



Purple Orange

**Submission to the Department of
Social Services about the New
Disability Employment Support
Model**

January 2022

About the Submitter

JFA Purple Orange is an independent, social-profit organisation that undertakes systemic policy analysis and advocacy across a range of issues affecting people living with disability and their families.

Our work is characterised by co-design and co-production, and includes hosting a number of user-led initiatives.

Much of our work involves connecting people living with disability to good information and to each other. We also work extensively in multi-stakeholder consultation and collaboration, especially around policy and practice that helps ensure people living with disability are welcomed as valued members of the mainstream community.

Our work is informed by a model called *Citizenhood*.

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JFA Purple Orange would like to thank members of the disability community who participated in a face-to-face focus group about their experiences with the DES system in December 2021. This submission is based on this feedback.

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JFA Purple Orange Submission on the New Disability Employment Support System

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1. Summary and recommendations

JFA Purple Orange welcomes the public consultation on the development of the new disability employment support program and the opportunity to work together to improve employment outcomes for people living with disability. Ensuring the voices of people living with disability are front and centre in this reform will be critical to its success. While this consultation as a step towards this, further engagement is needed to ensure people living with disability are in key decisions making roles as this reform is developed, implemented and monitored.

We recommend:

Recommendation 1: The new disability employment support model should be accompanied by a fully-funded comprehensive long-term strategy to break-down barriers, educate employers, and support the employment of people living with disability across the mainstream jobs market.

Recommendation 2: Consideration should be given to how Disability Support Pension rules can be reformed to better support people to join the workforce in line with the employment outcomes sought by Australia's Disability Strategy 2021-31 and 'Employ My Ability'.

Recommendation 3: The new disability employment support model should ensure that each person receiving support is allocated a specific support person and that resources are provided to support developing strong consistent relationships built on mutual understanding.

Recommendation 4: The new disability employment support model should ensure that appropriate support continues following the start of employment.

Recommendation 5: The new disability employment support model should ensure that people living with disability are being supported to pursue their **chosen** career path. This may include funding incentives for outcomes other than just employment placements.

Recommendation 6: The new disability support model should continue to allow each person to select a support provider of their choice.

Recommendation 7: The new disability employment support model should provide a more streamlined approach to support, that does not require the application for funding from multiple agencies.

Recommendation 8: The new disability employment support model should have consideration to other systems that people living with disability interact with to reduce administrative burden and employment disincentives.

Recommendation 9: Establish an advisory/oversight group comprising of people living with disability to be key decision makers throughout the development and implementation of the new disability employment support system.

Recommendation 10: The new disability employment support model should require funded providers to meet minimum employment targets for employees living with disability.

Recommendation 11: The new disability employment support model should require staff working in the sector to undertake training that is developed by people living with disability.

Recommendation 12: The new disability employment support model should be accessible for any person living with disability.

Recommendation 13: The new disability employment support model should measure quality of outcomes, rather than just count outcomes.

Recommendation 14: A review of the effectiveness of wage subsidies in driving quality outcomes should be undertaken.

Recommendation 15: The new disability employment support model should include training and support for employers, designed and delivered by people living with disability.

Recommendation 16: The new disability employment support model should include targeted supports for young people living with disability transitioning from school, higher education or training into employment.

2. Introduction

JFA Purple Orange is grateful for the opportunity to provide this submission to the Department of Social Services consultation regarding a new disability employment support model.

Disability Employment Services (DES) is the current Commonwealth Government program to support people living with disability, illness, or injury to find and maintain employment. It will end on 30 June 2023 and the government is presently considering options for a new approach to replace DES. We welcome the government's commitment to consulting widely throughout the development process and to ensuring that people living with disability are placed at the centre of the new model.

We note that the new model will be implemented alongside the new employment services model for jobseekers receiving government income support, which replaces Jobactive from 1 July 2022. There will no doubt be lessons to learn from that reform program that can inform the design and implementation of the new disability employment support model, however at the time of preparing this submission these insights are not yet known.

We are currently running an ILC project that involves working with employers to increase the confidence and capacity to employ people living with disability. Through this work, we have established partnerships with DES providers, employers and training organisations to create opportunities in various industries. This work has provided us with unique insights around the supports needed for successful outcomes.

Furthermore, throughout our work, JFA Purple Oranges has the privilege of hearing from people in our community living with diverse disabilities and experiencing a range of life circumstances. In preparing this submission, we conducted a focus group on employment with eight people living with disability with experience with the DES system.

