**Submission**

**Development of National Disability Employment Framework**

People With Disabilities (WA) Inc. (PWdWA) welcomes the opportunity to be involved in development of the new National Disability Employment Framework, and to provide scope on the type of issues and concerns that W.A. consumers with disabilities have experienced in seeking and maintaining employment.

PWdWA is the peak disability consumer organisation representing the rights, needs and equity of all Western Australians with disabilities vis individual and systemic advocacy.

PWdWA is run BY and FOR people with disabilities and, as such, strives to be the voice for all people with disabilities in Western Australia.

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**Proposal for a National Disability Employment Framework.**

This submission is from People With Disabilities (WA) Inc in response to the National Disability Employment Framework- Issues Paper.

This submission has drawn on a representative sample of consumer advocacy cases expressing the types of issues and concerns that people with disabilities have around employment. Cases collated in this submission arose from issues or concerns in the area of employment, or returning to work, that people with disabilities experienced accessing a broad continuum of current employment services and supports in W.A between January 2013 and June 2015.

Consumers sought advocacy to address concerns relating to; Australian Disability Enterprises (ADE), Disability Employment Services (DES), Personal Helpers and Mentors (PhaMs), and also arising in open employment. Themes of consumer issues and concerns arose in reference to these streams of employment services and supports and open employment, and where appropriate these themes are utilised to address issue questions asked in the National Disability Employment Framework- Issues Paper.

**People With Disabilities WA (PWdWA)**

Since 1981 PWdWA has been the peak disability consumer organisation representing the rights, needs, and equity of all Western Australians with a physical, intellectual, psychosocial, or sensory disability via individual and systemic advocacy. We provide access to information and independent individual and systemic advocacy with a focus on those whom are most vulnerable. As such PWdWA is placed in a unique position to voice concerns representing a broad cross section of people across disability, that have experienced issues or concerns with different streams of employment services.

As a not for profit organisation, that is directed by the UN Convention on the Rights of Persons with Disabilities (UNCRPD) (2006), we advocate that all people with disabilities have the right to full participation within Australian society including the ability to gain a living through employment. PWdWA advocate that people with disability have the right to work on an equal basis with others through work chosen in a work environment that is open, inclusive, and accessible to persons with disabilities, as is reflected in the Disability Discrimination Act (1992).

**Recommendations**

**Encourage business and the public sector to lead the way by demonstrating a commitment to increasing the number of people with disabilities employed, using quotas as a mechanism for measuring improvement.**

**Develop workplace trainers with an experience of disability to offer inclusivity training for business, government, and employment services, with training delivered by people with disabilities or people with experience of disability.**

**Offer incentives for business to participate in disability awareness and inclusivity training, reducing barriers for the inclusion of people with disabilities in the workforce at an organisational level.**

**Encourage business to offer person-centred work roles and flexible work options for people with disabilities in the workforce.**

**Ensure DES workers place a greater emphasis on providing on the job support in new job roles, and offer more transparency to consumers around what supports will be offered once a person is placed in a role.**

**Structure DES to allow consultants adequate time to develop sustaining relationships with employers, provide customised job placements for people with disabilities, and offer practical ongoing support in job roles.**

**Ensure advocacy, which plays an important role in all facets of the framework, is highly visible, resourced and accessible in the system.**

**Types of issues and concerns voiced by people with disabilities around employment**

It is through the course of our individual and systemic advocacy work that we have drawn a representative sample of the types of issues and concerns that people with disabilities have expressed around employment. The issues expressed in this submission are drawn from a review of all employment related advocacy work undertaken by PWdWA between January 2013 and June 2015. As PWdWA works across disability, consumers have sought advocacy for issues relating to the spectrum of current employment services and supports including ADE, DES, PhaMs, as well as for concerns related to open employment. We accept that the views expressed by consumers seeking advocacy from PWdWA are the main basis of the information provided in this submission.

Some consistent themes emerged within consumer concerns in the area of both employment services and in open employment. The most significant concern that was voiced by people with a disability across all areas of employment services and supports (ADE, DES, PhaMs) and open employment, were the ***barriers*** people with disabilities face when seeking to either enter the workforce or to maintain employment once working. A second theme that emerged from people employed in the open market and or supported through a DES provider, was the desire to have ***flexible work*** arrangements such as part-time hours, or start/ finish times. A third theme that was consistently voiced by people with disabilities was the need to have access to ***adequate support*** to find employment and to keep their job once employed. These themes and the types of issues and concerns that people with disabilities have sought advocacy for will be discussed in relation to areas outlined in the National Disability Employment Issues Paper, and questions to be addressed within each section.

