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Disability Employment Services Reform 2018  
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## Disability Employment Services from 2018

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australia's culturally and linguistically diverse (CALD) communities and their organisations. FECCA provides advocacy, develops policy and promotes issues on behalf of its constituency to Government and the broader community. FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism so as to build a productive and culturally rich Australian society. FECCA's policies are developed around the concepts of empowerment and inclusion and are formulated with the common good of all Australians in mind. FECCA continues to work with organisations that advocate for people with disabilities from CALD backgrounds, including the National Ethnic Disability Alliance (NEDA).

FECCA welcomes the opportunity to provide input into the Disability Employment Services Reform 2018 process. We thank the Department of Social Services for conducting a thorough consultation process to gather feedback to ensure that disability employment services are responsive to the needs of consumers and assist them to gain sustainable and meaningful employment.

## General comments

According to the Survey of Disability, Ageing and Carers, 4.3 million or over 18 per cent of Australians live with disability.<sup>1</sup> More than one million people with disability in Australia come from a CALD background.<sup>2</sup> In other words, CALD people constitute close to one quarter of

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<sup>1</sup> Australian Bureau of Statistics, 4430.0 - Disability, Ageing and Carers, Australia: Summary of Findings (2015) released 18 October 2016, accessible at <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/4430.0Main%20Features12015?opendocument&tabname=Summary&prodno=4430.0&issue=2015&num=&view>

<sup>2</sup> National Ethnic Disability Alliance, *Disability Employment Services (DES) Consumer Engagement Project* (June 2014), 4, accessible at: [http://www.neda.org.au/images/reports/NEDA\\_DES\\_PROJECT\\_2014.pdf](http://www.neda.org.au/images/reports/NEDA_DES_PROJECT_2014.pdf)

the total number of people with disabilities living in Australia. These individuals are often subjected to two-fold discrimination: based on their disability and their CALD background. These intersecting disadvantages impede them from effectively and productively engaging in the Australian workforce.

The discussion paper makes a number of specific references to the challenges faced by people from diverse backgrounds including those from Aboriginal and Torres Strait Islander backgrounds, people from CALD backgrounds and ex-offenders. However, except for these *ad hoc* references, the discussion paper does not satisfactorily address the needs of people from CALD backgrounds. Considering the specific barriers and issues faced by people with disability from CALD backgrounds, FECCA recommends adopting strategies specially targeting this cohort.

Given the number of people living with disability from CALD backgrounds in Australia, the Government must implement systematic data collection methods across its employment strategies. This should include the capture of data on the participation of CALD people with disability in current recruitment processes and the contributions made to the Australian economy as a result if their income earned through DES to highlight the value of this section of our community.

### **CALD participants in Disability Employment Services (DES)**

A NEDA research paper in 2014 identified a number of specific barriers to employment such as limited awareness about disability employment services; the difficulty faced by Government bodies in reaching out to people from CALD communities with a disability who do not access employment or disability advocacy services; and limited coordination settlement services (outside of the disability sector) and DES service providers.<sup>3</sup> However, the report concluded that “people with disability from CALD communities generally had better outcomes and reached their milestones at a great rate than that of Anglo-participants engaged in DES services”.<sup>4</sup> This highlights the value of DES in assisting people from CALD backgrounds in gaining employment. It also highlights the importance of addressing the aforementioned barriers: for example, through the use of targeted communications mechanisms such as ethnic media, community education and awareness programmes; and assisting and resourcing the settlement sector to better support newly-arrived migrants with disability.

DES has two programmes, namely, Disability Management Service and Employment Support Service. DES-Disability Management Service (DES-DMS) is for job seekers with disability, injury or health conditions who need assistance to find a job and occasional support to keep a job. DES-Employment Support Service (DES-ESS) provides assistance to people with permanent disability and who need regular, ongoing support to keep a job.<sup>5</sup>

As of the 31<sup>st</sup> of October 2016, the total caseload within the DES was 187,574 of which around 23 per cent were from a CALD background (inclusive of refugees).<sup>6</sup> FECCA is pleased that the DES-DMS employment outcomes for people from CALD backgrounds are in the range of 21 – 23 per cent. However, DES-ESS outcomes are in the range of 12 – 14 per cent. This indicates that people with permanent disabilities from CALD backgrounds

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<sup>3</sup> Ibid

<sup>4</sup> Ibid.

