



**Joint FECCA & NEDA Submission to the Australian Human Rights Commission's
'Willing to Work' Inquiry: Employment Discrimination Against Older Australians and
Australians with Disability**

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About FECCA

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the peak, national body representing Australians from culturally and linguistically diverse (CALD) backgrounds.

FECCA works to promote fairness and responsiveness to its constituency in the delivery and design of government policies and programs.

At the heart of FECCA's work is promoting multiculturalism, embodied in equitable policies and non-discriminatory practices for all Australians, regardless of their cultural, linguistic, ethnic, racial or religious backgrounds. Towards this end, FECCA strives to ensure that the needs and aspirations of various cohorts of Australia's culturally and linguistically diverse population are heard by policy and decision makers, as well as the broader public.

About NEDA

The National Ethnic Disability Alliance Inc. (NEDA) is the national peak organisation representing the rights and interests of Australians from culturally and linguistically diverse backgrounds (CALD) and/or non-English speaking backgrounds (NESB) with disability, their families and carers. NEDA is also a member of the Australian Cross Disability Alliance (ACDA).

NEDA advocates at the federal level for the rights and interests of people from CALD and/or NESB communities with disability, their families and carers so that they are able to participate fully in all aspects of social, economic, political and cultural life. NEDA also provides policy advice to Government and other relevant agencies to secure equitable outcomes for constituents.

We welcome the Australian Human Rights Commission's National Inquiry into employment discrimination against people with disability and older Australians, and commend the Commission's proactivity in conducting the investigation.

We hope this submission, which particularly examines the employment related discrimination against CALD people with disability and mature aged CALD Australians, assists in creating better employment outcomes for our constituents.

Acknowledgements

The authors would like to express appreciation to the following organisations and partners who contributed to the development of this report: Australian Human Rights Commission, Multicultural Disability Advocacy Association, Australian Government Department of Employment and our member organisations.

We would also like to thank focus group participants who kindly contributed their time and shared their experiences regarding employment discrimination. All direct quotes in this report are from focus group participants, unless otherwise specified, and have been de-identified.

NEDA and FECCA are of the opinion that the Australian Government Department of Social Services (DSS) current review of the Disability Employment Framework (DEF) is a prime opportunity to bring about the changes and restructuring required to ensure people with disability, particularly CALD people with disability, obtain the employment outcomes prescribed by the United Nations Convention on the Rights of Persons with Disability (CRPD) and the National Disability Strategy (NDS).

Intersectionality: Racism, Ableism and Ageism

'I haven't obtained work yet. I was dissuaded by my teachers from starting my own business and to find employment because I was a woman, and because of my impairment.'

Acknowledging intersectionality is fundamental to understanding and addressing the multiple and compounding forms of discrimination experienced by mature CALD people and CALD people who live with disability. The concept of intersectionality arose out of the work of feminists and critical race theorists, and only recently has been applied to the field of disability studies.¹ Intersectionality proposes that people with multiple social memberships experience additional intersecting and reinforcing forms of oppression, discrimination and disadvantage.

Although a person belonging to two or more stigmatised groups are at increased risk of 'double/multiple discrimination', specific experiences of that discrimination often vary due to the unique mixture of social ecology, cultural and political factors.

It is important to note that CALD people with disability and mature CALD Australians are exposed to multiple forms and types of discrimination due to the intersecting ableist, racist, ageist, sexist and classist systems of oppression. CALD people with disability and mature CALD Australians often experience direct and indirect forms of discrimination.

Racism

'Some organisations when you go, and you're black, they say 'I'm sorry, we don't have a black person to help you'. No one would ever tell (others) you're white, and we can help you!'

Although Australia is a highly cohesive, multicultural and diverse society,² many Australians have reported experiencing discrimination. The Mapping Social Cohesion National Report (2014) found that 18% of survey respondents indicated they had, in the preceding 12 months, experienced discrimination because of their skin colour, ethnic origin or religion.³

¹ Shaw, L.R., Chan, F. & McMahon, B. 'Intersectionality and Disability Harassment: The Interactive Effects of Disability, Race, Age and Gender', *Rehabilitation Counselling Bulletin*, 55 (2), 2012, pp 82-91.

