people with disabilities:

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[157] LGA Discussion Paper: *Disability Employment Targets, A role for local government*, July 2016.
[158] PricewaterhouseCooper, *Disability Expectation: Investing in a Better Life, a Stronger Australia*, November 2011, p.47, available at: http://www.pwc.com.au/industry/government/assets/disability-in-australia.pdf.
[159] People with Disability ACT, *Making Diversity Work: a Study of the Employment of People with Disabilities in the ACT Public Services*, June 2009, p. 8, accessible at: https://pwdact.org.au/images/PWDACTMakingDiversityWork1.pdf.

> We are what we count. We are what we measure. As a society, the things that we measure are the things that we focus on and we put energy into. If we are not measuring anything to do with disability employment, then the impetus for the focus, the drive to ensure that we are actually doing it, is lost … But they also make sense because people with disability and the rest of the community learns that this is a priority for government, the government recognises and takes seriously the responsibility they have to be an equal opportunity employer and to have a diverse workforce.[160]

4.59   The Committee heard that there are a number of ways to consider targets. National Disability Services stated that targets can include setting benchmarks in relation to reporting around recruitment processes, performance assessments for their staff; or education people have been provided with in their work area.[161]

4.60   Enabled Employment also noted that current targets set by ACT Directorates do not cover all elements associated with the employment of people with disabilities:

> ... [H]ow many people have been exposed to this training, how many people with a disability you have working in your organisation, who are your disability champions, how many have been interviewed. I think, too, we talked about mentors and all that sort of stuff. It is that sort of information. You might not have targets for what you are setting, but you are still achieving it piece by piece along the road. I think that those are achievable targets, and that is what we would like to see reported.[162]

4.61   Quotas were not generally supported. ACTCOSS told the Committee:

> The difference with the quota is that it is actually legislated and something specifically happens if you do not meet a quota. We are not sure that we want to go there yet, but we do think a strongly enforced target that has some incentives linked to it would be worthwhile considering simply because we have tried soft approaches. We have tried attitudinal approaches. They have not shifted this.[163]

4.62   AND highlighted that there are many ways to set targets and a percentage of total workforce may not be the most useful measure.

> [O]ur answer with targets is about what else you would do in other circumstances. Some of our members…have targets for everything…In that case they set a recruitment target every year. …. Other organisations are not going the way of setting targets but have different metrics around how they are going to understand the inclusion of people with disability in their workforce, through a combination of employee surveys

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[160] ACT Disability, Aged and Carer Advocacy Service, *Transcript of Evidence*, 23 May 2017, p. 12.
[161] National Disability Services, *Transcript of Evidence*, 23 May 2017, p. 21.
[162] Enabled Employment, *Transcript of Evidence*, 23 May 2017, p. 50.
[163] ACT Council of Social Services, *Transcript of Evidence*, 23 May 2017, p. 29.

and other methods…. For organisations that are very enthusiastic…we would say one in every 10 recruits at least over the next two to three years should be a person with disability. One in every 10 recruits. Don't say, "Four per cent of our workforce," or "Five per cent." That is a zero-sum game, because we are never going to know. ….Another member … aim[s] to recruit three people a month with disability. It is not a lot of people, but manageable. They can measure it each month. They can report on it quarterly rather than waiting three years to think, "That strategy didn't work so well. We'd better try again." [164]

4.63   AND also highlighted that setting high targets is not useful if failing to meet targets reinforces a failure culture "if you have a recent history of not quite hitting the mark then do not do that for this strategy again because it becomes a learned helplessness approach."[165]

4.64   The Committee acknowledges testimony that suggests targets are a good mechanism to get people employed initially, but does not assist in the retention of those people.[166]

4.65   The Committee was also provided examples where people with a disability had worked in the ACT Government for a number of years but had not been included in target measures as they are employed through a contractor arrangement.[167] This was reinforced by disability employment agencies who told the Committee that the current practice of not including contractors in data collection linked to targets was a shortcoming.[168]

4.66   The Committee notes the testimony of the ACT Government and the timely introduction of Contractor Central which aims to address this issue.[169]

Recommendation 26

4.67   The Committee recommends that the Head of Service set short, medium and long term targets for people with a disability in the ACT public service that reflects the broad proportion of people with disabilities in the community.

