

Tuesday 1 February 2022

Senator the Hon Anne Ruston
Minister for Families and Social Services
PO Box 6100
Senate
Parliament House
CANBERRA ACT 2600

RE: Physical Disability Australia's (PDA's) Response to the *Shaping your new disability employment support program* Consultation Paper¹

Dear Minister,

Thank you for the extended opportunity to provide a response to the consultation paper on your Government's New Disability Employment Support Model. What follows are our answers to most of the questions posed in the consultation paper. We hope you find them to be thought-provoking, informative and compelling.

1. Who should be able to access a specialist disability employment program?

This question presupposes that there should be a specialist disability employment program. PDA believes that, as with education, the time has come for the siloed approach to employment services for people with disability to end. We would like to see people with disability being offered employment support by mainstream employment providers in the first instance. Thought should also be given to the vast cohort of jobseekers with disability over the age of 65. We have received some calls for support from these people who claim they have been denied employment services because they have disabilities and are older.

- *Should a future disability employment support program include employment pathways such as casual and part-time employment, community engagement, voluntary work and short-term unpaid work experience?*

As many people with disability have a reduced capacity to undertake work, it makes sense to assist jobseekers with disability to find casual and part-time work as appropriate. We are hesitant about approving the use of these services to source unpaid employment as this is not 'employment' *per se*. For too long, people with disability have been under-valued and subjected to exploitation as second class employees. As such, PDA wants *all* employment services efforts targeted at employment that pays employees with disability the Federal minimum wage or better. To that end, we would like to see no jobseekers with disability placed in Australian Disability Enterprises (ADEs) who do not offer these conditions to all their employees.

¹ <https://engage.dss.gov.au/wp-content/uploads/2021/11/Consultation-Paper-New-Disability-Employment-Services-Model.pdf>

- *How can a future disability employment program better align with other programs such as the New Employment Services Model and the Community Development Program?*

As noted above, PDA's preference is for mainstream employment services to be the first option for jobseekers with disability. These need to be delivered in an equitable and accessible fashion. This means that if a jobseeker is unable to interact with service personnel remotely, then in-person delivery options are available.

With regard to the Community Development Program (CDP), PDA believes that, as with people with disability generally, jobseekers in remote areas should have equitable access to employment services and not be siloed. We think the work-for-the-dole component of CDP is odious and we dread it being extended to work-for-the-Disability-Support-Pension for jobseekers with disability in remote areas.

- *What is the role of the National Disability Insurance Scheme (NDIS) in supporting employment pathways, and how can this complement a future disability employment support program?*

PDA understands the NDIS to be a scheme that provides reasonable and necessary supports to people with disability who meet a certain threshold of impairment. We also understand that many people with disability do not qualify for participant status because their level of impairment is not deemed serious enough or if they are over 65 years old. As such there are many jobseekers with disability who do not have access to supports under the Scheme's 'finding and keeping a job' range of capacity building supports. We see a potential role for the NDIS in providing Assistive Technology (AT) and attendant support workers for participants who require it for their employment, however provision needs to be made for non-participants to access equivalent supports as necessary.

We therefore feel that in the interests of equity that a program be established to provide equivalent disability support to non-participants. For example, many jobseekers over the age of 65 need hearing aids to complete their work duties and they should be provided with these by the government as they would be if they were a couple of years younger. All Australian jobseekers (not just those with disability) should have equitable access to employment services commensurate with their circumstances and needs. Once a NDIS participant has a job, they are in a position in a position to use some of their supports in their workplace as required.

2. How can we simplify entry to the disability employment support model?

The best way to simplify entry into the Australia's disability employment support model (commensurate with our comments above), is to abandon the notion of a separate system for jobseekers with disability. This fits well with the consultation paper's suggestion that assessment of capacity switch from a deficit to strength based approach.