² Markus, A. 'Mapping Social Cohesion 2014: National Report', 2014, Available at: <http://monash.edu/mapping-population/social-cohesion-report.html>

³ Ibid, p.3

Furthermore, of those people who reported experiencing discrimination, 26% were of a non-English speaking background, and 14% indicated that discrimination occurred 'about once a month in the last year'.⁴

All employers and employment relationships in Australia are governed by *The Racial Discrimination Act 1975*, dictating it unlawful to discriminate against a person because of their race/ethnicity, ethnic or national origin, or immigration status.⁵ Although the principle of equal opportunity is legislatively enshrined, employment discrimination is still a significant issue affecting many people from CALD backgrounds.⁶ Employment discrimination against people from CALD backgrounds has profound economic and social consequences for Australian communities.

While this submission will not further explore employment related racism, the authors note the Victorian Equal Opportunity & Human Rights Commission's *Harnessing Diversity: addressing racial and religious discrimination in employment* (2008) report.⁷

The *Harnessing Diversity* report details the various structural and societal forms of racial discrimination experienced by CALD people in regards to employment, and accurately describes the personal, social and economic cost of such discrimination. The authors support all recommendations listed in this report.

Ableism

**'Their attitudes are wrong, they think:
you don't need a job because you're quadriplegic!'**

Ableism results in people with disability experiencing discrimination in accessing and/or participating in employment. Stigma and misconceptions about disability negatively affect people with disability and prevent them from gaining and sustaining meaningful employment. Article 27 of CRPD works to ensure people with disability have the right to work on an equal

⁴ Ibid, p3

⁵ Available at: <https://www.comlaw.gov.au/Details/C2014C00014>

⁶ Victorian Equal Opportunity & Human Rights Commission, 'Harnessing Diversity: Addressing Racial and Religious Discrimination in Employment', 2008, Available at: <http://www.humanrightscommission.vic.gov.au/index.php/our-resources-and-publications/reports/item/174-harnessing-diversity-addressing-racial-and-religious-discrimination-in-employment-jun-2008>

⁷ *Harnessing Diversity: addressing racial and religious discrimination in employment*, Australian Human Rights Commission, 2008, <http://www.humanrightscommission.vic.gov.au/index.php/our-resources-and-publications/reports/item/174-harnessing-diversity-addressing-racial-and-religious-discrimination-in-employment-jun-2008> (accessed on 25 November 2015).

basis with non-disabled persons.⁸ This submission will address many of the systemic and structural barriers to equity people with disability experience in employment. It needs to be highlighted, however, that ableist socio-cultural constructions and perceptions underpin and drive the discrimination against, and marginalisation of, people with disability.

Despite Australia's robust anti-discrimination legislation, people with disability, people from CALD backgrounds and CALD people with disability still routinely experience employment related discrimination.

Ageism

'Finding regular accessible activities in my local area was quite easy after I found an advocate'.

Australia has an ageing population; it is predicated that the proportion of people aged 65 years and older will increase from 13% (2007 figures) to 25% by 2056.⁹ Empirical evidence shows that mature aged job seekers are discriminated against in favour of younger job seekers, resulting in mature aged people being less likely to remain in paid employment.¹⁰

Much of the ageist discrimination experienced by mature aged workers is fuelled by negative and inaccurate stereotypes about their 'inferiority' when compared to younger employees.¹¹ Ageism intersects with ableism, racism and sexism, and acts as an additional barrier to mature aged CALD Australians accessing and participating equally in meaningful employment.

⁸CRPD, Available at:

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>

⁹ Australian Bureau of Statistics (ABS), Population projections, Australia, 2006 to 2101. Canberra, ACT, Catalogue No 3222.0.

¹⁰ Gringart, E., Helmes, E. & Speelman, C. 'Development of a Measure of Stereotypical Attitudes towards Older workers', 2013, Australian Psychologist, Vol 48, pp 110-118.

¹¹ Ibid.

Employment of CALD People with Disability: Overview of Issues

Workforce and Economic Participation

'When an employer sees you they are going to think 1. Risk, and 2. What a hassle'

The economic participation of CALD people with disability is dependent on other factors. The NDS is the framework and mechanism through which Australia delivers its commitments under the CRPD. The NDS is a whole of government strategy tasked to bring about change across all mainstream services, programs and community infrastructure to secure the human rights of people with disability.