**Barriers to employment**

Barriers to employment for people with disabilities have been highlighted as a topical issue in a number of recently published reports. As reflected in the ‘Consumers front and centre: What consumers really think about Disability Employment Services’ report submitted by the Australian Federation of Disability Organisations (2014), people with disabilities consistently reported that the most significant barrier they faced were “entrenched stereotypes of what people with disabilities can do and the capacity of people with disability to work, and what that work might be” (pg. 7). These findings around attitudes towards people with disabilities are verified through the advocacy work at PWdWA, as a significant proportion of consumers with disabilities sought advocacy from PWdWA to address issues around a barrier of other’s perception of their capability when seeking employment or within their current place of work.

An example of a barrier of perception of a person’s capability to do their job is shown below:

*Case Study*

*Tony is young man with a sensory disability (vision impairment). Tony has been working in an administration role with a company for a number of years and valued being part of the front line administration team. Tony’s difficulties started at work after he had a new supervisor. Tony made a mistake in his work role by giving the customer the wrong information over the phone. Tony explained that his current supervisor was not very willing to give him feedback on his work performance, or didn’t know how to talk to him about the mistake he had made. Afterwards Tony started noticing that he started to have parts of his job role removed from him. His previous supervisor had come to Tony and talked through the requirements of the job, and if there was issue they worked through how to address it. The new supervisor thought Tony wasn’t capable of doing the job, and Tony lost his job. Tony sought advocacy to address his concerns with the organisation and discuss how he felt the new supervisor had not given him the opportunity to have constructive feedback and improve his workplace performance.*

Another example of a barrier faced by a person with a disability, in seeking employment is outlined below:

*Case Study*

*Janice is a woman with a sensory disability, a university degree in occupational therapy, and a number of years experience as an occupational therapist. Janice isn’t able to drive, however has competently completed all aspects of her previous job roles either using public transport or catching taxis. Janice has found it difficult finding a job in the past 2 years as all the job roles advertised have had an essential requirement of a driver’s licence. Janice sought advocacy as she felt ‘shut out’ from those job roles even though she has the work experience and the capability to do the job roles advertised. Janice sought advocacy to raise her concerns with an employer on the changes made to occupational therapy job descriptions within the previous 2 years, and to educate the employer on her capabilities to do essential components of the job role without the use of a vehicle.*

The previous examples are only two of a number of enquiries made to PWdWA seeking advocacy to address concerns around barriers of perception, and a ‘culture of low expectation’ around people with disabilities within open employment, as reflected in the Shut Out Report (National Disability Consultation Report, 2012).

***What can improve employment outcomes for people with disability?***

Employment outcomes for people with disabilities can be improved by employers creating greater opportunities for people with disabilities to be included within the open market. At PWdWA we acknowledge that reducing barriers and increasing work opportunities for people with disabilities will take time and a concerted effort by employers to adopt an inclusive work culture. We also acknowledge that educating employers and providing an information service (phone line and website) through the Job Access (2012) initiative helps to demystify some of the perceived structural/ economic barriers to hiring a person with a disability. As outlined in Waterhouse (2010) positive attitudes towards employing people with a disability can be demonstrated when top leadership makes a commitment to employing people with disabilities. In addition, employer confidence is increased when employers are informed and have access to credible information about disability to then have a better understanding about disability and disability employment concerns.

PWdWA recommends that business and the public sector demonstrate a commitment to increasing the number of people with disabilities employed in the open job market, using quotas as a mechanism for measuring improvement.

***What can help reduce barriers for people with disability seeking employment?***

Feedback from people with disabilities who have approached PWdWA for advocacy and support to negotiate with employers in open employment, expressed a need for greater employer flexibility to modify employee working hours role to accommodate for the nature of their type of disability, and a willingness to modify a work role if their disability or health condition changed.