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[164] Australian Network on Disability, *Transcript of Evidence*, 23 May 2017, p. 45.
[165] Australian Network on Disability, *Transcript of Evidence*, 23 May 2017, p. 45.
[166] Mr Justin Le Couteur, *Transcript of Evidence*, 23 May 2017, p. 58.
[167] Mr Justin Le Couteur, *Transcript of Evidence*, 23 May 2017, p. 62.
[168] Enabled Employment, *Transcript of Evidence*, 23 May 2017, p. 50.
[169] ACT Government, *Transcript of Evidence*, 30 May 2017, p. 75.

Recommendation 27

4.68   The Committee recommends that the ACT Government review performance requirements of senior officers in the ACT Public Service to build in diversity requirements and implementation of disability employment action plans.

Recommendation 28

4.69   The Committee recommends that the ACT Government ensure all senior executives have detailed targets for the employment of people with disabilities included in their performance agreements.

Recommendation 29

4.70   The Committee recommends the ACT Government review options to improve data collection from ACT Government contractors around the levels of disability employment for publication.

WORKPLACE CULTURE

4.71   *Doing it Differently* examined how culture can affect a person with a disability in the workplace. The report states:

> The ABS has recently conducted the first survey on the prevalence of discrimination in employment and its initial release of data shows that almost one in 12 Australians with disability reported experience of discrimination or unfair treatment because of their disability. Rates were similar for men and women but reported discrimination was more prevalent amongst the young. … The experience of discrimination by people with disability has been found to be twice that of people without disability.[170]

4.72   *Doing it Differently* then examined the public sector and included research which suggested the employment experience of people with a disability in the APS is consistently less favourable than that for people without a disability:

> They [people with disabilities] are just as likely to have received performance management but are less likely to find it useful. They are less likely to be proud to work in the agency, recommend their agency as a good place to work, be satisfied with their

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[170] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 28.

work and life balance or be satisfied with their access to use flexible working arrangements. They are also less likely to view their agency and supervisor as committed to a diverse workforce.[171]

4.73   When researchers from *Doing it Differently* asked people employed in the APS about bullying and harassment, they found that a fifth of respondents perceived there to be evidence of workplace harassment (20 per cent), bullying (20 per cent) and a quarter felt exclusion from networks (24 per cent).[172]

4.74   This is reflective of findings in the 2014 *State of the Service Survey*, where 30 per cent of people with disability said they had experienced workplace harassment and bullying. The majority though do not report instances of bullying (62 per cent). This is double the bullying rate of 15 per cent of people without a disability.[173]

4.75   The Australian Human Rights Commission report, *Willing to Work* noted that in 2014–15 the Australian Human Rights Commission received 3,529 enquiries and 742 complaints about disability discrimination. More than a third of enquiries (35.4 per cent) and complaints (41. per cent) were in the area of employment.[174]

4.76   The Committee acknowledges that a workplace culture which allows bullying and harassment is unacceptable and sadly recognises that it heard testimony that suggests non-inclusive behaviour continues to occur in the ACT Government in relation to employees with a disability.[175]

4.77   Local business Enabled Employment noted that:

> The biggest barrier that we see to disability employment is attitudes. It is attitudes, low expectations and assumptions. Assumptions are normally the root of all discrimination: people are too afraid to ask the wrong questions, so they do not ask a question, and they make assumptions about what people with disabilities need and then they discriminate against them.[176]

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[171] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 29.

[172] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 14.

[173] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 14.

[174] Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*,2016, available at:
https://www.humanrights.gov.au/our-work/disability-rights/publications/willing-work-national-inquiry-employment-discrimination

[175] Justice and Community Safety Directorate, *Transcript of Evidence*, 30 May 2017, p. 83.

[176] Enabled Employment, *Transcript of Evidence*, 23 May 2017, p. 56

4.78   *Doing it Differently* concludes that education and greater support for managers as the key way to combat this. Overriding principles need to include the following:

- Firstly, departments need to focus on interventions for achieving a healthy workplace. A healthy workplace requires that employers help all their employees achieve their aspirations and be the best that they can be.

- Secondly, co-design policies and processes with public servants with a disability by default to "step into the shoes of people with disability" and build trust and confidence.

- Thirdly, co-design "strength-based" career pathways with and for people with a disability in appropriate areas.

- Fourthly, think carefully about issues of strategic sequencing to ensure that the organisation is ready for change to avoid adverse unintended consequences.

- Fifthly, use progressive language to underpin the change process (e.g. "sharing" rather than "disclosure").

- Co-design conditions determining workplace flexibility.