The economic participation of people with disability cannot be realised without addressing other broader interconnected and interacting barriers to access and equity. The NDS needs to bring about real change and secure the rights of people with disability in other areas of their lives, such as in crime and safety, communications, housing, education, health and transport domains, to allow for the full economic participation of people with disability.

'Confidence is a big thing in finding a job.'

The Australian Human Rights Commission's *Issues Paper: Employment discrimination against Australians with Disability* documents Australia's historical, and ongoing, low labour force participation rates, and high unemployment rates, of people with disability.¹²

Available data demonstrates that the unemployment and labour force participation rates are further exacerbated for CALD people living with disability. The Australian Bureau of Statistics (ABS) 2003, 2009 and 2012 Survey of Disability Ageing and Carers (SDAC) all clearly demonstrate that CALD Australians with disability are repeatedly underrepresented in labour force participation rates, and overrepresented in unemployment figures, when compared to other persons with disability and non-disabled persons.

¹² Australian Human Rights Commission, 'Issues paper: Employment Discrimination against Australians with disability, 2015, Available at: <https://www.humanrights.gov.au/our-work/disability-rights/publications/issues-paper-employment-discrimination-against-australians>

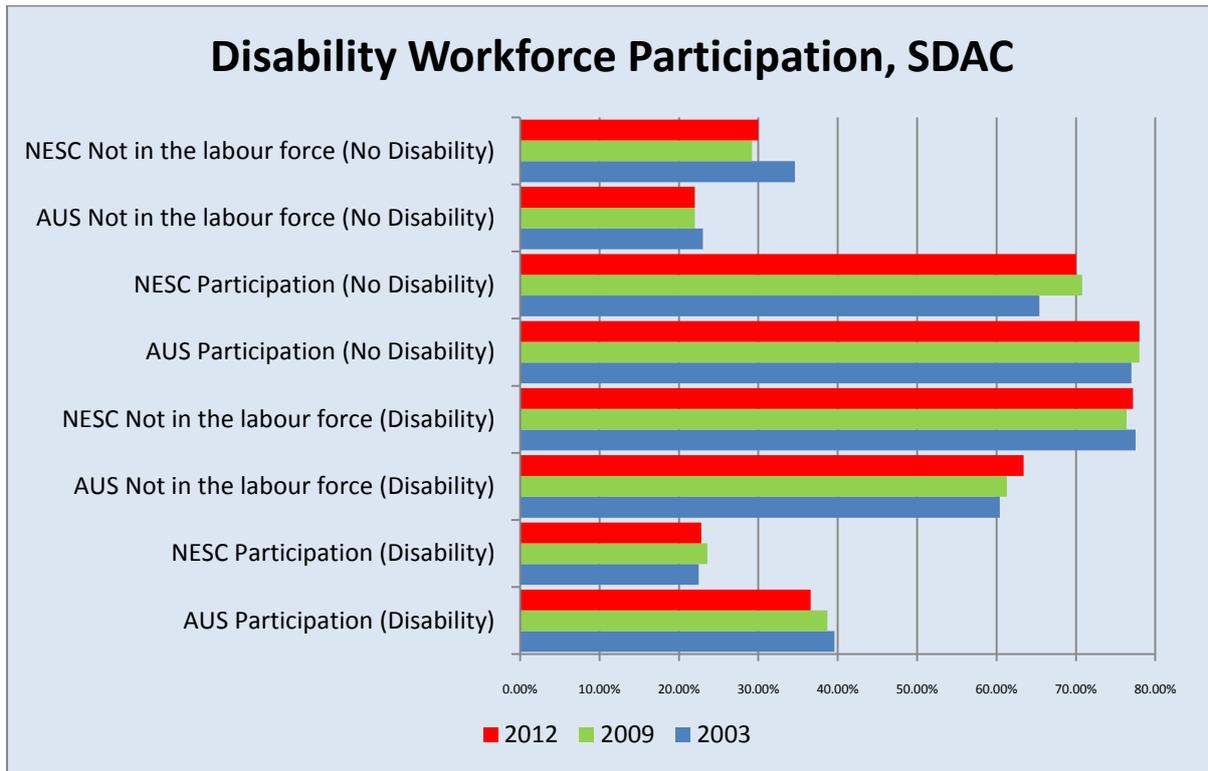


Figure 1: 2003, 2009 & 2012 SDAC Data on the Workforce Participation and Unemployment rates for people with disability and people without disability, by birthplace. AUS= Australian Born, NESC: Born in a Non-English Speaking Country.