*Case Study*

*David is a man with a neurological disability that had worked for the same large health organisation for 15 years. When he needed to reduce his hours of work to manage the changing nature of his disability/ health condition and to attend medical appointments, his employer was not very supportive. His manager saw his request for a modification to his work role as being difficult and causing trouble, rather than as a need to manage his disability. David explained he was labelled as a ‘troublemaker’ for asking for a reasonable adjustment to his work role to manage his reduced physical capabilities. After a period of 6 months working in a modified role David lost his permanent position and another person was hired in a full time role. David sought advocacy as he considered that he had experienced an unfair dismissal, and wanted to know what his rights were and how to address his claim.*

In the case above, the manager’s attitudes towards modifying a work role to suit David’s disability were the barrier to David keeping his work role. If the employer had been flexible and accommodating for David’s requirement to work less hours, and willing to make the necessary adjustments to his work role, the employer could have retained a trained competent employee. Another case highlighting a requirement for work role flexibility to suit the needs of a person with a disability is outlined below;

*Case Study*

*Mark is a man with a neurological disability that catches public transport to and from work, and doesn’t drive because of his disability. Mark requires around 2 hours in the morning to get ready and leave the house, and due to his disability has reduced energy levels in the morning. Once at work around 9:30AM his energy levels are good for the remainder of the day, and he is engaging and capable in his customer service role for his employer a transport company. Recently his employer changed his work role and it was expected that Mark would start answering phone calls from 8:30AM, however Mark is not able to physically get to work at that time. In addition his employer changed the work uniform for all employees at the office to a long sleeved shirt. Mark needs to wear a short sleeved shirt to regulate his internal temperature control. Mark attempted to talk to his employer about both circumstances and the employer was not willing to be flexible on both matters. Mark sought advocacy to talk to his employer and negotiate with them on both points, as he was worried he would loose his job, and he wanted to keep working with the company.*

Both of these case studies demonstrate how a lack of employer flexibility and ‘reasonable adjustment’ within a work role, can be a barrier to a person with a disability retaining their job. By adopting a flexible attitude and being open to modifying a work role to suit the needs of a person with a disability, employers are likely to attract and retain a loyal employee and be seen as an employer of choice (Australian Chamber of Commerce and Industry 2014). In addition, by developing person-centred work roles for people with disabilities where the person’s disability is not seen as being a nuisance or a difficulty to the organisation, and adopting a more flexible supportive work culture, people with disabilities will have the opportunity to be fully accepted into mainstream organisations (Shur et al, 2005).

***What can help reduce barriers for employers hiring people with disability?***

PWdWA recognises that government workplace incentive programs to hiring people with a disability (Employment Assistance), and having a free information service for employers to either visit on a website or call to receive accurate information (Job Access), reduce some of the barriers employers have towards hiring people with a disability.

PWdWA suggests that employers can further reduce workplace barriers to employing people with disabilities by working together with disability groups to offer educational opportunities in the form of disability awareness and inclusivity training. It is critical that effective training is provided to ensure best practice in mainstream services. PWdWA supports and recommends that trainers with an experience of disability offer inclusivity training to business, government, and employment services, and that training is delivered by people with disabilities or people with experience of disability.

**Principles for Change to Disability Employment Services**

PWdWA agrees with the overarching principles for changes to Disability Employment Services as outlined in the National Disability Employment Framework issues paper, and suggests modelling the provision of services to people with disabilities on the approach of NDIS will offer greater choice and control to the individual. PWdWA expects that explanation of how these overarching principles will be delivered in the context of employment services, will be forthcoming at the conclusion of the consultation period.

**Current services and supports- Disability Employment Services**

As outlined in the AFDO report (2014), Disability Employment Service providers have a part to play in assisting people with disabilities to look for and keep sustainable employment. Good feedback from using DES services was reported by consumers where they felt that the DES consultant focused on their strengths, offered tailored practical assistance writing job applications and with interview skills, and was actively engaged in supporting them to look for work. The ADFO report (2014) also identified that consumer’s expectations of the type of support provided by a DES in assisting a person with a disability to look for work, and the type of support received once engaged with a DES, could be very different experiences.

Overall, consumers sought advocacy from PWdWA about their DES in circumstances when they thought that their DES was not able to support them to either find or keep a job. PWdWA strongly suggests that within the work that DES providers do, greater emphasis needs to be placed in the area of support for people in job seeking efforts and supports required to maintain employment.

***How can DES providers better assist people with disability to prepare for and find work?***

The AFDO report (2014) outlines that consumers rated DES providers highly that had an understanding of their disability and were willing to offer practical assistance with resume writing and interview skills, and to offer job roles taking into consideration some of their needs and aspirations (from a person-centred perspective). DES providers were also rated well that offered assistance to people to obtain work-place modifications, and offered skills mentoring to job seekers.