<sup>5</sup> See further: Disability Employment Services (DES) helps people with disability find work and keep a job, accessible at: <https://www.employment.gov.au/disability-employment-services>

<sup>6</sup> Department of Employment, Disability Employment Services - DES Monthly Data, accessible at: <http://lmip.gov.au/default.aspx?LMIP/DisabilityEmploymentServicesData/MonthlyData>

require regular and ongoing support, and must be provided with additional supports to gain and retain employment.

Of the 135 DES providers operating nationally, only two deliver specialist CALD employment services in five sites (three in New South Wales, one in Queensland and one in South Australia).<sup>7</sup> In other words, only 0.2 per cent of the DES sites have the specialist capacity to cater for the needs of people with disability from CALD backgrounds. This lack of cohort-specific employment support services is a contributory factor to lower participation rates and employment outcomes for people with disability from CALD backgrounds.

### **Improving participant choice and control**

FECCA supports the aim of improving choice and control for DES participants. Appropriate quality and safeguarding mechanisms are vital in a consumer-driven, choice and control focused disability employment framework. Consumers with disability and particularly those from CALD backgrounds are vulnerable for exploitation by the stakeholders including employment service providers. Australia's 'Star Rating' model has been viewed as a good practice by the OECD in monitoring the performance of the service providers.<sup>8</sup> This model can be enhanced to maintain quality of services and to ensure competition in the market place does not adversely affect the ability of the consumers to exercise choice and control.

FECCA's community consultations have revealed that many consumers are neither informed about the services available to them after they enter DES support system nor are empowered to make choices and exercise control over service delivery:

*How do we chose what employment services are good? I don't have the information or ability to make a decision - Female consultation participant with disability<sup>9</sup>*

Thus, provision of other forms of support including culturally appropriate advocacy services, educating people with disability, their family members, carers and their communities about the service structure is vital to ensure consumers from CALD backgrounds are empowered to make informed decisions and exercise choice and control.

The discussion paper proposes that participants would be able to voluntarily transfer to a new provider *up to three times* in their first 12 months of participation, and *up to twice in the following year*, without restriction. Any transfers in excess of this would need to meet additional criteria. The ability to change the service provider is essential to exercising choice and control. FECCA believes that any restriction placed on the consumer's ability to change their provider within a span of a year could result in people with disability, especially those from CALD backgrounds, not exercising their right to change providers or being overly cautious when changing providers which will make the process of changing the service provider more stressful.

There must be further clarity in relation to the 'additional criteria' that an individual needs to prove to be able to change the provider. The additional criteria should at a minimum include

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<sup>7</sup> FECCA and NEDA, *Joint FECCA & NEDA Submission to the Australian Human Rights Commission's 'Willing to Work' Inquiry: Employment Discrimination Against Older Australians and Australians with Disability*, (December 2015), 17, accessible at: <http://fecca.org.au/wp-content/uploads/2015/12/FECCA-NEDA-willingtowork.pdf>

<sup>8</sup> OECD, *Sickness, Disability and Work: Breaking the Barriers*, (2010), p.162.

<sup>9</sup> FECCA and NEDA community consultation in collaboration with Australian Human Rights Commission and Multicultural Disability Advocacy Association, MDAA House, Sydney, 10 September 2015.

lack of cultural competency in service delivery and discrimination based on culture, religion or linguistic background.

It is vital to educate and provide assistance to people with disabilities from CALD backgrounds to exercise choice and control including information provision in language where necessary, engaging family members and carers in these processes where appropriate, assistance in care and service coordination for people with disability and empowering and providing opportunities to provide feedback on the services they receive. Generally, issues pertaining to education and employment matters are routinely deprioritised by advocacy organisations due to capacity and resource limitations. In the 2013-14 financial year, out of 11,000 people who accessed advocacy support through the National Disability Advocacy Program, only five per cent of these matters were related to employment.<sup>10</sup> FECCA recommends that resources are made available to DES participants about what they can expect from their employment service provider and how to choose a provider.

In the event a participant does not choose a provider, the Centrelink referral process must consider the cultural background of the consumer and find an appropriate service provider who has a proven track record of successfully working with people with disability from CALD backgrounds.

