

family

A D V O C A C Y

Submission on the National Disability Employment Strategy Consultation

“The continuing inequality we face will not be rectified by ramps, lifts and accessible communications, or by the outlawing of discriminatory behaviour, welcome as these may be. The wellspring of our oppression comprises deeply held social attitudes that reflect generations of prejudice, fear and discrimination towards disabled people in education, work and social life. The main reasons are negative attitudes and stereotypes, which are based on untrue ideas that have been around for thousands of years, and which are amazingly persistent.”

Richard Rieser, disabled academic, advocate and educator

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Summary of recommendations

Recommendation 1

That Australia adopt a Statutory Bill of Rights to ensure that ensures human rights are protected and strengthen the potency of the National Disability Strategy.

Recommendation 2

Amend the vision to: ***An inclusive Australian society where all people have access to secure, stable and fairly paid work as compared to all Australians, with opportunities for advancement and progression.***

Recommendation 3

The Australian Government must commit to end segregated employment to ensure it meets its obligations under the CRPD with a phasing out of ADEs and transitioning workers to regular employment settings and this includes equal remuneration - real jobs for real pay.

Recommendation 4

That the Department of Social Services overhaul Disability Employment Services and adopt innovative, contemporary models that are more effective such as targeting young people (and their supporting families) early to create high expectations, as well as customised employment, micro-enterprises.

Recommendation 5

That Australia acknowledge the nexus between segregated education and poor employment outcomes and adopt the Australian Coalition for Inclusive Education's, "Driving change: A Roadmap for achieving inclusive education in Australia".

Recommendation 6

The Employment Strategy must take into account the evidence provided at the Royal Commission into Violence, Abuse, Neglect and Exploitation of People such as Public Hearing 9: Pathways and barriers to open employment for people with disability and Public Hearing 7: Barriers to accessing a safe, quality and inclusive school education and life course impacts, and also expressly make an allowance for adopting the recommendations that come which are due in September 2023.

Recommendation 7

We recommend a commitment be made at national, state and local levels for funding projects and initiatives focused on promoting employment and improved community attitudes towards disability, which also includes evaluation of good practices.

Recommendation 8

That greater accountability is required with the need for:

- establish cross-agency collaboration within and between federal and state/territory government
- establish a central administering body to facilitate both the government and non-government sectors to take carriage of consistent and long term data collection, measurement, monitoring and reporting requirements to hold the Employment Strategy accountable to its intent.
- proper consultation where people with disability co-design the implementation, measurement, monitoring and reporting of the Employment Strategy
- fund independent advocacy.

Recommendation 9

That the federal and state/territory governments commit to both annual and longitudinal reports across the life of the strategy and that such reports be tabled within parliament.

Recommendation 10

That the Australian Government set a 15% quota for public service employment of people with disabilities. No less than 5 of that 15 % be available for people with developmental disabilities.

Recommendation 11

That the government conduct an audit of existing action plans which align with the key outcomes of the Employment Strategy, looking within and beyond government departments.

Recommendation 12

That the Australian Government acknowledge and address the compounding disadvantage that comes with intersectional barriers that make it harder for people with disabilities from other marginalised groups to get a job and keep a job.

About Family Advocacy

Family Advocacy is a state and federally funded **disability advocacy organisation** that works across **New South Wales (NSW)**. It was founded by families 30 years ago **to advance and protect the rights and interests of people with developmental disability**¹ (hereinafter “disability”) so that meaningful lives can be enjoyed by experiencing the same opportunities and living conditions as the majority of Australians.

This includes being included in things such as education, employment, and community and the right to live safely and with dignity, free from violence, abuse, neglect or exploitation. We recognise that the advocacy undertaken by a family can be one of the greatest influence of inclusion and safeguards and in their family member’s lives.

Family Advocacy works across New South Wales (NSW) and supports families in their advocacy to represent people with disability from a wide range of socioeconomic backgrounds, First Nations people, culturally and linguistically diverse people, and people from metropolitan, rural and remote areas. Some of the areas we provide advocacy support in include education, employment, housing, guardianship and NDIS.

We provide support in the following ways:

- Statewide Advocacy advice and advocacy information to individuals;
- Advocacy development for family members of a person with disability - Advocacy is often undertaken by families and these efforts can be required over the lifetime of their family member; and
- Systemic Advocacy - informing government regarding legislation, policy, funding, monitoring, and practice in areas that impact on the needs of people with disability.

Our work includes specific funding and activities around the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (hereinafter, the Disability Royal Commission). As such, part of our policy and advocacy work involves being discerning and constantly questioning the quality and effectiveness of the disability sector.

One of our initiatives, Resourcing Inclusive Communities, works across NSW. We hold the philosophy that people with disability thrive in the heart of the community, sharing the same everyday experiences as their fellow Australians. We share our vision of social inclusion with the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD).

¹ Developmental disability is a disability that occurs in the developmental period of a person’s life (in the period from conception to adulthood) and includes but is not limited to: autism, intellectual disability, cerebral palsy, spina bifida, and any combination of physical, intellectual or sensory disability.