***How can DES providers better support people with disability in the workplace?***

The case study below shows, some consumers are not clear on the type of support that a DES can provide at the pre-employment and employment stages, and of their rights as a consumer of DES.

*Case Study*

*Lin is a woman that has experience in different administration roles, and has been connected with a DES to look for work. She has had anxiety and depression previously, and doesn’t want to disclose her mental health circumstances to an employer. When Lin found a contract job she was very pleased, and started a training program on the job. She had contact with her DES case worker once a week, and let her DES know that she had concerns that the training seemed to be inadequate once her ‘real job’ started. After a few weeks in the role Lin realised that her anxiety levels about making cold calls to people was very high, and she became concerned that her work productivity was low as she had difficulties talking to customers on the phone. Lin let her DES case worker know that she was having difficulties at work, and that she was concerned she might loose her job, and requested that her DES case worker support her by talking to her line manager at work. Her DES case worker became ill and took time off from their job, returning to work a number of days later, by which time Lin had been let go from her job for poor performance outcomes. Lin sought advocacy to talk to her DES case manager and find out why she had not received the support she needed at the right time to keep her job.*

*With advocacy, Lin was able to ask the right questions of her DES case worker, and have a clearer understanding of the type of support she would receive from her DES case manager to negotiate with her employer. It was explained that if she required urgent support and her DES case manager was not available or unwell she could request to talk to DES manager and ask for help. The advocate supported Lin to understand what needs to be communicated to her DES for her case manager to intervene in her employment setting, and the type and level of support that her DES can offer her when concerned about a job in jeopardy.*

The above case study demonstrates that people with complex support needs may require more transitional time to develop job confidence, and the capacity for autonomy once placed in a new job role. The above case study also demonstrates that (in Lin’s case) it was essential to have an ongoing relationship with a DES case worker, whom can intervene at the right time to negotiate with an employer.

PWdWA recommends that DES workers place a greater emphasis on providing on the job support in a new job role, and offer more transparency to consumers to work through consumer expectations of what support looks like once a person is placed in a role. Greater transparency would include a discussion around how to gain access to the support offered through their DES, and disclosure of a person’s rights as a consumer using a DES.

***How can the employment service model be improved to help providers deliver better support?***

Improvements to the sustained employment of people with disabilities can be achieved by allowing DES service employee’s adequate time within their job role to negotiate with potential employers, and provide on the job support post-placement before a crisis situation occurs and a job is considered to be in jeopardy. Consumer feedback highlighted the need for people to have more time talking to their DES case worker at face to face appointments, rather than feeling as though they were being ‘rushed out the door’. The AFDO report (2014) points out that the current DES system rewarded organisations that process clients quickly which equates to less time helping consumers with resume writing, interview skills, and finding a job. Additionally, in situations where employment consultants have high case-loads clients with less complex needs tended to given preference with finding work over people with more complex disabilities.

PWdWA suggests a greater emphasis is placed on giving DES consultants adequate time to develop sustaining relationships with employers, provide customised job placements for people with disabilities, and offer practical ongoing support in job roles. Through having adequate support strategies in place for people with disabilities, longer-term more sustained employment outcomes for people with disabilities are achievable.

PWdWA can see the value of DES providers leading the way as employers of people with disabilities with appropriate qualifications within their organisational structure. Employing people with disabilities is essential in providing good role modelling, creating good outcomes for job seekers, and in modelling an inclusive accessible workplace.

Improvements within the employment service model can also be informed by independent advocacy from organisations such as PWdWA. By offering advocacy to people with disabilities in the workplace, and negotiating with employers, a person with a disability using a DES has the capacity to have their rights upheld. It is also through the process of advocacy and negotiation between an employer and an employee with a disability, an employer has the opportunity to become informed around what flexible and inclusive work practices look like, and how to reduce internal barriers to employing people with disabilities.

**Current services and supports-Australian Disability Enterprises**

Overall, consumers sought advocacy from PWdWA about an ADE in circumstances where external support was needed to negotiate with a service provider about the conditions of their employment (such as the number of hours worked), or if a person thought that a family member with an intellectual disability working for an ADE was not being paid an appropriate wage for the work they provided.