We would also like the focus on work capacity to be abandoned. Percentages of less than 100 applied to people with disability are demeaning and demoralising and they contribute to the widely accepted exploitation of people with disability. Many employees without disability, for one reason or another, can not work full-time. They do not have percentages applied to them. They are allowed to work on a part-time or casual basis as suits their needs. The same courtesy should be afforded to jobseekers with disability

- *What should be considered during the assessment process when determining support required to help a person reach their work potential?*

This should only be an issue when a jobseeker with disability does not have access to the NDIS. Where this is the case, a report from an Occupational Therapist (OT) should be procured that determines the support required for the person to perform adequately in the workplaces they would be suited for if they did not have a disability.

- *How can the assessment process stream an individual with disability toward the right type of employment support, depending on need and goal?*

The OT report may suggest a number of supports ranging from AT solutions to the provision of support workers, to workplace premise modifications (for ramps, accessible toilet facilities, etc.). It is this data that should inform any decisions about the type of support that is offered. From our perspective, every support should be tailored to the jobseeker's needs and the employment situations that are reasonably available to them.

- *Are there different assessments needed at different stages of an individual's work journey, as they prepare for work, find and maintain employment, and progress their career?*

Our preference would be to have ongoing OT assessment processes made available to people with disability in regard to their employment support needs. As people progress through their careers and change jobs (if not employers), it is expected that the support needs of these employees will change as well.

3. What employment services and supports would most help people with disability?

PDA believes jobseekers with disability would be best helped with the approach taken with mainstream jobseekers:

- ✓ Identify their strengths and aptitudes;
- ✓ Identify and target employment opportunities that meet their interests;
- ✓ Assist them with resume and application writing (as required); and
- ✓ Directly contact employers to promote the merits of these jobseekers and the subsidies available for employing them.

PDA also recommends that the Commonwealth Government lead by example at set itself (and meet) a disability employment target of 10+% across all pay grades and provide incentives to large and middle size employers to do likewise (ADEs excluded).

- *What has been your experience of receiving employment support from a DES or other employment services provider? What was good about the support? What improvements would you recommend?*

Several of our members have been disappointed with the services offered by DES providers. They believe employers are prejudiced against recruits offered by these agencies because they have the 'disability' label. The only way to rectify this is to, as recommended above, roll disability employment support services into the mainstream model. This way employers can be assured that candidates with disability that are marketed to them are of the same calibre as candidates without disability.

- *What type of services and support would best help a person with disability find and keep a suitable job, and progress their career? Who should provide this support?*

As noted in our answers above, PDA believes jobseekers with disability are best supported with a combination of mainstream supports and person specific measures as determined by an OT. Where AT or support workers are required to support an employee with a disability, these should be procured through the NDIS or an adjacent disability workplace support program for non participants. Consideration should also be given to subsidising employers for the cost of making their workplaces compliant with the national *Disability (Access to Premises–Building) Standards 2010*² if they commit to setting and meeting an appropriate disability employment target.

- *What education and training opportunities help people with disability overcome the entry barriers to employment?*

As noted above, the time for siloed approaches to disability support are over. Mainstream education and training providers need to be directed and supported to make their programs accessible to students and trainees with disability. We recommend a timetable be set for providers in receipt of government subsidies to be fully compliant with the national *Disability Standards for Education 2005*³. Targets for trainees and apprentices with disability should also be set and met.

- *How can people receiving disability employment services also be supported to address other barriers to employment (e.g. health service or housing assistance)?*

PDA does not believe that disability employment services should be in the business of addressing other barriers to employment such as adequate health care and housing as these are better characterised as barriers to general wellbeing. These issues should be addressed by the Australian Disability Strategy and its targeted action plans before people with disability experiencing health challenges and homelessness are pressured to look for employment.

- *What employment support do mature age people with disability need to successfully gain or retain employment, or transition into new employment or a new career?*

Age discrimination in the employment market is a problem for all jobseekers not just those with disability. As noted above, PDA has received information from some of our members that they have been excluded from DES programs because they were 65 years old or over. We are unsure of how to address this nation's cultural bias against employing people 50+ years old, but it would be a great start to remove all age considerations with regard to accessing Commonwealth funded employment supports.