One of the eight guiding principles of the CRPD outlines that all people with disability have the right to experience full and effective participation and inclusion in society. Resourcing Inclusive Communities works with many allies in the community to support this vision. We provide information through our online platforms, through events such as webinars, workshops and conferences, we design tailored training, mentoring and supports for external services, develop extensive resources and have a 1800 number that provides support across NSW. We support positive change through working closely with people with disability, their family members, service providers, mainstream services, businesses and the broader community.

Introduction

Family Advocacy welcomes the opportunity to provide a submission to the Department of Social Services (DSS) in response to the “National Disability Employment Strategy (the Employment Strategy) Consultation”.

The Employment Strategy, which will sit under the National Disability Strategy (NDS), is an important document as it creates a unified national approach to improving the lives of people with disability, will be a key driver for inclusive employment policy and practice across all government levels and the implementation of principles espoused in United Nations’ *Convention on the Rights of Persons with Disabilities* (CRPD). As Australia has signed and ratified the CRPD, any strategy concerning people with disability must be based on its principles. Australia is a wealthy country with a high standard of living and consequently, should be held to the highest standards with regard to its CRPD obligations.

However, it would be a huge oversight for us not to mention a more powerful driver for inclusive policy would be for Australia to actually enact the laws required of signatory parties to UN Conventions. Unfortunately, Australia has failed to legislate to protect the rights of its citizens. As a result, even scrutiny and criticism from the United Nations does not ensure that the Australian government has to meet the responsibilities of the CRPD. Without a legal system that ensures human rights are protected, Australia has been able to contravene the CRPD without retribution. Commonwealth law overrides state/territory law, so state government can enact a charter of rights without needing to deliver on them. For this reason, **we strongly recommend Australia adopt a statutory Bill of Rights² to strengthen the potency of the National Disability Employment Strategy.**

Putting the person with disability at the centre of the NDS is a critical component. Co-design and co-delivery of the new NDS must happen in partnership with representative organisations which are recognised under the CRPD in its implementation and monitoring.³

We know over the last 10 years, the NDS had serious implementation issues and extensive work still needs to be done to create the structural and cultural shifts and understanding required within and between governments at all levels and society more broadly. Certainly, from the experiences we hear about, it appears to have had very little impact on the implementation of inclusive education which is directly connected to the opportunities for employment. People with disability continue to be segregated as they are funnelled from school settings into Day Services and Australian Disability Enterprises (ADEs). This has a very distinct “othering” effect, where people with disability are living their lives parallel to the rest of society rather than being in and part of society.

² <https://www.humanrights.unsw.edu.au/news/five-reasons-why-australia-should-adopt-statutory-national-bill-rights>

³ Committee on the Rights of Persons With Disabilities, General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention (CRPD/C/GC/7).

To have a chance at being effective at implementing authentic inclusionary practices across employment over the next 10 years, and vital to the integrity of the Employment Strategy is a requirement that the DSS expressly acknowledge that segregation is not consistent with the CRPD and is a violation of the fundamental rights of people with a disability. The Employment Strategy must be bold and make transformational changes to transition away from segregation, and develop a national, time bound strategy aimed at the transitioning of workers from segregated employment to mainstream employment which requires equal pay for work of equal value.

Our responses are premised upon 30 years of experience working with families who have promoted and defended their family members' interests and rights and particularly supported their family member to be authentically included. We submit that an absolutely essential piece to the success of the Employment Strategy is for the DSS to recognise and support "family" as the agents of positive social change and as such, build their capacity to have the skills, knowledge and confidence in order that they can high expectations and a strong vision to create, facilitate and support employment for the person in their life with disability. Any examples or comments shared by our family members have been purposefully deidentified.

Recommendation 1

That Australia adopt a Statutory Bill of Rights to ensure that ensures human rights are protected and strengthen the potency of the National Disability Strategy.

Vision

The proposed vision under the Employment Strategy is: *An inclusive Australian society where people have access to meaningful work opportunities.*

Recommendation 2

Family Advocacy suggest the following alteration:

An inclusive Australian society where all people have access to secure, stable and fairly paid work as compared to all Australians, with opportunities for advancement and progression.

Family Advocacy is pleased the DSS is proposing a national employment strategy. **Words, however, will not be enough.** It is worth noting the dictionary defines the word “strategy” as a plan of action designed to achieve a long-term aim. **It is imperative the Employment Strategy is in alignment with the CRPD to achieve the vision of the Employment Strategy and thus must commit to and take action to eliminate segregated settings such as Day Services and ADEs, and phase out the Supported Wage System.**

Family as agents of positive social change with and on behalf of their family member with disability must be recognised and supported

As a general rule, the parent or family member has a natural authority for the person with disability in their life. They tend to care more, have greater responsibility over their family member’s wellbeing, they know them the most fully and for the longest period of time, have a stake in outcomes, and are granted a degree of independence being free of the vested interests which call into question the credibility of other parties.