These contributions, together with those we have obtained during a range of other consultations, inform this submission and provide valuable insights into the experiences of those for whom the effectiveness of the new disability employment support model will be critical.

3. Employment of people living with disability

Australians living with disability are underrepresented in the workforce. According to the Australian Bureau of Statistics (ABS), the workforce participation rate for working age people living with disability was 53.4 per cent in 2018 compared to 84.1 per cent for people without disability.¹ ABS data also indicates that employed people living with disability experience high levels of unfair treatment and discrimination at work, with 45.2 per cent reporting being targeted by an employer and 42 per cent by their work colleagues.² These statistics represent a huge missed opportunity in terms of the individual, community, and economic benefits that would be gained from more fully including all Australians in the workforce.

Australia's Disability Strategy 2021-2031 and the associated Disability Employment Strategy entitled 'Employ My Ability' reflect the need to improve employment outcomes for people living with disability. Employment and financial security have been elevated to the first Outcome Area in the 2021-2031 strategy, with three policy priorities identified:

1. Increase employment of people with disability
2. Improve the transition of young people with disability from education to employment
3. Strengthen financial independence of people with disability³

Through the strategy, all levels of government in Australia have committed to successfully delivering on these policy priorities over the next decade of the strategy and the effectiveness of the new disability employment support model will be critically important in this endeavour.

¹ Australian Bureau of Statistics (ABS), 'Disability and the labour force', 24 July 2020. Available at <https://www.abs.gov.au/articles/disability-and-labour-force> (accessed 13 July 2021).

² *Ibid.*

³ Commonwealth of Australia, *Australia's Disability Strategy 2021-2031*, 2021, pp.7-8. Available at <https://www.disabilitygateway.gov.au/sites/default/files/documents/2021-11/1786-australias-disability.pdf> (accessed 28 January 2022).

3.1. The right to work

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), ratified by Australia in 2008, states that all people living with disability have the right “to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities” (Article 27). Australia’s ratification of the UNCRPD comes with responsibilities to ensure that people living with disability have a fair go in the labour market, are supported within their workplaces, and do not experience any form of discrimination, be it, in recruitment processes, pay and conditions, accessibility in work environments, career advancement, or health and safety.

To date, Australia’s progress in fulfilling its obligations under the UNCRPD regarding employment has been slow. In particular, the UN Committee on the Rights of Persons with Disabilities, which monitors the implementation of the UNCRPD, is concerned about the very low workforce participation rates of women living with disability, First Nations people living with disability, and people from culturally and linguistically diverse backgrounds living with disability.⁴

3.2. Citizenship and a good life

JFA Purple Orange believes that paid meaningful employment is fundamental to living a good life. A good life largely depends on the availability of life chances – the assets and opportunities available to a person. The ‘Model of Citizenship Support’⁵ sets out a framework for how people can be supported to build their chances of a good life and maximise their Citizenship. Given the impact of a living wage on a person’s life chances the presence of sustainable waged employment is critical.

⁴ Committee on the Rights of Persons with Disabilities, ‘Concluding observations on the combined second and third periodic reports of Australia,’ 15 October 2019. Available at <https://undocs.org/CRPD/C/AUS/CO/2-3> (accessed 28 January 2022).

⁵ R. Williams, ‘Model of Citizenship Support’, 2nd edition, 2013, Julia Farr Association Inc, Unley South Australia.

The Model provides a comprehensive contextual framework for organising policy and practice in support of people living with disability. It asserts that our life chances comprise four different, interrelated, types of assets we can call upon, termed the Four Capitals. These are: Personal Capital (how the person sees herself/himself), Knowledge Capital (what the person knows and can apply), Material Capital (money and the tangible things in our lives) and Social Capital (having people in our lives whom we know and know us). These capitals apply to any person and can reveal what types of investment and assistance might be helpful for someone to build a good life for themselves. It is worth noting that typically each of these assets is advanced when a person is employed – and diminished or hindered when a person is unemployed.

The concept of Citizenship is not to be confused with the concept of Citizenship, which is a much narrower static construct typically referring to membership of a country.

3.3. Benefits of paid employment

Meaningful paid work is the optimal pathway to Personal Material Capital. Indeed, earning a living wage is the primary way most people maintain and grow their Personal Material Capital. Therefore, meaningful paid employment is a powerful way to advance a person into a life of active Citizenship. We should support all people to take advantage of this pathway to Capital and take care to avoid practices and policy settings that diminish a person's access to mainstream paid employment that provides a living wage. While often well-intentioned, separate 'special' workplace settings serve to undermine Capital, reduce mainstream community participation, and make people living with disability less visible within broader society.