4. What employment services and supports would most help young people?

As PDA is a membership based organisation limited to those 18 years and older, there is little we can say with regard to the specific needs of younger people with disability looking for employment beyond our general recommendations: We believe

² <https://www.legislation.gov.au/Details/F2010L00668>

³ <https://www.legislation.gov.au/Details/F2005L00767>

they would benefit from improved access to mainstream employment services and training opportunities, and should be provided with OT identified supports regardless of their NDIS participant status.

5. What support do employers need to attract, employ and retain people with disability?

PDA approves of the current programs that provide subsidies to employers to engage and retain employees with disabilities and the support available for reasonable adjustments. However, these can be expanded. We would like to see incentives (as noted above) for employers to set and meet appropriate disability employment targets across all levels of the organisation from base grade to senior management and board appointments.

- *What are the most important things that can be done to build an employer's confidence to employ a person with disability?*

PDA believes the best way to build an employers confidence is to demonstrate that a given candidate with disability is functionally comparable to a similar candidate without disability. This is assisted if they are promoted by mainstream employment services and come pre-loaded with all the supports they may require funded either by the NDIS or a parallel disability employment support program. With the carrot of wage subsidies and other incentives that could be made available to organisations that commit to and achieve diversity targets, these measure could make candidates with disability employees of choice.

- *What other information, services and supports do employers need to support employees with disability?*

Employers, as with the general community, need to understand that people with disability represent an under-utilised labour asset, and that the same arguments that promote gender and ethnic diversity apply with regard to potential employees with disability. PDA recommends the Federal Government develop a campaign to promote and encourage employers to expand their understanding of what true workforce diversity entails.

6. How do we best tailor mutual obligation requirements to increase the likelihood of people with disability finding work in the future?

PDA is generally opposed to mutual obligation requirements, as we feel it is the Federal Government's responsibility to ensure *all* Australians are free from poverty regardless of their capacity or willingness to work. Given the current wide spread reluctance of employers to employ people with disability, imposing any mutual obligation requirements for continued receipt of the Disability Support Pension or the *JobSeeker* allowance would involve these people in pointless busy-work and the feelings of low self worth and despondency that would follow the high number of unsuccessful applications they might make to meet their mutual obligations.

- *What specific assistance or flexibilities would better support people with disability to meet their mutual obligation requirements?*

As noted above, we feel it is fundamentally unfair to impose mutual obligation requirements on jobseekers who are currently unfavoured by employers. We would rather see the money spent in administering mutual obligation requirements invested in training and direct support to jobseekers who are already motivated to find work.

- *How should a future program consider other forms of participation and engagement, such as voluntary work or community engagement?*

Many PDA members have told us of their frustration with being solicited to provide free labour to charities and other community organisations. PDA's position is that any contribution people with disability make to the business interests of any organisation should be duly recompensed to the level of the Federal minimum wage or better. Anything less, in our view, is tantamount to exploitation.

7. How can funding arrangements incentivise good work outcomes?

From PDA's perspective, funding arrangements for employment service providers should, for the most part, be tied to the outcome of securing long term employment of jobseekers with disability. Furthermore, if the specialist DES model is to be retained, ongoing contracts to deliver services should be contingent on success rates for finding employment at a variety of levels for jobseekers with disability allocated to them in a broad range of private and public workplaces.

- *How could the future funding arrangements ensure services across a continuum of work readiness, placement and retention are tailored to the needs of the participant?*

In keeping with the comments immediately above, we feel the majority of incentives should be focussed on placement and retention. We understand that many jobseekers with disability may need more investment in work readiness than others, however, activities in this area need to match the employment aspirations of the jobseekers concerned. The OT assessments mentioned above can inform these decisions as well.