- Co-design interventions to help identify and diffuse best practices (e.g. blogs written by public servants with disability Or 'Talking Head' video clips describing coping mechanisms that have held them in good stead).[177]

4.79   The Committee notes that the Australian Human Rights Commission report *Willing to Work* which concluded:

> Too many people are shut out of work because or underlying assumptions, stereotypes or myths associated with their age or their disability. These beliefs lead to discriminatory behaviours during recruitment, in the workplace and in decisions about training, promotion and retirement, voluntary or involuntary. The cost and impact of this is high, for individuals and for our economy.[178]

Recommendation 30

4.80   The Committee recommends that the ACT Government considers collecting and publishing data in relation to occasions of bullying and harassment of people with disabilities in the ACTPS.

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[177] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, pp. 21 - 22.
[178] Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability 2016*, available at:
https://www.humanrights.gov.au/our-work/disability-rights/publications/willing-work-national-inquiry-employment-discrimination.

TRAINING AND EDUCATION

4.81   As highlighted in the previous section, there is a significant amount of international research that suggests "often, the most difficult barriers to overcome are attitudes other people carry regarding people with disabilities."[179] The Committee notes further studies that suggest the individual choices that people make regarding the hiring of people with disabilities can be guided by their attitudes, [180] and that attitudes are also responsible for the decisions that supervisors and management staff will make in relation to employees with disabilities.[181] In this regard, the American Department of Labor highlights the need for training to dispel the attitudinal barriers that prevent full integration of people with disabilities in the world of work.[182]

4.82   The Committee heard evidence in relation to assumptions and misinformation affecting employment. Enabled Employment highlighted that:

> We have 90 per cent of people with disabilities, of the 4.2 million, who are perfectly capable of doing jobs in highly skilled areas, but when they say they have a disability people make assumptions about what they can and cannot do.[183]

4.83   Other witnesses also reinforced Enabled Employment's concern with a narrowed perception of disability:

> People with disability are the people with an intellectual disability who do the photocopying and faxing or work in the mailroom. We need to move to the thought that people with disabilities can have a number of qualifications, have great work experience and great personal experience and can add value to the organisation.[184]

4.84   As to the nature of training that should be provided to adjust this altitudinal bias, the Committee notes research suggesting that intensive training regarding recruiting people with disabilities for employment should be part of any management program. Training should include group activities and role-playing to allow managers to investigate their own prejudices and how those fears and misperceptions may influence their decisions. Attitudinal training could also help managers feel good about their skills in dealing with people with disabilities. Following training, evaluations show that managers can return to their teams and

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[179] President's Committee on Employment of People with Disabilities, *Attitudinal Barriers [Brochure]*, 1999.

[180] Hernandez, B., Keys, C. B., & Balcazar, F., *Employer attitudes toward workers with disabilities and their ADA employment rights: A literature review*, Journal of Rehabilitation, 66(4), pp. 4-16.

[181] Brostrand, H. L., *Tilting at windmills: Changing attitudes toward people with disabilities,* Journal of Rehabilitation, 72(1), pp. 4-9: available at: https://search.proquest.com/docview/236327101?accountid=46417.

[182] United States Department of Labor, *Statistics about people with disabilities and employment,* Retrieved September 12, 2005, available at: http://www.dol.gov/odep/pubs/ek01/stats.htm.

[183] Enabled Employment, *Transcript of Evidence*, 23 May 2017, p. 52.

[184] Mr Justin Le Couteur, *Transcript of Evidence*, 23 May 2017, p. 62.

workgroups and create an inclusive and welcoming environment for people with disabilities which in turn improves working conditions for the entire workforce.[185]

4.85 In the Australian context, *Doing it Differently* identified training and education as a focus area for improvement in relation to attraction and retention and the culture of workplaces. The Report states:

> Managers are seen as an important support mechanism for people with disability by the majority of our respondents but on average just under half felt supported by managers. Inconsistent managerial practices create a significant implementation gap in disability policy. Managers require significant upskilling particularly in people management skills.[186]

4.86 This is reinforced by BDF which identified line managers without the right skills and confidence as the single biggest barrier to retention.[187]

4.87 The Committee notes *Doing it Differently* highlights that "there is also an urgent need for more human resources expertise in disability to support management."[188] The Committee agrees that all human resources staff should participate in disability awareness training.

4.88 Strikingly, when the Committee asked two current ACTPS staff members about what would make a positive difference in their daily work life. Both identified additional training as the key issue.