Figure 1 illustrates the higher unemployment rate of CALD Australians living with disability (approx. 70%) compared to people with disability born in Australia (approx. 61%). It further shows CALD people with disability are continually underrepresented in labour force participation (approx. 22%) compared to Australian born people with disability (38%), non-disabled CALD people (approx. 68%) and non-disabled Australian born people (78%).

Information and Support

‘I am unaware of what services are available to me’

Sentiments expressed by focus group participants reaffirmed that the lack of information pertaining to employee and employer rights (and responsibilities) is a significant barrier with regards to employment equity for CALD people with disability. For example, there are numerous government provided financial incentives to recruit and support people with disability in the labour market, namely, the JobAccess Scheme, Wage Subsidy Scheme,

Disabled Australian Apprenticeship, Wage Support and Support Wage System,¹³ nonetheless, focus group participants were of the opinion that people with disability, and employers, typically did not know these programs and supports were available.

Research has shown that financial subsidies have little impact on employer's decision to employ a person with disability. Factors such as ability to perform the assigned tasks and low risk of absenteeism are more important determinants for employers rather than financial incentives provided by the government.¹⁴

Furthermore, research investigating employment discrimination against Australians from refugee backgrounds found that 'the majority of employers could not see specific benefits to having a diverse workforce, and that local experience and cultural knowledge were likely to be more beneficial for their business than diversity'.¹⁵

'CALD people with disability may not know what they can access.'

Education and awareness raising campaigns promoting known facts specifically pertaining to employees with disability, such as the lower rates of employee absenteeism and lower workplace health and safety claims of employees with disability compared to employees without disability,¹⁶ would assist in dispelling common myths and help to foster positive employment outcomes.

Education of employers regarding what constitutes discrimination along with promoting the value of a diverse workforce would also help to improve employment related outcomes for CALD people with disability.

Misconceptions and misinformation sees many employers failing to recognise or utilise the skills of CALD people with disability. Racist or ableist attitudes, inaccurate judgements about a person's ability, and assumptions that it is too difficult or costly to accommodate CALD people with disability in the workforce promotes experiences of discrimination.

¹³ Australian Government, Job Access: An Australian Government Initiative, Available at: <http://www.jobaccess.gov.au/>

¹⁴ Federation of Ethnic Communities' Councils of Australia (FECCA), National Disability Employment Framework Submission', 9 July 2015, Available: <http://fecca.org.au/wp-content/uploads/2015/07/Submission-for-the-National-Disability-Employment-Framework1.pdf>

¹⁵ Peisker, V.C & Tilbury, F. 'Refugees and Employment: The effect of visible difference on discrimination', Centre for Social and Community Research, Murdoch University, Jan 2007.

¹⁶ DSS, Disability Action Plan Framework, Available at: https://www.dss.gov.au/sites/default/files/documents/05_2012/disability_action_plan_framework_for_business.pdf

Discrimination based on visible differences cannot be understated as it profoundly impacts on CALD people with disability accessing and securing equity in the labour market.

CALD people with disability might also not be aware of their rights in regards to accessing and maintaining employment. This could include lack of awareness about:

- the education and employment supports or services which are available;
- employee protections such as Occupational Health and Safety, disability and race discrimination laws; and
- how to respond or what supports to access if requiring assistance.

‘People prefer to work with bilingual workers as they get the support they need from them. And they also understand the cultures and backgrounds of people. This is preferred by some, instead of using interpreting services.’

CALD people with disability may also be reluctant to voice their concerns, challenge injustices or exercise their rights, because of:

- low-English proficiency or diverse communication abilities;
- fear that being assertive or being heard would impact negatively on their employment, or even visa status (for non-permanent residents).

‘It is difficult for me to figure out how to find job services. I am unsure of my entitlements and unsure of where to go to find out this information.’