Cultural understanding and respect for the needs of the consumers is vital in service provision. Employment services should consider contextual factors such as the cultural, language and religious backgrounds of jobseekers. Coming to contact with certain products, including animal products, working around alcohol or having to wear a uniform that cannot be altered to satisfy physical needs or certain religious practices,<sup>11</sup> such as covering the head may go against certain religions or religious practices. Employment service providers should pay attention to these factors when placing people with disabilities from CALD backgrounds in employment.

A key barrier is reluctance on the part of mainstream employment service providers to find middle management or management level job placements for people with disability. Through community consultations, FECCA has learnt that some DES providers place people with disability in low skill and low paid jobs that do not reflect their level of education, qualifications or skills.

*There's no coordination of the services. Some people go there (to service providers) just to make attendance to get the payment. I'm not interested in the payment. I need to get a job. I have a Master of Teaching, I am a qualified assessor, I have a Bachelor of Fine Arts, and I have vocational training qualifications. Even if I'm paralysed I can still talk to do something. So please, I want to do something. Unfortunately, I have been to so many providers (who are) not interested in people with qualifications. – Female consultation participant with disability<sup>12</sup>*

Increasing employment options for people with disability will enhance workforce participation. Given the significant developments in information technology, working from home is a cost effective and convenient option for employers as well as employees. People with disabilities, especially those with mobility issues, can greatly benefit from being provided

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<sup>10</sup> FECCA and NEDA, *Joint FECCA & NEDA Submission to the Australian Human Rights Commission's 'Willing to Work' Inquiry: Employment Discrimination Against Older Australians and Australians with Disability*, (December 2015), 10, accessible at: <http://fecca.org.au/wp-content/uploads/2015/12/FECCA-NEDA-willingtowork.pdf>

<sup>11</sup> See further: Darla Schumm and Michael Stoltzfus, *Disability and Religious Diversity: Cross Cultural and Religious Perspectives*, (2011).

<sup>12</sup> FECCA and NEDA community consultation in collaboration with Australian Human Rights Commission and Multicultural Disability Advocacy Association, MDAA House, Sydney, 10 September 2015.

with the opportunity to work from home. Job sharing amongst people with disabilities is another practical solution. Employers recruiting several individuals to carry out the work of one full-time employee during specified days or times of the week will provide opportunity for more people with disability who have the capacity to work limited hours. In adopting these measures, it is important to make sure that there are sufficient safeguards to prevent service providers from 'churning' a number of people with disability through the same job.

### **Flexibility in the mode of service delivery**

FECCA supports the promotion of additional and more convenient approaches to continuing the relationship with the participant and the service provider after the initial face-to-face meeting. This would also address issues associated with cost of travel, organising carers or family members to assist people with disability with travel and advocacy.

FECCA notes that the move to digital service delivery requires adequate consideration of, and tailored responses to, accessibility issues regarding the online information provision and service delivery, with a view to overcoming barriers to access and achieving equity of outcomes.<sup>13</sup>

Requirements to meet with employment service providers must be flexible enough to suit the specific challenges and needs of the CALD participant such as access to transport, availability of a carer or an advocate to assist them and physical and mental health condition of the person with disability. Given the role of family members in decision making processes around employment in some CALD communities, for example where families are risk averse regarding a decision affecting a disabled family member, it is essential to ensure that family members and/or carers are provided an opportunity to be involved in this process with participants' explicit consent. The consumer should be allowed to consult an advocate or a family member of their choice on decisions relating to the job plan including decisions regarding meeting with the service provider.

### **Job plans and better information for participants**

Proactive measures must be adopted to educate and inform people with disability about their rights and entitlements at the very outset of their engagement with the employment planning process. These include their right to obtain assistance from an independent advocate to receive better employment outcomes, access to appropriate language services (Translation and Interpreter Services or Auslan) and an understanding of entitlements.

Information should be provided in clear concise language for people with disability not only about the DES service provision but also about Job Access entitlements and jobactive programmes. It is also important to ensure that the information is accessible and available in a variety of user friendly formats.

