

**Submission in response to a New** **System for Better Employment and Social Outcome: Welfare Reform to the Minister for Social Services**

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**Contents**

|  |  |  |
| --- | --- | --- |
| 1 | Background to EDAC | 3 |
| 2 | The need for a simpler architecture for the income support | 4 |
| 3 | Strengthening individual and family capability | 5 |
| 4 | Ensuring sustainability in employment | 5-7 |
| 5 | The need to build community capacity in shaping people’s capabilities by providing and promoting an environment within which they develop their attitudes, aspirations and values. | 7-10 |
| 6 | Recommendations | 11-12 |

* + - 1. **Background to EDAC:**

The Ethnic Disability Advocacy Centre (EDAC) is a Western Australian not-for-profit community-based organisation that advocates for the rights and interests of people from culturally and linguistically diverse (CaLD) backgrounds with disability, their families and carers. EDAC provides individual and systemic advocacy to migrants and refugees with disability living in Western Australia. EDAC represents Western Australia as a member of the National Ethnic Disability Alliance (NEDA) and is funded by the Department of Social Services (DSS) and the Disability Services Commission (DSC).

EDAC vigorously supports the promotion and protection of the rights of CaLD people with disability in order that they reach their full potential as active participants in the community. EDAC, as a peak voice of advocacy for CaLD people with disability and their carers in Western Australia, note that people with disability generally face barriers to social participation; access to employment, technology, social activity and economic wellbeing. However people from non-English speaking backgrounds with disability are a vulnerable, high risk group and are prone to ‘triple discrimination’. They are discriminated against due to their ethnicity and disability in mainstream society, and their disability within their own cultural community due to negative cultural perceptions of disability.

EDAC appreciates the opportunity to provide a submission in response to the New Welfare Reform Interim Report and we desperately need structured and sustainable welfare system that will bring meaningful improvement to the lives of CaLD people with disability, their families and carers. EDAC believes that a major long-term reform in Australia’s income support system is overdue and more adequate supports need to be made available to increase employment pathways for people with disabilities and to support them in working to their capacity.

A simpler welfare system is a laudable goal, however, we are concerned if this results in CaLD people with disabilities, their families and carers further marginalised from the proposed recommendations to consolidate 20 payments and 55 supplements into four main payments -the age pension; the disability support pension; a tiered work-age payment and a child payment.

In this submission, EDAC will only focus on ‘high priority’ areas which will have a significant impact on CaLD people with disabilities, their families and carers.

National Ethnic Disability Alliance (NEDA 2010) data analysis estimates more than 1 million people (18%) with disability are from non-English speaking backgrounds. Some form of recent migration heritage is a characteristic for over 40% of people with disability. All people with disability face barriers to social participation – access to employment, technology, social activity and economic wellbeing, however people from non-English speaking backgrounds are more likely to face deeper forms of marginalization. There is a higher prevalence of impairment for people born in non-English speaking countries aged over 45 years, especially for ‘first wave’ non English speaking migrants, up to 3 times that of the Australian born population. For further information, please see NEDA’s website at: [www.neda.org.au](http://www.neda.org.au)

1. **The need for a simpler architecture for the income support**

In Reference to pg.51 of the Interim Report, It is suggested that DSP would be reserved only for people with a permanent impairment and no capacity to work.

This differentiates between permanent and temporary incapacity.

This would recognise that people who can never work need pension-level assistance, and people with disability who have capacity to work could be assisted through the tiered working age payment.

While we consider the idea of putting DSP clients in to level of productivity commendable, the proposed changes focus more on the extent to which a person is impaired from working and less on whether a person has been diagnosed with a disabling condition. However, it is worth noting that high productivity achieved through work-intensification practices is demanded in most employment situations and CaLD people with disability will find this level of performance difficult to achieve.

EDAC considers that there needs to be a shift from the focus on how a person’s disability affects their capacity to work, and for the Government to consider the following:

* The real opportunities for people with disabilities to enter the workforce;
* Provide incentive’s which encourage more people with disability to find work in the new welfare system;
* Examine if potential employers have the capacity or positive attitude to support people with disabilities; and
* Consider if there are appropriate supports available for people with disabilities to be trained.

EDAC firmly believes that current allowance rates already place people in poverty and/or are at risk of it, and this tend to prevent the ability of people to find or transition to a sustainable employment. We believe that denying access to the DSP for all except those with no capacity to work may inevitably result in extreme hardship and poverty. Genuine welfare reform should consider taken off people from the DSP or the Carer Payment if only they have sustainable employment. Therefore, people on permanent impairment should not be reviewed further and the government need to provide clearer definition of ‘permanent impairment’ and ‘capacity to work’ in determining eligibility for DSP.

