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Dear Ms Kellie Spence,

Re: DES Reforms – Recent reviews and recommendations relating to disability employment: Consultation on disability employment-related recommendations

Thank you for the opportunity to provide input into this consultation about the employment-related recommendations of the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability (DRC); the National Disability Insurance Scheme (NDIS) Review; and the House Select Committee on Workforce Australia Employment Services, and their importance for reforms of the Disability Employment Services (DES) program. Unfortunately, given the extremely short consultation period during a time of high demands on organisations in the sector, we have been unable to give this consultation the detailed consideration that we would have hoped to. Below, we provide limited responses to some key issues raised in the consultation.

Upholding human rights in employment

Evidence to the DRC highlighted the multitude of ways in which Australians living with disability experience violence, abuse, neglect, and the deprivation of material, social, cultural, and personal resources that are essential to living a good ordinary life. It demonstrated that these are not problems of times gone by, but an ongoing everyday reality for so many people living with disability in 21st century Australia. While some progress has been made across a number of areas, our country must confront and address the continuing segregation, exclusion, and discrimination that is pervasive in many aspects of life, including in segregated and exploitative forms of employment.

We wholeheartedly endorse the recommendations of DRC Commissioners Bennett, Galbally, Mason, and McEwin to end segregated employment and subminimum wages, although we strongly believe this can be, and *should* be, achieved within the term of the current *Australia's Disability Strategy 2021-2031*. A substantially reformed DES program has a key role to play in facilitating this transition. It should be specifically precluded from placing people in segregated and/or exploitative employment options. This includes in Australian Disability Enterprises (ADEs) and in supposed 'open' employment under the so-called Supported Wage System (SWS). All workers should be paid a full wage

according to the relevant ordinary Award and no worker should be subject to productivity assessments that non-disabled Australians would not accept for themselves.

We believe that people living with disability can and do offer a diverse range of skills, talents, and qualifications and with the right supports and workplace adjustments, can participate meaningfully in the workplace and the economy. To achieve this vision, we need policy directives and strategies put in place to assist people living with disability to seek and retain employment as valued members of mainstream workplaces. The role of a reformed DES program should be to support this through individualised and flexible approaches tailored to each person based on their work goals. This might include customised roles and bespoke pathways designed to support both the employee and employer to thrive. We must challenge the deficits approach and overturn embedded low expectations. When people living with disability are employed, this has flow on benefits to the workplace, our local community, and Australian society more broadly.

We have noted with interest that a key feature of plans for a 'just transition' away from carbon-intensive energy production is government investments in individualised plans for impacted workers to move into alternative employment that suits their skills, interests, and goals. For example, the Colliers Just Transition Plan of the Western Australian Government invests in individualised tailored plans that are described as meeting workers' own individual and family needs and ensuring they are 'treated with justice and dignity'.²⁸ We strongly believe this approach merits much broader application including as part of a reformed DES program.

Recommendation 1: The Department of Social Services (DSS) should ensure a reformed Disability Employment Services (DES) program is designed to support a full transition to end segregated and/or exploitative employment for Australians living with disability within the term of *Australia's Disability Strategy 2021-2031*.

Recommendation 2: The Department of Social Services (DSS) should ensure a reformed Disability Employment Services (DES) program specifically precludes the placement of people living with disability in segregated and/or exploitative employment at Australian Disability Enterprises (ADEs) or in so-called open employment under the Supported Wage System (SWS).

Recommendation 3: The Department of Social Services (DSS) should ensure a reformed Disability Employment Services (DES) program offers flexible, individualised supports that enable people to enter and sustain meaningful employment and be paid a full wage according to the relevant ordinary Award.

Eligibility requirements

We support removing the minimum 'work capacity' requirement of eight hours and allowing people who are not receiving income support payments to access supports through a reformed DES program. People must receive a full wage according to the relevant ordinary Award. Similarly, we believe the eight-hour requirement under other employment support programs, including the Employment Assistance Fund (EAF), should be removed because it creates an unnecessary barrier for people starting their employment journeys in casual work.

Recommendation 4: The Department of Social Services (DSS) should remove eligibility barriers from a reformed Disability Employment Services (DES) program and other employment support programs, including, but not limited to, the rules requiring a person to have a ‘work capacity’ of at least eight hours and requirements that a person must be in receipt of income support payments to access DES.

Consolidating programs

It is likely that the demarcation between the current Disability Management Service (DES-DMS) program and the Employment Service Support (DES-ESS) program prevents flexibility and individualised approaches. To this end, we support removing this distinction. However, we do not believe this alone will address the shortcomings in supporting people’s individual needs or the churning of people through activities of little to no value. This requires comprehensive, co-designed reform including to address the perverse provider payment incentives that pervade the current DES approach.