Identifying the challenges faced by people from CALD backgrounds, as a measure of quality assurance and meaningful community engagement, the Department of Social Services

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<sup>13</sup> See further, FECCA, *Digital Access and Equity for Multicultural Communities*, (July 2016), 2, accessible at <http://fecca.org.au/wp-content/uploads/2016/08/feccadigitalconsultationreport.pdf>

<sup>14</sup> See further: Arie Rimmerman, *Family Policy and Disability*, (2015), p. 179.



closely engaged with NEDA in a range of co-production activities.<sup>15</sup> FECCA recommends adopting a similar approach in developing and reforming the DES.

### **Competition and contestability in the delivery of DES**

According to the discussion paper, changes to DES will also focus on participants having a better say in their job plans and having access to better information to empower participants during an individual's job service planning.<sup>16</sup> We are concerned that the choice and control driven services which are premised on the existence of informed and empowered consumers will further disadvantage people from CALD backgrounds who are struggling to navigate a number of parallel support schemes including disability employment.

Another change being considered is to lift restrictions on market share to enable providers to grow.<sup>17</sup> Acknowledging the importance of an open and a competitive market to provide consumers more choice and control over services, it is essential for the framework to consider the risks of larger, more established providers driving out the smaller, niche providers who are best placed to serve CALD communities.

### **Assessments Review**

Limited language skills and having a family member, friend or a community member acting as the interpreter can hinder the ability of a person with a disability to communicate freely with assessors during Centrelink assessment process. Some consumers may be more comfortable in having a family member, friend or a known party as the interpreter. However, the choice of interpreters should be the decision of the person with disability.

Social and cultural stigma around disability and mental health issues often prevents people with disability from CALD backgrounds revealing material facts.<sup>18</sup> Lack of understanding about forms of disabilities and mental health issues, especially those of episodic nature are other contributory factors that result in limited provision of information during these assessments.

*Clients [people with disability from CALD backgrounds] sometimes don't disclose material information at the initial stages and that works against them. - Disability service provider<sup>19</sup>*

It is vital that the Government adopt measures to ensure that people with disabilities from all backgrounds understand the purpose of assessment processes, their importance and their rights. Information in relation to the assessment process can be provided with the first point of engagement in simple English and where possible and appropriate in language. Considering the particular vulnerabilities and varying degrees of capacity of people with disability from CALD backgrounds, the information can be provided both face to face and in writing.

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<sup>15</sup> See further, Job Access, Working with the National Ethnic Disability Alliance, accessible at: <https://www.jobaccess.gov.au/news-media/working-with-national-ethnic-disability-alliance>

<sup>16</sup> Department of Social Services, Disability Employment Services Reform 2018 Discussion paper, (November 2016), 13.

<sup>17</sup> Ibid

<sup>18</sup> See further: National Mental Health Commission, *Contributing Lives, Thriving Communities: Report of the National Review of Mental Health Programmes and Services*, (2014), pp 105- 107.

<sup>19</sup> FECCA and NEDA community consultation in collaboration with Australian Human Rights Commission and Multicultural Disability Advocacy Association, MDAA House, Sydney, 10 September 2015.

## Recommendations

- Include an in-depth consideration of issues and challenges of people with disability from CALD backgrounds supported by meaningful actions to achieve positive outcomes.
- Ensure that people with disability are provided with employment opportunities in management and middle management level jobs without restricting them to low-paid and low-skilled jobs. This can be achieved by educating employers about the benefits of having a diverse workplace, and educating employment service providers about the varied capabilities of people with disabilities.
- Adopt measures to gather specific and accurate data as to the number of people with disability from CALD backgrounds, workforce participation and economic contribution.
- Implement targeted communication strategies for Job Access and DES to reach ethnic communities, including utilising ethnic media and meeting directly with community members to discuss these services.
- Promote cultural competency for employment service providers, including a requirement to consider a client's cultural and religious background when finding employment opportunities.
- Implement programs for people with disability, their family members and carers to educate them about their rights in the workplace, complaints mechanisms and new developments in the employment sector including recruiting practices and employment flexibility.
- Encourage employers to provide more on-the-job learning opportunities where people with disability from CALD backgrounds can learn about working environments, confidently interact with others and enhance capacity building.
- Facilitate mentoring programs and provide one-on-one training or interaction with role models from similar backgrounds to encourage more people from CALD backgrounds to engage in the workforce