In addition, families are often best positioned to see how everything, in its entirety, adds up to a person’s life and for this reason, they can often see the incongruences of different interventions. Utilising this relationship and familiarity with the person enables all options to be explored for a good match in employment that is sustainable in the long term. In this regard, we refer to “The Natural Authority of Families” by Michael Kendrick:

<https://www.family-advocacy.com/our-resources/the-natural-authority-of-families/>

When we hear of successful employment stories, the key element was the parent having a clear vision for their child being included in mainstream society, high expectations for employment in the long term, and good collaboration with the employer. A great example is the video recently created by our initiative, Resourcing Inclusive Communities, *Rhiannon’s work experience*⁴ (6.26 minutes), a story about Rhiannon’s successful work

⁴ *Rhiannon’s Work Experience* can be viewed at <https://www.youtube.com/watch?v=8UH-p7NrxM>

experience at her local Bakery. Rhiannon's mother, Di, thought carefully about the tasks her daughter would be performing and prepared the employer and Rhiannon as much as possible prior to the work experience actually happening. Rhiannon was prepared for success as her mother collaborated with the employer and the employer was receptive to her input. We strongly recommend this video be adopted as an exemplar of good practice towards changing community attitudes, upskilling the capacity of parents, and lifting employer engagement.

Even though this was work experience and not employment per se, it does prove the point that family drove this to happen, through having good community relationships and not a service or a professional.

With this in mind, it is vital that the DSS support the capacity building of the family to have the skills, knowledge and confidence in order that they can support the person with disability in their life.

Our initiative, Resourcing Inclusive Communities, has received an ILC grant on a School to Work Project. The School to Work Project aims to inspire, increase the confidence of and motivate students with a disability and their families to make a start on the road to meaningful, paid employment in the community. The project is currently running webinars across three year groups, Years 7-8, 9-10 and 11-12, as well as workshops in various NSW locations. In the future it will be also roll out conferences and newly developed resources. Resourcing Inclusive Communities is working with Imagine More in the ACT and Community Resources Unit in Queensland to deliver the project. To find out more about the project or to register for any events please visit our website: <https://www.ric.org.au/our-projects/school-to-work/>.

Real jobs for Real Pay - Phase out Australian Disability Enterprises (ADE's) and Day Services as post school options for people with disability

ADE's are programs where people with disability work in a segregated setting and under supervision. ADE's use modified wage systems where an employee is paid on the basis of their work capacity. People with disability working in ADE's are paid less than the minimum wage in this system, sometimes earning as little as \$1 per hour. The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (DRC) has been encouraged to further investigate ADE's.

The proposed Employment Strategy vision, "supporting access to meaningful employment", the DSS must acknowledge the current structure of the dual system of segregated employment for people with disability through Australian Disability Enterprises (ADE's) where they do not have meaningful employment or appropriate wages (with less than 1% having opportunities to move into mainstream employment). This area must also include a roadmap to transition out of segregated employment models over the next 10 years. It is imperative that any outcomes being measured must distinguish between different types of employment, looking at the percentage of people in real employment versus ADE's. Australia continues to run the significant risk of being left behind the shift in this regard in other jurisdictions and countries.

In terms of employment in the open market, we know Australia (and NSW) has a poor record. People with disability are nearly twice as likely to be unemployed than people without disability.⁵ Compared to OECD countries, Australia has one of the lowest employment participation rates for people with disability at 53.4 per cent compared with 84.1 per cent for people without disability. Of 15-64 year-olds, 37.9 per cent have their main source of personal income from a government pension or allowance.⁶ Complaints about discrimination in employment make up a significant proportion of all disability discrimination complaints made to Australian anti-discrimination agencies.⁷

The review of the National Employment Framework was narrowly reduced to only focus on the Disability Employment Services (DES) program and has failed to deliver the comprehensive reform required. *Disability Employment Services (DES)*⁸ continue to deliver poor employment outcomes for people with disability.⁹ And evidence to this effect was given to the DRC to the point that it was expressly stipulated by Counsel Assisting the DRC, that the DES out to be further investigated due to its ineffectiveness.

The current employment pathways for students with disability at school and transition beyond school do not align with the objectives of the CRPD or the ethos of the NDIS for economic participation. The current situation with work experience and other programs deemed to be helpful in transition are not always on offer for a lot of students with disability or the programs on offer are segregated and ineffectual. This is despite current policies that state otherwise. Students with disability are intentionally funnelled into Australian Disability Enterprises (ADEs) as part of a work experience placement.

In addition, assumptions are being made that people with a disability are incapable of employment. We have heard from a family whose child was in a regular class at their local school that they received a letter from the NDIA regarding post school options which only included details for Day Services and nothing about entering regular employment pathways. There are clearly both moral and social impacts to this pathway for many people with disability and the status quo of this pathway needs to be challenged. Like all students, leaving school is such a critical point where a young person with disability makes the transition successfully to tertiary study, part-time or full-time employment or they “fall through the cracks”. When a young person is only given the option of a Day Service, the message being received is low expectations for their future, that they are not capable of working and there is no genuine pathway that leads to a real job for real pay. We see a similar comparison to assumptions of low expectations being fed to families by our government in the 1950s when parents were being that their children with disability were “ineducable”. These assumptions must be challenged and NDIA processes

⁵ Australian Bureau of Statistics, *Survey of Disability, Ageing and Carers, Australia: Summary of Findings*, 2018, Catalogue number 4430.0, 24 October 2019

⁶ Australian Bureau of Statistics, *Survey of Disability, Ageing and Carers, Australia: Summary of Findings*, 2018, Catalogue number 4430.0, 24 October 2019

⁷ Australian Human Rights Commission (2016) [Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability](#), AHRC, Sydney.