It is our contention that, in the process of reviewing the welfare system, attention is given to the appropriateness of the allowance, review of the payment system and how it can support individuals into work and the impact of the changing nature of the labour market.

Income support is a basic human right and essential for social and economic development. EDAC believes that the social support system is sustainable, effective and coherent, and encourages people to work when the people’s interest are beneficially advanced within a social justice framework. Therefore, the government needs to recognise and firmly deal with the systemic causes of social problems such as unemployment of people with disability.

1. **Strengthening individual and family capability**

In the Interim Report (pg. 88), it is noted that successful participation in work depends on having skills in three broad areas: core language, literacy and numeracy skills; employability skills and technic or discipline-specific skills.

EDAC fully supports the acquisition of literacy skills and relevant training to assist people from CaLD with a disability to fully participate and integrate into the broader Australian society, and more importantly, to increase their employability in the labour market. Better access to literacy, numeracy and job relevant training will not only provide skills development, but will also allow individuals to be able to realise their full potential.

While it is argued that it is crucial to identify and support young people at risk early by identifying barriers to young people participating in education and employment, EDAC strongly argues that young people with disabilities, especially those from newly arrived and/or refugee backgrounds, are at risk of long-term unemployment as they are not supported in the transition of arriving in Australia and securing paid employment. Additionally, CaLD people with disabilities Barriers to paid employment results from employers’ and co-workers’ attitudes, poor job design, lack of attendant care, inflexible work arrangements, lack of access to education and training, lack of knowledge, lack of access to employment services, inadequate or expensive transport, lack of self-confidence and lack of assertiveness.

The Interim Report addresses none of these issues –especially, mitigating the social inequity resulting from employment disparity. The Interim Report does mention poverty alleviation but only in so far as it relates to how work is better than welfare. It does not expand how welfare as a means across society can be used to mitigate disparities through provision of basic income support or ensure how citizens can avoid the worst of poverty.

1. **Ensuring sustainability in employment**

Improving engagement with employers and to consider reforms to make jobs available for CaLD people with disability should be a priority. Due to the barriers outlined above, CaLD people with disability are missing out on the benefits of employment. EDAC believes that improving pathways to employment and supporting employers should form part of structured pathways for accessing employment services to CaLD communities and Aboriginal and Torres Strait Islanders with disability.

The use of Disability Employment Services (DES) has many shortcomings and is not serving the interest of CaLD people with disability. EDAC notes that some of the DES providers lack appropriate cultural competency in supporting CaLD people with disabilities to maximise their potential capacity in obtaining sustainable employment. For example, CaLD people with disability are given wrong career pathways, their qualifications and/or training gained overseas are not recognised and DES management is bureaucratic and out of touch with the aspirations of CaLD people with disability.

We suggest that a central Career is developed to supervise DES activity and guide direction in supporting the mission and vision of providing sustainable and meaningful employment according to the needs and aspirations of people with disability.

This highlights the need for better strategies and employment pathways to gain entry into the labour market for economic security and empowerment for CaLD people with disability.

The current assumption of the government seems to be that the people with disability are too lazy to get jobs and a burden on the welfare system. Most people with disability do want to work, however do not get opportunities in the open employment market to get jobs that are suitable for their own abilities, work-capacity and experience due to negative employer attitudes.

EDAC would like to demonstrate the magnitude of these matters with 3 case examples:

**Case Study 1**

A young man from CaLD background with intellectual disability was employed in open employment at a fast food restaurant. The people who employed him originally were supportive of his work and the man performed his duties with not much difficulty. About two years later the manager of the restaurant had changed and the new manager did not want the young man there because of his disability. She didn’t believe that he was able to perform his duties and first reduced his work hours, then stopped calling him to work altogether.

Through EDAC’s advocacy, this case was taken to the Equal Opportunity commission. The client did not want to continue to work in that hostile environment. However he wanted an apology from the employer; for the employer to re-evaluate their employment plan to give more opportunities for people with disability to work there and that the management staff to take disability awareness training.

The apology was obtained and the management of the restaurant agreed to take disability awareness training. However we are not sure whether or not they did as they did not offer to re-instate the young man’s position.

**Case Study 2**

A young man from CaLD background with autism and intellectual disability has been working in open employment at a fast food restaurant on part time basis for three days a week for about 4.5 years.

Each time his manager changes or the staff member from the Disability Employment Service (DES) provider who support the young man changes, the restaurant threatens to sack him. He requires strong advocacy each time to maintain his position which does not happen with any of the other staff members who don’t have a disability. The young man needs to prove himself over and over each time when he gets a new person to support him which causes him unnecessary anxiety and fear of losing his job.