‘The written material is not available in languages people can read. Also, if people can’t read then they aren’t being communicated to in a way they understand.’

Advocacy Services

The National Disability Advocacy Program (NDAP) is vital to ensuring equitable access or representation of issues for people with disability, yet critically underresourced for it to achieve its objectives.¹⁷ The authors are aware of only one organisation in Australia (AED Legal Centre, Melbourne) that receives funding to specifically provide individual advocacy support to people with disability who have education and employment concerns.

¹⁷ Australian Cross-Disability Alliance (ACDA), ‘Review of the National Disability Advocacy Framework’, Submission to DSS, 31 July 2015, Available at:

Generally, issues pertaining to education and employment matters are routinely deprioritised by advocacy organisations due to capacity and resource limitations.

High risk issues, such as responding to abuse/neglect or homelessness, get triaged ahead of employment related advocacy needs. Often this results in people with disability being unable to access the federally funded independent and objective advocacy support they require to appropriately navigate employment access and equity issues.

In the 2013-14 financial year, out of 11,000 people who accessed advocacy support through the NDAP, only 5% of the matters were employment related.¹⁸

Disclosure

The authors acknowledge disclosure is a personal choice for people with disability; they may or may not choose to disclose depending on a variety of individual and external circumstances which interact with their employment. People with disability may also decide not to disclose due to the nature of their disability or because of the cultural or self-conceptualisations around their 'impairment'.

Best practice principles and rights pertaining to disability disclosure are well documented,¹⁹ nonetheless awareness of the social model of disability and how some people may not identify as living with disability works to counteract the unconscious bias that fuels much of the discrimination against CALD people with disability.

Work Environments and Reasonable Accommodations

'Last Tuesday I went to a new [employment] agency. This agency claims to have access, but they aren't physically accessible.'

Many people with disability are excluded from the labour force solely because public transport is inaccessible, particularly for people who live in regional, rural or remote settings. Taxis are costly, and there is an undersupply of wheelchair accessible taxis (WAT's); people with disability are either unable to afford to pay for transport, or unable to travel in peak

¹⁸ Personal email correspondence to NEDA from partner organisation, Nov 2015.

¹⁹ Victorian Equal Opportunity and Human Rights Commission, 'Disclosing a Disability- Workplace', Available at: <http://www.humanrightscommission.vic.gov.au/index.php/workers-rights/disclosing-disability>

WATs times (e.g. during school transport hours).²⁰ Additionally, there is often an absence of lifts or accessible bathrooms in workplaces. As previously stated, many employers are reluctant to hire people with disability due to ableist views, lack of disability confidence, and because of perceived costs associated with supporting people with disability in the workplace. Presently, government initiatives are available to pay for and subsidise reasonable accommodations, nonetheless further work needs to occur that address the structural and social barriers underpinning employers' reticence to employee people with disability.

**'Cuts to interpreting and language services!?'
What's the point in cutting [funding] to one of the vital services?'**

Additional support needs to be available to employers to assist them to 'build barrier-free recruitment practices and good practices in provision of reasonable adjustments'.²¹ A flexible work environment where employees are supported to explore alternate and non-traditional work hours, to work from home and/or to job-share, would work to improve retention rates while also increasing the participation of people with disability in the workforce.

'Being vision impaired it is very difficult to get the TAFE system to provide me with accessible formats.'

Income Support and Employment Affordability

'My son is 31 years old. He went to school to year 12. He was born with an intellectual disability and has epilepsy. Whenever I take him to work, they sack him because he is slow, or because of his disability. Now I put him in [Job Service provider name removed]. He is paid \$2.50 per hour. I spend \$160 a fortnight to get him to work, and he earns \$80 a fortnight.'

'When we actually try to work out how much we can earn if we actually work, and how much we get for the pension, and try to get the pension at the same time: I lost the pension for two years. Now I am actually wanting to work, but I am scared to because if I work I am going to lose the Pension. I have to report (income) every fortnight. It is hard.'