⁸ Australian Government, [Disability Employment Services](#). Department of Social Services.

⁹ Disabled People's Organisations Australia (DPOA) [Factsheet: Employment of Persons with Disability](#). DPOA, Sydney.

must reflect the intent of the Employment Strategy where a person with disability can have a real job for real pay.

Some families report to us that their child has been requested to stay at home instead of participating in work placement like other students, with many families having to negotiate with the school around such arrangements.

There is generally a lack of supported and flexible work experience and this impacts their knowledge of career planning and employment prospects. For my son, I had to advocate rigorously to get the school to give permission for my child to have a flexible work experience as it was not practical for him to do it every day for 2 weeks. Instead, the school gave us permission to go once a week for 2 hours for a few months.

As it was well thought through and the right supports were put in place; this has led to future employment for my son. He now runs his own business as a mail courier. At the same time, I received a letter from the NDIA assuming the only option for my son was for a day program for work experience. If I did not have a clear vision for my son to have an inclusive life, and the support of Family Advocacy, his life would be on a very different path. I feel lucky to be educated and have English as my first language. What about those families that are not and do not know any better and do not have the support?

Carole

The above example illustrates one of our parent's experience of advocating for a flexible arrangement for her son's school work experience.

Recommendation 3

The Australian Government must commit to end segregated employment to ensure it meets its obligations under the CRPD with a phasing out of ADEs and transitioning workers to regular employment settings and this includes equal remuneration - real jobs for real pay.

Overhaul Disability Employment Services and adopt innovative, contemporary models

We strongly encourage the DSS to overhaul the Disability Employment Services and adopt more innovative and contemporary models for employment of people with disability where there has been a successful employment match for a long term. Some suggestions are customised employment, and micro-enterprises.

School to Work Project

As previously mentioned in the "Introduction", to counteract these issues and to attempt to be a part of the solution, Family Advocacy, through its initiative 'Resourcing Inclusive Communities', was recently successful in obtaining an Information Linkages and Capacity building (ILC) grant called the [School to Work project](#), which will go towards lifting expectations of families in relation to post school transitions whilst utilising normative school pathways to achieve real employment outcomes in the workforce.

Importantly, all students in all settings will be targeted in this project, as each young person has the ability to contribute to the Australian economy. We will also be working with families concerning the flexibility of arrangements, such as shorter work experience placement sessions over a longer term than the usual two-week time frame, that may be helpful for students with disability obtaining work experience. Importantly we will be lifting expectations of families, educators and businesses alike in relation the employment outcomes that people with disability obtain and the many innovative models of support to enable this to occur. This is a three year grant and the intention is to target many students, families, educators and businesses across NSW.

Delivering this grant will also equip Family Advocacy with more knowledge of the extent of the system barriers that are currently occurring within the NSW education system. **We strongly recommend that the DSS assist by promoting this School to Work project and support the findings and recommendations upon completion.** For this reason, we would welcome the opportunity to be part of the development and implementation of the Employment Strategy as it pertains to NSW.

Customised Employment

Success in employment for people with disability is usually driven via families with a determined vision of meaningful employment. For example, we have heard about families taking unique approaches to supporting their family member with disability, using innovative and contemporary models of employment, such as customised employment, and microenterprises that support this cohort. Customised Employment is a process that matches a person with disability to the needs of an employer, creating a match in a customised job.¹⁰

In this regard, we strongly encourage the DSS to apply the strategy of customised employment in the public sector. We refer the DSS to the website of [Marc Gold & Associates – The People who try another way¹¹](#) in the U.S, who are disability professional specialising in the area of employment and community participation for persons with significant disabilities. Below is their explanation of customised employment from their website:

What is Customized Employment?

*Customized Employment (CE) is a universal employment strategy that is especially useful for employment seekers with significant life complexities and barriers to employment, such as a severe disability. CE strategies result in competitive, integrated employment that is **based on a determination of the strengths, needs, and interests of the employment seeker.** The specific abilities of the individual are matched to the business needs of an employer. CE is a **relationship** between an employer and an employee that is negotiated to meet the needs of both parties.*

¹⁰ June Alexander, 'Customised Employment', Presentation, Let's Get to Work Virtual Conference 2020, July 2020.

¹¹ <http://www.marcgold.com/services>

CE is included as a strategy to support individuals with disabilities to obtain employment in the Workforce Opportunity and Innovation Act of 2014.

What Does the Process Look Like?