**Case Study 3**

A lady with cerebral palsy has been looking for part time work for many years with no success. Due to her health complications she would not be able to work full time. Her health deteriorates further during cold winter months. This limits her opportunities to only seasonal work. She is well educated and has managed short term projects very well which were audited and within the funding period. She completes her selection criteria to apply for positions but when she goes to job interviews in her large electric wheelchair, she loses her chances of getting jobs.

From the above case examples, it is important tp note the need for the Government to be committed in removing structural and attitudinal barriers in order to increase employment participation rate for people with disabilities and to create a more inclusive community.

1. **The need to build community capacity in shaping people’s capabilities by providing and promoting an environment within which they develop their attitudes, aspirations and values.**

The negative effects of unemployment can result in increased isolation and alienation within a community and in some cases even reduces social participation.

EDAC advocate for a better community engagement to address the needs of disadvantaged communities such as the CaLD community with disability to provide better opportunities to increase their economic participation.

Restrictive government policies and legislations could also present as barriers. Public sector Act 1999 section 22 part (6) Conditions of Engagement requires both ongoing and non-ongoing employees to undergo health checks. Most employers confuse disability with health conditions and refuse to employ people with disability as this may breech their perception of ‘duty of care’.

**Case Study 4**

Two of EDAC’s clients were employed on 3 month contracts, extended over a one year period by a commonwealth government department. When they applied for permanency however, they were required to get health clearance by a medical officer assigned by the Department. The clients disclosed their disability to the medical officer who included this information in his medical report to the Department. On the basis of the health report, the Department decided not to make them permanent employees quoting ‘duty of care’ as a reason even though references from line managers indicated that the individuals’ disability was not an impediment to them fulfilling the requirements of the job.

According to ABS statistics in 1996, number of people with disability in federal public service was 5.8 per cent which reduced to 3.6 per cent in 2006 and is continuing to reduce further. Unfortunately, the employment rate of people with disability in the Western Australian public sector is similar and is continuing to reduce. For details, please see census information on ABS website at: [www.abs.gov.au](http://www.abs.gov.au).

Some of the barriers for people with disability to get and keep jobs may include:

Personal barriers may include lack of self-confidence to get and keep a job. If a person with disability attends a large number of interviews without receiving a job offer, they may lose confidence and give up looking for employment. Chances of getting and retaining employment are greatly reduced if they have not received any training in grooming, interview skills, up-skilling or work-experience in their chosen field of work.

There is a perception that DEN providers treat people with various disabilities and skills the same and put them into Entry level employment regardless of their skills and experiences. Due to the misconceptions by employers and therefor reluctance to employ people with disability, those clients seeking high level employment are usually placed in the “too hard basket” and do not get the help they need. There also appears to be unrealistic targets and insufficient funds to support, in particular people with intellectual disability, access open employment.

Governments of all persuasions try and reduce the cost to the welfare system by moving people with disability off the Disability Support Pension (DSP) to encourage them to get a job without the creation of realistic job opportunities for them to meet their specific skills and experiences. While looking for work, people with disability are put on Newstart allowance, significantly less than the DSP, which creates a subclass of already disadvantaged people. Other barriers include:

* Myths and negative perceptions and stereotypes that create barrier and isolation. These inhibit employability of people with a disability. For example, assumptions that work cover premium will go up, that the cost of work place modification will reduce the profit margin, the likelihood of increase risks, etc.
* Inadequate information and advice for employers. Lack of specific training packages tailored to meet disability workforce demonstrating the benefits of targeting disability employment in workforce participation.
* The direct cost for people with disability –transport, interpreters, aids and adaptations. For example, proximity to workplace, access to public transport, accommodation and interpreting costs.
* These factors have potential risk discouraging employment participation for people with disability.
* Lack of flexible work environment for people with mental illness and other episodic illnesses.
* Communication hurdles, inadequate training, lack of ’Australian work experience’ faced by CaLD people with disability.

Whilst Australia continues to increase the cultural diversity of its workforce to address Australia’s skill shortages, people with disability from non-English speaking backgrounds (NESB) are not being supported appropriately in gaining and maintaining meaningful open employment based on their skills and experience as other Australians. The process for recognition of skills of overseas trained people in some industries is mired in red tape and in some instances the requirements may be more demanding than for those who have completed their training in Australia. This leads to people seeking unskilled, low paid jobs or missing opportunities for employment in their chosen field of work.

Strategic Improvements to the employment of people with disability may include:

* Reviewing the PSA 1999 section 22 part (6) Conditions of Engagement and clarifying the differences between health, disability and duty of care. Why should health condition or disability be a barrier for people to be employed in public sector, if the person has the right skills to perform their duties?
* Providing meaningful employment that matches the needs of people with disability. This should start with training –creating positions that match the skills and qualifications. There are benefits and economic productivity from such development in the employment sector.
* No person with disability should fear losing Centrelink benefits if they pursue employment.