In our experience, people living with disability are eager to find suitable paid employment opportunities, although some tell us that they have become disillusioned with the current systems in place and have given up looking.

More broadly, there are significant opportunities to increase Australia's national productivity and economic output if people living with disability are welcomed and supported to fully engage with the workforce.

3.4. Barriers to paid employment

It must always be kept front of mind that many people living with disability encounter significant barriers in undertaking employment. These may relate to the challenges associated with a disability, but are more often the result of inaccessibility, discrimination, or unadaptable or inflexible workplace practices.

People living with disability may experience pain, fatigue, or 'flare ups' associated with a disability creating challenges for sustaining work hours. A person living with disability shared their experience with us:

It's very hard to work when you are disabled. It took me three hours to get ready.

Then I was too tired when I got home to cook. I could not work consecutive days as I needed a rest to recover and could never work full days.

Additionally, the episodic or fluctuating nature of many disabilities is often misunderstood. Generic or standardised solutions may be inappropriate and ineffective for most people.

Furthermore, there are a range of barriers to employment that impede Australians living with disability from gaining mainstream employment with a genuine living wage in Australia.

These include (but are not limited to):

- Lack of suitable positions available that accommodate needs associated with disability and/or medical conditions
- Discrimination in hiring
- Employers being unaware of how position descriptions are formulated to exclude potential candidates who live with disability
- Employer and workforce attitudes
- Low expectations leading to employers only offering positions below a person's skill level and qualifications
- Inability to get a 'foot in the door' to kick-start a career through demonstrating a person's value and contribution to an employer
- Lack of ongoing flexibility in when and where tasks are completed to accommodate the unpredictable nature of pain, fatigue and 'flare-ups'
- Inability to physically access premises

- The reduction in DSP payments when work is undertaken with the current thresholds being too low to incentivise seeking paid work opportunities
- Fear of losing future access to DSP or breaking the rules about hours worked
- Lack of access to affordable accessible housing and other basic essentials of life
- Lack of coordination and communication between disparate services

A number of participants in our consultations have suggested to us that greater accountability for employment outcomes needs to rest with employers rather than people living with disabilities. Barriers resulting from employer attitudes are summarised in the following two statements:

1. *[There is a] lack of workplace education about the value people with disabilities can offer roles and organisations.*
2. *Physical and attitudinal barriers are CONSTANT. Stop telling people with disability what to do to get jobs and start properly educating employers.*

Recommendation 1: The new disability employment support model should be accompanied by a fully-funded comprehensive long-term strategy to break-down barriers, educate employers, and support the employment of people living with disability across the mainstream jobs market.

Recommendation 2: Consideration should be given to how Disability Support Pension rules can be reformed to better support people to join the workforce in line with the employment outcomes sought by Australia’s Disability Strategy 2021-31 and ‘Employ My Ability’.

4. Experiences of Disability Employment Services (DES)

DES commenced on 1 March 2010 and is Australia’s main program of support for people living with disability, illness, or injury to find and maintain employment. Throughout its history, the program has undergone many reviews and changes. It is administered by the Department of Social Services under the *Disability Services Act 1986* and costs more than \$1.4 billion per year. The experiences and outcomes of this program over more than a decade provide valuable insights into what works and what does not work, thereby offering important direction for the development of an effective replacement model. From our experiences in working with people living with disability and employers, there are more

negative experiences shared in respect to the supports provided by DES providers, than positive. These experiences, along with ideas for change are detailed below.

4.1. Importance of building a relationship

Participants in our employment focus group conducted in late 2021 spoke about the importance of a person-centred service and of building a strong relationship with the DES staff member who is providing support. The more consistent this relationship is, the greater the understanding of a person's skills and needs that can be developed. Having to retell your story repeatedly to different people can be exhausting. Participants appreciated being able to *"get to know one person"* and to *"have a unique relationship with a support agency."* This type of supportive relationship can also facilitate an open and transparent dialogue when changes occur, such as a change in the assessment of capacity.

However, not all DES providers are currently providing one-to-one support. A participant also spoke about a lack of follow-up and ongoing support after getting a job. One participant suggested having a support person attend their new job with them could help improve outcomes.