> [M]ore training, particularly for managers. Managers, in my experience from my short time in the public service, set the tone. If managers can model a particular behaviour, a particular attitude, it will create a culture within that team that supports a person living with a disability. I am going to turn it into a positive—my manager, when I was made permanent, created that culture in my team. It does not benefit just me; it benefits the team which benefits the branch. The flow-on effect is there. [189]

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[185] Younes, N., *Getting corporations ready to recruit workers with disabilities*, Journal of Vocational Rehabilitation, 16, pp. 89-91.

[186] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 19.

[187] Business Disability Forum, *A Business Disability Forum guide to best practice for recruiting and retraining disabled people*, 2016, p. 11. Available at: http://www.businessdisabilityforum.org.uk/media_manager/public/261/Retention_Toolkit_Teaser_FINAL.pdf.

[188] Evans, M., Edwards, M., McGregor, C., and Upton, P., *Doing it Differently, Staff Perceptions of the Barriers to Workplace Participation Experienced by Public Servants with Disability in the Australian Public Service*, University of Canberra, Institute of Governance and Policy Analysis, November 2016, p. 19.

[189] Justice and Community Safety Directorate, *Transcript of Evidence*, 30 May 2017, p. 82.

Recommendation 31

4.89   The Committee recommends that the ACT Government ensure all staff at the Executive Level 1 or 2 equivalent, and all human resource team members, attend compulsory face-to-face disability awareness training and access to a disability employment toolkit. Training should be co-designed by people with disabilities and include reference to mental illness.

Recommendation 32

4.90   The Committee recommends that training includes awareness of Web Content Accessibility Guidelines (WCAG) 2.0 requirements in electronic communication and publishing.

5   CONCLUSION

5.1   The Committee has considered all the evidence presented to it through submissions, public hearings and research pertaining to best practice in relation to the factors that contribute to successful employment of people with disabilities.

5.2   The overriding message is clear, work is valued within our society and people with disabilities want the opportunity to participate in employment but fear disclosing. As one witness said:

> I do not want special treatment; I want to be able to feel that I am part of the team and that I am valued as part of that team.[190]

5.3   The Committee considers the improvement of a meaningful definition of disability key to the successful implementation of all recommendations made in this Report. Without a definition that successfully defines the cohort requiring assistance with employment, much of the discussion is imprecise.

5.4   The Committee believes that as part of any future work the ACT Government must work with people who have lived experience of employment with a disability in every stage; from training for existing managers to career pathway development for people with disabilities. As one witness highlighted:

> Unless we tap into the experience and the knowledge of people with disability we will inadvertently hold on to incorrect assumptions and make poor decisions.[191]

5.5   The Committee has made 32 recommendations to support the growth in employment of people with disabilities.

Mr Chris Steel MLA
Chair
24 August 2017

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[190] ACT Mental Health Consumer Network, *Transcript of Evidence*, 23 May 2017, p. 5.
[191] Australian Network on Disability, *Transcript of Evidence*, 23 May 2017, pp 38-39.

Appendix A

The Committee received submissions from the following:

- Mr Rohan Goyne

- Older Women Lost in Housing

- ACT Government

- Ms Lauren Brand

- Justice and Community Safety Directorate

- Enabled Employment

- Mr Justin Le Couteur

- Canberra Community Law

- Volunteering and Contact ACT

- Speaking Out for Autism Spectrum Disorders

- ACT Disability, Aged and Carer Advocacy Service

- Ms Kerry Snell

- RSI and Overuse Injury Association of the ACT

- Australian Network on Disability

- People with Disabilities

- ACT Mental Health Consumer Network

- ACT Council of Social Services

- National Disability Services

- Ms Shannon Read

Appendix B

The following list of witnesses appeared before the Committee on 23 May 2017:

- Ms Dalane Drexlar
- Ms Purity Goj
- Mr Chris Corcoran
- Ms Jo Hargense
- Ms Fiona May
- Mr Robert Altamore
- Mr Stephen Fox
- Ms Susan Helyar
- Mr Craig Wallace
- Ms Suzanne Colbert AM
- Ms Catherine Winter
- Ms Jessica May
- Mr Justin Le Couteur

The following list of witnesses appeared before the Committee on 30 May 2017:

- Minister for Disability, Children and Youth, Ms Rachel Stephen-Smith MLA
- Ms Judi Childs
- Ms Ellen Dunne
- Mr William Towler
- Ms Julie Field
- Ms Susan Lane
- Ms Angharad (Hari) Lodwick