STEP 1

Discovery: Discovery is a form of qualitative research that seeks to understand who the employment seeker is in as many aspects of life as necessary to inform an effective Customized Plan for Employment (CPE); it is used as an alternative strategy to a comparative assessment or other comparative procedure.

STEP 2

Profile: The Profile is a comprehensive descriptive document that is developed to capture the information gathered during Discovery about the employment seeker. The Profile becomes the written document that informs the Customized Job Development process.

STEP 3

Customized Plan for Employment (CPE): The CPE is a blueprint for employment for the employment seeker. The CPE is developed during a Customized Employment Planning meeting, a meeting that takes place after Discovery is complete and adheres to the values associated with person-directed and person-centered services. The employment seeker along with family, friends, colleagues and agency representatives attend the meeting and the Profile documents are shared, to support the planning process. Interest areas, tasks, specific employers, locations and other considerations that will increase the likelihood of employment success, are included in the CPE.

STEP 4

Visual Resume: A Visual Resume is developed for each employment seeker during the Customized Employment process. The Visual Resume is used to present an employment seeker to a potential employer, in a manner that highlights the best of who they are: their relevant interests, education, employment and volunteer experience, potential contributions to the business, and a specific list of tasks the job seeker has to offer.

STEP 5

Customized Job Development (CJD): The CPE becomes the basis for all CJD activities undertaken for the employment seeker. Job developers use the CPE “blueprint” to identify, engage, negotiate and customize a job, and any conditions for success needed by the employment seeker, with employers.

Microenterprises

A microenterprise is a very small business, owned and run by an individual. It's simple to start, and needs

minimal capital. It can have a vital purpose in improving people's quality of life and sense of contribution to society. It can give a person a valued role in their local community providing a service or goods, and be based around the person's passions, interests and skills. It is highly individual – able to happen at whatever level best suits a person. Microenterprises create independence and empower people to make a contribution while using skills and talents.¹²

We provide an example in the form of a film and recommend you watch *Josh's story*¹³ (6 minutes) which illustrates that employment can be the norm following an inclusive education rather than a Day Service and/or ADE. Josh now runs his own mail delivery business and is a valued and respected member of his community. We know of other examples of micro businesses such as a coffee cart business, a paper shredding business, a greeting card business where the artwork of the person with disability is used to decorate the cards, a biscuit making where the biscuits are sold in the local café's and markets.

On the basis of the above, the Employment Strategy must employ measures to ensure that people with disability can access employment services that meet their individualised needs, and which are focused on long-term outcomes.

Recommendation 4

That the Department of Social Services overhaul Disability Employment Services and investigate and adopt innovative, contemporary models that are more effective such as targeting young people (and their supporting families) early to create high expectations, as well as customised employment, micro-enterprises.

Create an inclusive education system – recognise the strong nexus between segregated education settings and poor employment outcomes

For the Employment Strategy to be successfully implemented, it must be acknowledged there is a strong nexus between segregated education settings and poor employment outcomes. A 2018 comprehensive review of research by the European Agency for Special Needs and Inclusive Education, concluded that attending a special school setting is correlated with poor academic and vocational qualifications, employment in sheltered workshops, financial dependence, fewer opportunities to live independently, and poor social networks after graduation.¹⁴

Australia's poor inclusive education record, by continuing to support segregated education, severely limits the possibilities for students with disability, threatens Australia's human capital development and undercuts future economic development. If we are to achieve the proposed vision of "An inclusive Australian society where all

¹² <http://microboard.org.au/>

¹³ Family Advocacy, *Josh's Story*, YouTube, 24 November 2019. <<https://www.youtube.com/watch?v=OTdRgyh1dV0>>

¹⁴ European Agency for Special Needs and Inclusive Education, *Evidence of the Link Between Inclusive Education and Social Inclusion: Literature Review*, 2018, p 14.

people have access to meaningful work opportunities” under the Employment Strategy, the Australian government must get serious about ensuring inclusive education becomes a reality in Australia and phase out segregated education settings.

To this end, the Australian Coalition for Inclusive Education has already developed a 10 year plan and we strongly recommend the adoption of, [Driving change: A Roadmap for achieving inclusive education in Australia](#) to help realise equitable education outcomes for students with disability. The 10 year plan is underpinned by six pillars that are drawn from the evidence base and embed the rights of students as outlined in the CRPD.

Recommendation 5

That Australia acknowledge the nexus between segregated education and poor employment outcomes and adopt the Australian Coalition for Inclusive Education’s, “Driving change: A Roadmap for achieving inclusive education in Australia”.

Adopt recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (DRC)

This 10 year strategy must make allowance to acknowledge the findings and support the recommendations when released in their final report in September 2023 (the DRC has just received an extension).

In the meantime, we strongly urge the DSS not waste the opportunity for community improvement the DRC offers. We also suggest the DSS take into consideration the preliminary findings of Senior Counsel Assisting the Royal Commission identifying 31 barriers grouped into four broad areas: attitudinal, physical and environmental, organisational and structural barriers. It was also submitted the DRC focus on:

Private sector employees – what are employers doing to make their recruitment and employment practices accessible and what actions are they taking to provide accessible, safe and inclusive workplaces for employees with disability. This includes consideration about how the concept of inherent requirements of the job are determined and the approach of reasonable adjustments.