Given that Workforce Australia is delivered by the Department of Employment and Workplace Relations, we believe the new approach to disability employment support should be positioned alongside this in the same department rather than continuing within the DSS. It is currently very premature to consider mainstreaming disability employment support services due to the significant discrepancy in employment outcomes that still exists between people living with disability and their non-disabled peers. However, once parity in employment and unemployment levels is reached, we believe it would be appropriate to consider an approach that removes segregation in supports to enter employment. Therefore, co-locating Workforce Australia and a new disability employment support model in the same department would be an initial step toward this goal. It would also symbolise that the new model is not a welfare provision, but a service to achieve meaningful employment outcomes. This could help to shift the focus from short-term work placements to long-term sustainable mainstream jobs.

Recommendation 5: The Department of Social Services (DSS) should make substantial reform of the Disability Employment Services (DES) program a priority and implement a new model much sooner than 1 July 2025.

Recommendation 6: The Department of Social Services (DSS) should facilitate the transfer of responsibility for a reformed Disability Employment Services (DES) program for people living with disability to the Department of Employment and Workplace Relations alongside Workforce Australia.

Mutual obligations

We share the concerns that mutual obligation requirements are hindering, not helping, Australians living with disability to enter and sustain meaningful employment according to relevant ordinary Award wages and conditions. We support removing these requirements in the early stages of a person engaging with an employment support service to ensure the central focus is on achieving a genuine employment outcome rather than on administering punitive requirements. While we note that other cohorts in the

community face similar challenges with mutual obligations, it must be recognised that people living with disability face many barriers outside of their control in seeking employment including, but not limited to, direct and indirect employer discrimination, physically inaccessible workplace buildings and environments, and a lack of available suitable opportunities. A reformed DES program should support employers to address these barriers and support better employment outcomes for people living with disability.

Recommendation 7: The Department of Social Services (DSS) should work with the disability community to better understand how and to what extent mutual obligations hinder the achievement of meaningful sustainable employment outcomes.

Recommendation 8: The Department of Social Services (DSS) should ensure a reformed Disability Employment Services (DES) program supports employers to remove barriers to employment for people living with disability and achieve improved employment outcomes.

Importance of co-design

Noting the extent of barriers faced by Australians living with disability in seeking appropriate inclusive employment, they must be centred in the reform process. We firmly believe a new approach to employment supports for people living with disability has the best chance of success if it is informed by the insights, knowledge, and experiences of those it is intended to benefit. This requires a genuine co-design process where people living with disability are involved in decision making about the best way forward. Indeed, governments and government departments should proactively consider how genuine co-design processes can enhance policy development across all areas of their work. We are concerned that many of the processes that governments are currently referring to as co-design fall well short of best practice and do not include active involvement in decision making. We encourage DSS to access our Guide to Co-Design with People Living with Disability,¹ which was itself co-designed, via our [website](#).

Recommendation 8: The Department of Social Services (DSS) should implement a genuine co-design process with Australians living with disability to substantially reform the Disability Employment Services (DES) program.

Importance of genuine consultation approaches

It is extremely important that public consultations conducted by government departments are fully accessible and inclusive of all members of the community and allow adequate time for people to lodge submissions. This ensures the greatest possible benefit can be derived from these processes rather than treating public consultation as a tick-a-box exercise. Unfortunately, genuine accessible consultation does not appear to be happening in this instance. This consultation opened via the DSS Engage website on 16 February 2024 and closes on 27 February 2024 – allowing just seven working days for the people affected and other stakeholders to provide input, assuming they became aware of it on the first day. Therefore, we fear DSS will not hear from many important

¹ View the Guide at https://purpleorange.org.au/application/files/7416/2510/1861/PO-CoDesign_Guide-Web-Accessible.pdf.

voices due to the time constraints imposed by such a short consultation period. This is out of step with the commitments and spirit of *Australia's Disability Strategy 2021-2031* and is extremely disappointing for the disability community.

Recommendation 9: The Department of Social Services (DSS) should allow at least six weeks, and preferably 10 weeks, for feedback on public consultations to ensure there is adequate time for affected and interested individuals and groups to provide meaningful input.

Thank you again for the opportunity to provide feedback to this important consultation. We are available to discuss the issues raised in this submission further. To arrange this, please contact Tracey Wallace, Strategy Leader, JFA Purple Orange, on (08) 8373 8333 or traceyw@purpleorange.org.au.

Yours sincerely



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