Recommendation 3: The new disability employment support model should ensure that each person receiving support is allocated a specific support person and that resources are provided to support developing strong consistent relationships built on mutual understanding.

Recommendation 4: The new disability employment support model should ensure that appropriate support continues following the start of employment.

4.2. Focus on skills, not deficits

People living with disability have so much to offer to employers. However, some participants felt that the current system focuses too much on deficits and ensuring that quotas are filled instead of a person's skills, potential, and chosen career path. In some cases, people felt *"pushed"* into jobs that may not be appropriate for them. Others reflected on the fact that some DES providers are *"still pushing people into sheltered workshops."* A greater focus on matching people to positions could improve outcomes. Among

participants, there was a consensus about treating each person as an individual and avoiding one-size-fits-all approaches. Likewise, the need to listen to a person and understand their unique skills and goals was highlighted as a way to create more sustainable outcomes.

There is currently no support for those who would like to be self-employed or create a micro-enterprise. Others noted the absence of support for internships and placements that can assist a person to understand the requirements of a position and help build a relationship with an employer. Additionally, volunteering is not properly recognised within the DES.

Recommendation 5: The new disability employment support model should ensure that people living with disability are being supported to pursue their **chosen** career path. This may include funding incentives for outcomes other than just employment placements.

4.3. Desire for choice

Participants discussed the advantages of being able to choose a DES provider, which “*gives you control over your life.*” However, some participants felt that the opportunities and support provided was not tailored to each person individually. A participant noted that people living with disability often face societal attitudes that suggest “*we should be happy with what we are given*” rather than enjoying the same choices as non-disabled people.

Recommendation 6: The new disability support model should continue to allow each person to select a support provider of their choice.

4.4. Provision of equipment, assistive technology, and technical support

Where a person requires equipment or assistive technology in order to pursue an employment opportunity it is essential that these are made readily available, together with appropriate technical support in case of breakdown or malfunction.

Likewise, some participants required changes to the work environment, such as lighting, temperature, or space, and greater support is needed to ensure these modifications are

made. Some of these changes can be funded through the Employment Assistance Fund, however there is often little understanding of this program and what it can be used for.

Recommendation 7: The new disability employment support model should provide a more streamlined approach to support, that does not require the application for funding from multiple agencies.

4.5. Challenges of unclear requirements and disincentives

Some participants indicated that the requirements under the current system are not clear, particularly for people that are receiving payments such as DSP.

Reporting requirements are currently inflexible. For example, income reports are required on a particular day, which may not align with a person's payslip, and this creates unnecessary administrative burden. Some people also reported that they are limiting their hours work to avoid this stress and confusion and the risk of having their payments cut off.

Recommendation 8: The new disability employment support model should have consideration to other systems that people living with disability interact with to reduce administrative burden and employment disincentives.

5. Priorities for a new disability employment support model

Creating and maintaining suitable employment opportunities within mainstream workplaces is the best way to advance the Personal Material Capital of people living with disability.

A more holistic approach in which the new disability employment support model is better integrated with other support services could assist in achieving better outcomes. Sustaining employment can be extremely difficult if other essential needs, such as healthcare, housing, education, food, access to support workers and/or childcare, are not being fulfilled.

5.1. People living with disability leading the way

It is essential that people living with disability are engaged in the development and implementation of a new disability employment support system. It is through their experiences, insights and ideas that a new system can be developed and implemented in the most impactful way. While running consultations to enable people to have a voice is important, a greater emphasis on leadership from people living with disability is needed.

Recommendation 9: Establish an advisory/oversight group comprising of people living with disability to be key decision makers throughout the development and implementation of the new disability employment support system.

5.2. Workforce development

Some participants in our focus group felt that the current DES workforce is not well-equipped to support their needs and that the onus is on them to educate staff. Participants felt that DES staff should have greater understanding of specific disabilities and the workplace barriers that this may create.

The new disability employment support system needs to ensure that people working in this sector have the appropriate skills to drive the outcomes of the new system. Participants talked about the importance of good communication skills, organisation skills and being approachable and welcoming as key attributes needed for effective staff. Many participants also talked about the importance of staff being good problem solvers and being open to innovation and creativity.

Providers leading by example and employing people living with disability was also seen as a positive step in workforce development. Bringing lived experience to the role provides advantages regarding insights and understanding and also provides a role model for other people living with disability seeking work.