Public sector employees – Australian and state/ territory. What are they doing to attract, retain and promote employment and what is being done to make recruitment and employment practices accessible for people with disability. Our governments must lead by example and be the leaders and show the way. And likewise, how the inherent requirements of the job are determined and the approach of reasonable adjustments.

Disability Employment Services DES system - The barriers to employment that exist within the DES system and some of the structural barriers were touched on.

Australian Government's overarching strategy to increase employment for people with disability including National Disability Strategy and the developing National Disability Employment Strategy.

Promising practice – for those employing and retaining employees with disability – what lessons may be learnt from those practices and how they may be applied more broadly.

Recommendation 6

The Employment Strategy must take into account the evidence provided at the Royal Commission into Violence, Abuse, Neglect and Exploitation of People such as Public Hearing 9: Pathways and barriers to open employment for people with disability and Public Hearing 7: Barriers to accessing a safe, quality and inclusive school education and life course impacts, and also expressly make an allowance for adopting the recommendations that come which are due in September 2023.

Increased focus on community attitudes

Community misunderstanding, stigma, prejudice and discrimination impact significantly on people with disabilities gaining employment in a mainstream workplace. We agree with the proposal to change community attitudes as a general concept but this should extend to those working within government. First and foremost, attitudes need to be addressed within each government department at the national/state/territory/council levels.

We would assert that the Australian government (and the States/Territories) needs to “clean up its own backyard” if it is to engage with business and community on the topic. Government needs to be a role model and lead the way for community. Having said this, some pockets of business and community may already be exercising good practices of inclusion and in this regard, we strongly encourage the DSS government to be prepared to learn from these good practices rather than reinventing the wheel.

We recommend a commitment be made at national, state and local levels for funding projects and initiatives focused on promoting employment and improved community attitudes towards disability, which also includes evaluation of good practices. Such an investment must be across the life of the Employment Strategy and needs to recognise this goal will require an ongoing and sustained effort.

Any attempt to address both government and community attitudes needs to intentionally address the inherent devaluation of this group and the unconscious bias that exists in both community members and our systems.

For an in-depth discussion on how to tackle the unconscious bias within community and improve community attitudes, Family Advocacy's [Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability Submission No.3 - Rights and Attitudes Paper](#).

Recommendation 7

We recommend a commitment be made at national, state and local levels for funding projects and initiatives focused on promoting employment and improved community attitudes towards disability, which also includes evaluation of good practices.

Strengthening Accountability and Improving Systems

One of the impediments to implementing a National Disability Employment Strategy is the challenge posed by the silos within the 3 tiers of government. It needs to be a transferable piece from National to State/Territory to local governments. There is a need for clearly defined roles and responsibilities for each government and other key stakeholders to overcome the current confusion, where one Department passes the buck to another Department and vice versa and people fall through the cracks, and thus ensure accountability.

Strengthen the protocols around collaboration

Collaboration requires a commitment and a planned approach by all parties working towards a common goal by sharing responsibility and expertise. For example, the successful inclusion of a student with disability, collaboration in schools takes many forms and involves multiple stakeholders working together to support the teacher such as the student, parent, teachers' aides and other professionals. For collaboration work to be effective, time and space need to be allocated for collaborators to develop a working relationship, establish roles, plan, implement, and reflect.

In this way, all governments need to collaborate internally and externally with their own departments, with other departments and between state and federal governments as well as local councils. The Employment Strategy should ensure commitment from all sectors to **establishing cross-agency collaboration** as a key approach incorporated in the document.

Create an independent administrative body funded to oversee the Employment Strategy

It is clear that whilst government will always have a primary role in ensuring people with disability are included as citizens, inclusion at the community level as expressed in the CRPD is often dependent on the attitudes and values held across the private sector.

We expect the Employment Strategy place a greater emphasis on the role of the non-government sector in facilitating inclusion for people with disabilities. In an ordinary day, it is very likely that a person with disability will engage with a range of public and private entities.

It is essential that support and information is provided to help the private sector to understand and fulfil their responsibilities. We suggest an independent administering body be funded to achieve the same. This body could also be a point of contact for feedback from people with disability as well as to assess and evaluate the Employment Strategy, provide education and training, information and advice.

In terms of good role models, it would be helpful if those positive exemplars within business were supported by this independent administering body to run workshops to educate the government and non-government agencies. It would be good to set up a central body to be funded to take charge of educating the government and non-government agencies and the community at large.

Further to this, examples must be aligned with the principles and implementation practices of the CRPD, that is, segregated settings cannot be used as examples. This administrative body could also take carriage of the data collection, measurement, monitoring and reporting requirements to act as a 'check and balance' to hold the Employment Strategy accountable to its intent.

The need for proper consultation, a steering committee and to fund independent advocacy

The Employment Strategy must proactively engage with people with disability, advocacy and community organisations as well as external experts with evidence based practices to ensure the lived experience of people with disability is heard, understood and the effective strategies applied. We do not feel our families have been consulted in a meaningful way other than feeding in their input/information/opinions. Having all stakeholders part of the design and of the monitoring process is essential.