- *How could the future funding model be adapted to recognise changes in the labour market and types of employment available in the modern Australian economy?*

As long as funding of organisations is tied to continuing success in securing placement and retention for jobseekers with disability in workplaces of their choosing we don't feel further adaptation of the funding model is required. This being said, PDA is wary of some labour market trends – the insistence of some employers to engage employees as 'contractors' and the practices of labour hire employers to undercut regular employees' terms and conditions – and would like to see the highest tiers of incentives reserved for mainstream employment at appropriate Modern Award pay rates and conditions.

- *How can service quality and expertise be rewarded and balanced against quantity of outcomes?*

PDA believes that service quality and expertise should only be measured by outcomes. Many providers may claim a long history of working with jobseekers with disability, but if they are not successful in placing their clients in employment situations of their choosing, then they should not be rewarded as if they were.

8. How do we drive high quality service and supports?

As PDA has argued throughout this response to the consultation paper, we believe high quality services and supports are best provided by mainstream employment services. We also recommend a competitive model for service providers who wish to continue providing these services where, as recommended above, continued

engagement in the disability employment support program is contingent on the achievement of outcomes.

- *How should an effective and efficient competitive provider market be structured and how should business be allocated?*

As noted throughout this paper, PDA recommends that disability employment support be delivered by mainstream employment support providers. The usual tender processes for these organisations should apply with additional clauses requiring them to provide individualised supports to jobseekers with disability in addition to their mainstream clients.

In the interest of accountability and transparency, PDA would also like to see the details of employment support provider contracts to be made public along with reports on their success rates in terms of placements and retention rates beyond 1 year for successful jobseekers with disability.

- *Is there a market need for specialist providers (disability/industry/age cohorts) that would increase employment opportunities?*

As noted throughout this submission, PDA believes the era of siloed employment support systems should come to an end. The moment a provider specialises in generally dismissed candidates, employers start ignoring any recommendations they make. We feel this is a major factor in the limited success of the current DES system.

9. How do we measure success?

As highlighted above success in any employment support program, whether for mainstream jobseekers or those with disability is best measured by the number who get jobs of their choosing and are able to retain them beyond the time for which their wages might be subsidised.

It would also be a successful outcome to see Federal, jurisdictional and local government's set and meet disability employment targets and for large and medium scale employers to follow suit.

- *What do people with disability and employers need to make an informed choice to select the best provider for their needs and how should this information be made available?*

To select the best disability employment support providers, jobseekers with disability and employers need access to performance data:

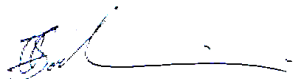
- What percentage of clients with disability are placed in jobs of their choosing?
- What is the retention rate beyond 1 year for clients with disabilities?
- What is the pay rate distribution for placed clients with disability?
- What specific supports are available to assist clients with disability to position themselves as clients of choice?
- How much one-to-one support (hours/week) is provided to clients with disability?

Ideally, the Department of Social Services would take the responsibility for collecting and publishing this data in a publicly available league table type website.


In conclusion

We hope you seriously consider the key recommendations of this submission: that the siloed system of providing disability employment support through DES providers be dismantled; that Occupational Therapists be engaged to determine the quantity and nature of supports jobseekers with disability should receive; that a parallel scheme for the provision of employment supports be established for employees with disability who are not NDIS participants; and that the incentives available to employment support providers and employers be tied to placement and retention outcomes.

Yours sincerely



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About Us

Physical Disability Australia (PDA) is a national peak membership-based representative organisation run by people with physical disability for people with physical disability. PDA was founded 25 years ago and we have over 1,000 members from all Australian States and Territories. Our purpose is to:

- Remove barriers through systematic advocacy to all levels of government to enable every Australian living with a physical disability opportunities to realise their full potential;
- Proactively embrace and promote difference and diversity for an inclusive society; and
- Actively promote of the rights, responsibilities, issues and participation of Australians with physical disability.