Recommendation 10: The new disability employment support model should require funded providers to meet minimum employment targets for employees living with disability.

Recommendation 11: The new disability employment support model should require staff working in the sector to undertake training that is developed by people living with disability.

5.3. Access

The new disability employment support system should be accessible for any person living with a disability, with needs that impact their work situation. Restricting access based on work capacity and income support status denies appropriate support for people in the community.

Recommendation 12: The new disability employment support model should be accessible for any person living with disability.

5.4. High quality supports and services

The new disability employment support system needs to focus on providing high quality supports and services that are tailored to the individual. Through our work with DES providers and employers, we have seen that on-the-job support creates stronger and more sustainable outcomes than wage subsidies offered by DES providers. While wage subsidies for employers may provide an easy incentive for some employers, these incentives do little in terms of valuing the skills of the employee with disability and do not work to build the skills and attitude of the employer. Further examination of the quality of outcomes is needed, including an examination of the support provided that led to the outcome.

While some participants in our focus groups felt that specialist providers could increase employment outcomes, there was some caution around this due to a risk of it creating segregation. One participant suggested that having specialists in universal providers may be preferable.

Recommendation 13: The new disability employment support model should measure quality of outcomes, rather than just count outcomes.

Recommendation 14: A review of the effectiveness of wage subsidies in driving quality outcomes should be undertaken.

5.5. Accountability and transparency built into new model

The new disability employment system needs to ensure it is meeting the outcomes it sets out to achieve. When asked about what success would look like, participants said:

- People living with disability would no longer have barriers to employment, they would be flourishing in careers of their choice and more broadly, thriving in the community.
- Communities would be more diverse and attitudes towards disability and inclusion would be changed.
- Employers will appreciate the unique values that people living with disability bring to the workforce and will change their approaches to enable these placements.
- Service providers will see an increase in client satisfaction, people living with disability will be seen as individuals and effective communication will be the norm.
- The government will see higher levels of people living with disability employed in mainstream employment and contributing to the economy. This will result in savings for government, along with better outcomes for the disability community.

The new disability employment model needs to measure satisfaction and retention in positions. Participants felt that outcomes are often focussed on getting people into a job and emphasis is not given to the quality of the outcome. While quantitative data is important in measuring the success of the new system, participants would also like to see qualitative data that explores satisfaction levels.

5.6. Support for employers

5.6.1. Education

Participants talked about the importance of training and education for employers to enable them to engage and support people living with disability in their workplace. They also highlighted the importance of this training and education being made available to everyone, not just those in access and inclusion roles.

One participant talked about DES providers leading the way and employing people living with disability in key roles engaging with employers. This approach models the behaviour that we want to see and demonstrates what is possible.

Some participants talked about their experiences delivering training programs to employers and the importance that this training was developed and delivered by people living with disability.

5.6.2. Intensive support for employers

Through our work with employers and DES providers, we have seen the importance of providing intensive and ongoing support for employers to keep them going as they come up to barriers. From what we have seen, the current support provided through DES doesn't provide the level of support needed. The new disability employment support system needs to provide for greater levels of support for employers. This may be in the form of mentoring or Community-of-Practice models to provide more tailored support to different industries. We note that some of these initiatives funded through the ILC process, however it is unclear how this work links back to the new disability support system.

Recommendation 15: The new disability employment support model should include training and support for employers, designed and delivered by people living with disability.

5.7. Support for young people

There needs to be improvements made to transitional arrangements for young people completing school, higher education, or training. The option to engage with employment support providers earlier would assist the transition into employment. Research shows the importance of getting young people into work as soon as possible and restricting access to employment supports for this cohort has the potential to impact on their employment prospects long term.

We are currently working with schools in SA to deliver a workshop series to Year 9 students, teachers and parents around career planning and employment expectations. This program also includes a mentoring component run by young people living with disability. Through

this work, we are hearing that there is currently a lack of information and support available for young people living with disability in schools to support them to plan for their future employment.

Further examination of the issues facing young people and analysis of appropriate supports is needed. To do this, there needs to be strong engagement with young people and their representative organisations, such as Enabled Youth Disability Network.

Recommendation 16: The new disability employment support model should include targeted supports for young people living with disability transitioning from school, higher education or training into employment.

6. Conclusion

Thank you for the opportunity to provide a submission into this important reform work. We note that our time available to invest in this submission has been limited due to staff leave. We would welcome the opportunity to meet with you to further discuss any of the input provided in our submission.