We are very concerned, moving forward, that there will not be adequate consultation with deep engagement of people with disabilities, their family members, advocacy organisations, and other relevant stakeholders.

The success or otherwise of this Strategy will depend on how it ends up being implemented 'on the ground'. We believe it critical that an ongoing steering committee be involved in the implementation and monitoring process to feed in with proper guidance and the lived experience sought from parents of students with disability, and Family Advocacy and other disability advocacy organisations. We are invested in getting this right and must all work together towards realising this.

Therefore, we recommend **independent advocacy must be adequately funded as this is a way that the proposed Employment Strategy Vision could be achieved.**

The ongoing need for a strong independent advocacy sector is undisputed. The most vulnerable in our society need to have someone in their corner to help navigate the many complex systems and services, give people

with disability a voice to be heard when governments make decisions affecting them, and to help affect systems change. The NSW Ageing and Disability Commissioner recently stated, “The need for advocacy will continue to be an important part of the lives of people with disability to ensure the continued promotion, protection and security of their rights, and enable their genuine participation in the community.”¹⁵

Adequately funding the advocacy sector is a step in the right direction in contributing towards the proposal to address community attitudes.

Because the needs of individuals are complex, a suite of many different ‘forms’ of advocacy is required. No one kind of advocacy will provide ‘the answer’ nor will a ‘one-stop’ shop approach work towards reducing or removing the multitude of barriers experienced by people with disability. Therefore, it is important to differentiate between the different forms and functions or mechanisms of advocacy.

Recommendation 8

That greater accountability is required with the need for:

- establish cross-agency collaboration within and between federal and state/territory government
- establish a central administering body to facilitate both the government and non-government sectors to take carriage of consistent and long term data collection, measurement, monitoring and reporting requirements to hold the Employment Strategy accountable to its intent.
- proper consultation where people with disability co-design the implementation, measurement, monitoring and reporting of the Employment Strategy
- fund independent advocacy.

Measurement, Data collection and Reporting

There needs to be an evidence-based measurement framework to track these diversity groups and thus the success of the Employment Strategy.

Transparency and clear communication on the Employment Strategy’s progress generally to the public is needed, at least yearly combined with longitudinal progress reports, and tabled in Parliament. As an advocacy organisation, we are required to report yearly with stringent rules and requirements to justify our funding and effectiveness. It should be no different for a government department. It is imperative that all governments and local councils take on a transparent, collaborative approach to the continued development of the Employment Strategy.

¹⁵ Dr Robert Fitzgerald, *Review into Disability Advocacy in NSW: A report by the NSW ageing and Disability Commissioner*, 19 December, 2019.

In NSW, there has historically been a poor collection of disaggregated data regarding people with disability across all settings. In education, there is little known in mainstream/support units/segregated settings about educational attainment/completion, tertiary study, employment upon leaving for students with disabilities. In employment, little is reported about the efficacy of Day Services and ADEs leading to long term employment in mainstream society.

This needs to change and there is no excuse not to do so as the technology exists to support it. The purpose of this data will shine a light on differences both positive and negative to enable shared learnings of good practice as well. It will also inform where there may be 'hot spots' or whether certain schools, employment providers or regions need more attention, training and support, and also whether any systemic changes need to occur. For transparency, all of this data should be publicly available and easy to access. Hence, data collection should be a priority generally. Any data collected should be consistent across departments/ councils/ industries to enable comparison, which can be helpful in ensuring all jurisdictions are held accountable.

We note that a National Disability Data Set is in the process of being developed. Such a resource will without doubt have significant usefulness in terms of understanding the needs, service usage and service delivery for people with disability. It would make sense to consider the use this Data Set, once it is developed, as a guide and also for consistency between state and federal jurisdictions.

Another suggestion is to consider the NDIS reporting system, under s.174 of the *National Disability Insurance Scheme Act 2013* (Cth), which provides a good reporting framework template which we consider should be adopted in determining the success of the Employment Strategy. The NDIS reporting framework provides national, state and territory progress reports against key outcome areas as well as a breakdown of spending across each jurisdiction.

Additional aspects of the NDIS reporting scheme which would have benefit in the context of tracking the success of the Employment Strategy include:

- **Reporting on participant satisfaction** – a similar evaluation could be made in relation to the satisfaction of people with disability regarding progress across the Employment Strategy's key outcome areas;
- **Assessment of participant outcomes** – this is vital to determine the actual effectiveness of strategies, and should therefore be part of the evaluation of any project/scheme under the Employment Strategy;
- **Longitudinal tracking** – we expect the Employment Strategy will be a 10 year piece in line with the National Disability Strategy 2021-2031, with broad application across the whole of society - it is important to track progress against the key outcomes over its life span to ensure that progress is being made across long term projects as well as tracking whether incremental progress is being met as part of these long term objectives.

Recommendation 9

That the federal and state/territory governments commit to both annual and longitudinal reports across the life of the strategy and that such reports be tabled within parliament.