*Case Study*

*James is a man with an intellectual disability that had worked for an ADE for a number of months. A family member of James became aware that James had been working for 6 months, and also that James had signed a contract to work for the ADE for a minimal wage of $1.05 per hour. The family member contacted PWdWA to find out what James rights were working for the ADE, if it was possible for James to break his contract, and to voice their concern that James was being taken advantage of by his ADE.*

*With advocacy, James and his family member were assisted to investigate if the Business Services Wage Assessment Tool (BSWAT) was used for the ADE to assess and determine James’s rate of pay. Advocacy was provided to negotiate with the ADE about alternative wage assessment tools to be used that did not disadvantage James due to his intellectual disability.*

PWdWA strongly suggests that within the work that ADE’s do, the rights of the people working for ADE’s need to be safeguarded. People with disabilities that work for ADE’s are some of the most vulnerable in society and due to their intellectual disability may not have the capability of understanding the fine details of a wage assessment, and what their rights are in relation to other workers. In the circumstances outlined in the case study above, the need for independent advocacy is vital to safeguard the rights of the individual and protect against mistreatment.

***How can we improve support for people moving out of ADE’s into open employment?***

In principle PWdWA does not support the segregated and exclusive workplaces that are most common with ADE’s as evidence shows that segregated settings are more likely to result in exploitation, abuse and neglect (Wage Justice Campaign, 2013). We hope that people with disability can, under the NDIS, take the on the job support they get from an ADE with them to open employment. There also needs to be further emphasis on ADE’s opening up to have a range of employees and transition to open employment with supported wages using a fair pro rata tool.

**Support for employers**

PWdWA recognises the beneficial impact the development and implementation of employer supports through the development of Job Access website and information service (2012) and related Employment Assistance and Other Services program (EAOS), have in providing clear and accurate information to employers about workplace modifications, and decreasing some of the perceived economic barriers to employing a person with a disability. PWdWA advocates have referred a number of employers to Job Access for simple requests for information about government assistance programs.

PWdWA also recognises that additional work needs to be done to support employers to become leaders in their field as equal opportunity employers, and become informed about providing an inclusive work culture within their workplace, and offering flexible work arrangements for people with disabilities.

***What other supports or approaches can increase employment participation of people with disability?***

PWdWA suggests that employers receive incentives to engage in inclusiveness training that is run by Disability Organisations, with a voice of people with disabilities, in addition to existing employer incentive strategies that are currently offered to businesses to employ people with disabilities. Inclusiveness training would assist in further breaking down the perceived barriers of employing people with disabilities, and could provide information about what a reasonable adjustment to a work role could look like, and how to develop an inclusive work attitude that is flexible and welcoming.

**Other comments**

PWdWA strongly supports the role of independent advocacy in the Disability Employment Framework. It is important to ensure both the individual and collective voice of people with disabilities is recognised and that service providers and mainstream services are continually challenged to improve through constructive and independent feedback. PWdWA is ideally placed to continue its role as independent advocate at an individual level, and provide evidence from advocacy to inform and direct systemic change. There also needs to be a recognition of the role of Disabled Peoples Organisations in representing the rights and voice of people with disabilities in co-design of policy, on advisory groups and in giving feedback and submissions such as this, as we have a broad connection to people with disability and a person-centred understanding of disability issues.

**Conclusion**

It is clear from the findings of this report that the experiences of consumers with a disability, just like the type of supports required to find and retain employment, do not match a ‘one size fits all’ approach. As the experiences of people with disabilities are diverse and varied, so too are the supports required, and the choice of work options sought after within the employment sector.

As has been discussed in this document, the general themes of consumer issues and concerns in the area of employment services and supports (DES and ADE) and open employment are; the barriers of stereotypes that people with disabilities face when seeking to either enter the workforce or to maintain employment once working, the desire to have flexible work arrangements to accommodate for the person’s needs, and the request to have access to adequate support to find employment and to keep their job once employed.

Recommendations for future changes to current employment services and supports have been included. In the provision of DES’s, addressing the case worker work load to offer greater support to the search of person centred work roles, and displaying greater transparency about the type support offered once placed in a new job role, will improve the quality of support offered through the service. DES case worker roles can be improved by allowing consultants adequate time to develop sustaining relationships with employers, and offer practical ongoing support in job roles. Additionally, business and the public sector can become leaders in addressing barriers to workforce participation for people with disabilities through a number of internally lead mechanisms such as; working towards inclusion targets, offering inclusion training to staff around barriers to workforce participation, and developing person-centred work roles and flexible work options.

Throughout, advocacy plays an important role in all facets of the Disability Employment Framework, in facilitating systemic change, upholding the rights, and promoting the inclusion of people with disabilities in a variety of employment options.

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