Structural disincentives to employment also need to be addressed by the government through the following:

* Introduce affirmative action in the hiring of people with disability, that is, if two people - one with disability and one without, with similar skills and experiences apply for a position, one with disability should be hired in both public and private sector.
* Facilities should be accessible and useable by people with disabilities - car modifications, adaptive technology facilities and accessible buildings.
* Introduce work schedules (flexible work environment) to match individual lifestyle and choice –flexible choice for parents with a disability, those with mental health; for those using Auslan, it would be appropriate to provide them professional and qualified interpreters.
* The Federal, State and Territories governments should be a model employer of individuals with disabilities –this could be a starting point influencing the employability of people with disability in the private sector.
* Commitment to improving employment outcome by being employers of choice devoting resources to creating inclusive workplace policies and practices.
* Bold statement policy should be in place to design model recruitment and employment strategies that would increase employment of people with disability.
* Employers should declare and present their action and inclusion plan for promoting employment opportunity for people with disability. This should also include annual reporting as a mandatory measure to demonstrate that something is done –a progress report. This would significantly make a difference in the employment rate of people with disability. Putting in place a quota system in the earlier stages may also increase the employment rates of people with disability.
* The government should adapt collaborative efforts to promote positive employment outcomes by encouraging employers and the community to recognise the value and the talent people with disability bring to the workplace.
* The employment and workforce development strategies that are available for Aboriginal people through all levels of government should be made available for people with disability to increase their workforce participation.
* Graduate Employment Program should be available for people with disability through both the commonwealth and state and territory public sectors where people with disability are supported with advocacy to gain employment and the employer is provided with incentives to employ people with disability.
* Acting positions in higher level employment should be made available for people with disability with appropriate supports, training and mentoring to encourage them to gain and maintain higher level permanent employment. Currently there are no organisations including disability support organisations in WA that are led by a person with disability.

EDAC suggests the following ways:

* Provide access to appropriate technology. The provision of information in a range of formats that is accessible to people with disability. This will provide information available to job seekers as well as facilitate Jobsearch among CaLD people with disability.
* Add translation, speech and reading support tools to job-websites online content and provide cheap internet infrastructure. This will extend the reach of website for job seekers with a disability; assist those who require reading support due to learning and those with mild visual impairments as well as assist those with low English language proficiency.

1. **Recommendations**

EDAC suggests that before the Australian Government moves people with disability and capacity to work off the Disability Support Pension. The government needs to:

* Do a business plan of increasing the employment rate of people with disability in meaningful positions in all levels of the public sector from admin to the management and decision making capacities and strongly encourage the private sector to do the same;
* DES caseworkers to support each person with a diverse disability according to the person’s skills, work-experience and abilities, rather than treating them all the same which they currently do.

People with disability should be given opportunities for secondments and to act in higher positions to gain experience and a possibility to gain higher level employment.

This can be done by:

* All staff working in the human resources branches in public and private sectors to take disability awareness training including the Disability Service Standards to understand how and in what capacity people with disability may be employed according to each person’s skills and abilities;
* Government needs to work with stakeholders and people with lived experiences to develop strategies to change the attitudes of employers to give people with disability better and more fair opportunities for meaningful employment according to their skills, abilities and work-experience in the open market;
* People with disability living in regional, rural and remote areas have less opportunity to access the employment market, and may not have access to other services as health, higher education, public transport, support workers to help them in their daily living and in employment, etc.
* A central Career Unit may be developed to supervise DES activity and guide direction in supporting the mission and vision of providing sustainable employment according to the needs and aspirations of people with a disability.
* Improve access to technology, Internet services and provide information in a range of formats that are accessible to people with disability.

Without having taken the steps above, taking people off the DSP and putting them onto the NewStart Allowance and pushing them into part-time low level basic jobs, may contribute to the loss of their public housing accommodation, rent assistance, utility concessions an any other rebates. This will further disadvantage people with disability whose needs have been neglected for many years.

We believe people are better placed in paid work than on welfare; however those who are unable to maintain themselves financially, the Australian Government should have a social security system based upon fairness and one that recognises and accommodates diversity and facilitates economic and social contribution according to individual capacities.

In conclusion, the status of DSP recipients and proposed changes to the DSP need careful discussion with the sector, as well as individuals with disabilities, especially those from CaLD and Aboriginal backgrounds with disability. As such, EDAC, as a peak organisation advocating for CaLD people with disability in Western Australia, feel that six weeks to provide feedback to the interim report was insufficient.