Targeted Action Plans

We support the idea of targeted actions with defined periods of time. It is necessary to have targeted actions to ensure forward progression and accountability for the implementation of the Employment Strategy. There is also a need for clear mechanisms for evaluating the impact of the Employment Strategy and an evaluation framework must be designed and implemented by people with lived experience, and their family representatives or advocacy organisations.

The recommendations from the 2016 *Willing to Work* report have not been implemented.¹⁶ The Inquiry made recommendations with respect to Commonwealth laws and actions that could be taken to address employment discrimination. **We recommend a national disability employment strategy that incorporates the recommendations from the *Willing to Work* report and contains targeted general measures for increasing workforce participation, including addressing structural workplace barriers.**

Given there are a large number of organisations and interests being represented, the challenge will be to determine who and what is prioritised within each outcome area. Obviously, we would strongly recommend that the people with disability from marginalised groups need to be prioritised as they are a more vulnerable cohort, such as people with developmental disability,¹⁷ First Nations people, cultural and linguistically diverse backgrounds, rural and remote areas, and those that fall within multiple disadvantaged groups.

Quotas for developmental disability

We would suggest making quotas to specifically allow for people with intellectual and developmental disability. For example, the Australian government should set a 15% quota for public service employment of people with disabilities with no less than 5 out of that 15% be available for people with developmental disability. Here, it is pertinent to acknowledge the “hierarchy of disability” which is a social construct that makes certain types of disabilities more acceptable than others¹⁸. Intellectual disability is at the bottom of the disability hierarchy.

¹⁶ Department of Social Services (DSS) National Disability Strategy, Second Implementation Plan: Driving Action 2015–2018.

¹⁷ Accessible communication is vital to ensure that people with disability can fully participate in community life. Many people with physical disabilities still experience barriers in accessing information, both when engaging with government and in the broader community.

¹⁸ Mark Deal, ‘Disabled People’s Attitudes Toward Other Impairment Groups: A Hierarchy of Impairments’ (2003) *Disability & Society*, 18:7, 897-910.

It is our opinion, the recent work that the NSW Premier's Department has undertaken to achieve the increased employment of people with disability does not include more innovative models of support such as customised employment, previously explained under "investigate and adopt innovative, contemporary models" that cater more towards supporting people with a developmental disability. Many of the structural changes they have made to recruitment and modifications at work only accommodate a certain subset of people with disability, usually the "cream of the crop" or those considered "exceptional" or "high functioning". If the DSS is serious about its Employment Strategy Vision for all people, which includes people with a developmental disability, then it will need to adopt and support these more contemporary models. Again, our governments need to lead by example for the business community in the employment of disability.

We would note that potential action plans already exist across several issues of importance for people with disability. For example, Australian Communications Consumer Action Network (ACCAN) has produced an Ideal Accessible Communications Roadmap as a national plan to meet Australia's international and domestic obligations to provide full and equal access to all communication technologies and services for people with disability. This roadmap was the product of consultation across 35 organisations (including Disabled Peoples Organisations, advocacy groups and disability service providers) and 9 individuals about accessible communications [1].¹⁹

We have also previously mentioned the Australian Coalition on Inclusive Education has already developed a 10 year plan and we strongly **recommend the adoption of, [Driving change: A Roadmap for achieving inclusive education in Australia](#)** to help realise equitable education outcomes for students with disability.

Therefore, we would recommend **that the government conduct an audit of existing action plans** which align with the key outcomes of the Employment Strategy, looking within and beyond government departments.

Recommendation 10

That the Australian government set a 15% quota for public service employment of people with disabilities. No less than 5 of that 15 % be available for people with developmental disabilities.

Recommendation 11

That the government conduct an audit of existing action plans which align with the key outcomes of the Employment Strategy, looking within and beyond government departments.

Acknowledging intersectionality

¹⁹ For more information on the Accessible Communications Roadmap - <http://accan.org.au/Ideal%20Accessible%20Communications%20Roadmap.pdf>

It is important to acknowledge the compounding disadvantage that occurs for those with disability that are part of other marginalised groups such as being of Aboriginal and Torres Strait Islander backgrounds, CALD backgrounds, LGBTQI, and those living in out of home care, youth justice, as well as rural and remote communities. Intersectional barriers make it harder for people with disabilities to find and keep work. The Employment Strategy should provide particular consideration to and recognise and address these additional barriers, with targeted actions that are time bound. This cannot be accomplished without the direct involvement of people at the centre of these issues (and the families/organisations that advocate with and on behalf of them).

Recommendation 12

That the Australian Government acknowledge and address the compounding disadvantage that comes with intersectional barriers that make it harder for people with disabilities from other marginalised groups to get a job and keep a job.

Conclusion

We look forward to the development of a robust National Disability Employment Strategy which reflects a commitment to empowering and including people with disability in the entirety of the process. We encourage the adoption of our recommendations and are happy to provide further information or clarification on any matters we have raised. We look forward to participating in the process and to facilitate the involvement of people with developmental disability and their family advocates as the National Disability Employment Strategy progresses.