²⁰ Australian Human Rights Commission, 'Wheelchair Accessible Taxi Inquiry Report', 2005, Available at: <https://www.humanrights.gov.au/our-work/disability-rights/inquiries/wheelchair-accessible-taxi-inquiry-report>

²¹ People with Disability Australia (PWDA), Submission on the National Disability Employment Framework, July 2015, p.4, Available at:

Many people with disability are often economically worse off when engaging in employment, especially if they undertake part time, casual or low-paid work. The cost associated with employment (e.g. taxi fares and public transport) can be substantially higher for people with disability and is a significant barrier to employment. Additionally, some people with disability are inhibited or fearful to engage in full time or additional work, especially if unsure of the long term security or sustainability of the employment as it will negatively impact on their ability to access to the Disability Support Pension (DSP).

This is a legitimate concern, particularly when considering that the DSP provides a basic minimum financial safety net for people with disability.

Recent push to move people from the DSP onto other income support payments (i.e. Newstart allowance) may negatively impact on CALD people with disability.

‘I need to take a mobility taxi to get to Disability Employment Services. I was provided with \$100 cab charge voucher, but that doesn’t last for too long.’

One senior advocate stated:

[T]he introduction of the new impairment table has adverse consequences for those people with disability who are no longer eligible for the DSP and expected to link with a DES provider. There is a requirement that in order to access the relevant support level in open employment the client will need to have a new assessment, even though the disability is permanent. This particularly impacts on people under the age of 35. The assessment level may not be favourable; they may have a long wait to access employment opportunities; and they may be financially marginalised as a result of being excluded from accessing the DSP.²²

Focus group participants reaffirmed this issue, stating that the way their ‘disability’ is assessed by Job Capacity Assessments has been of concern. Some people vocalised their discontent about being assessed incorrectly, assigning them to an employment pathway that didn’t reflect their wants or needs.²³

‘The money I get from my job doesn’t pay the bills.’

²² Personal email correspondence with NEDA, October 2015

²³ Ibid

Work Experience and Volunteering

The authors acknowledge that experiences of CALD people with disability in relation to work internships, traineeships or other placements, including volunteering, are diverse; all have advantages and drawbacks. Work experience and volunteering can provide people with opportunities to obtain new skills, capabilities and confidence needed to enter into, or manoeuvre within, the labour market. This may be more of a priority for people with disability who have recently arrived or who have little direct involvement with the Australian employment sector. On the other hand, some CALD people with disability find themselves in volunteering roles that they possibly should be remunerated for.

‘Lack of information and knowledge about services are the biggest concern. Sometimes the understanding of services is very limited. Especially people who come as humanitarian entrants or from refugee backgrounds: some of those people may not have access to documents to prove they have qualifications. Some community members are illiterate in their own language, and some prefer face to face interaction to obtain information.’

Visa Status and Length of Residency in Australia

When navigating the complexities of settlement, the barriers to employment are immense for CALD people with disability who recently arrived in Australia. Newly arrived CALD people with disability from migrant and/or refugee backgrounds have little knowledge about policies and service systems in Australia. Therefore, it is important to acknowledge that in addition to their language and disability related needs, people with disability from new and emerging communities also have complex settlement needs. Another form of discrimination against CALD people with disability is the forced financial vulnerability imposed on migrants with disability.²⁴

People with disability who migrate to Australia are required to wait ten years in order to meet the residency and eligibility requirements of the DSP. Being denied access to this basic financial support strips migrants with disabilities' rights to independence, forcing them to be economically reliant on their families and wider community. As a result, newly arrived migrants with disability are at an increased risk of poverty, homelessness and other social disadvantage.

²⁴ National Ethnic Disability Alliance (NEDA), Submission to the Productivity Commission into Australia's Migration Intake, Available at: http://www.neda.org.au/images/reports/NEDA_Submission_Productivity%20Commission_Migration_Intake.pdf

International Students with Disability

The employment options for international students with disability who have limited work rights have not been properly addressed through these systems, thus only a handful of employment organisations assist this particular cohort. Due to lack of services and other avenues to obtain assistance and information, often these individuals opt for unsafe and unregulated 'cash-in-hand' type employment.

Due to the vulnerable nature of this cohort, they are often subjected to further manipulation and abuse. An appropriate step would be for the relevant government agencies to intervene and integrate these individuals into the main stream employment programs where there is more transparency, monitoring mechanisms and accountability.

Service Design & Delivery, and Their Impact on CALD People with Disability

Assessment process

Diverse assessment tools are used by the government agencies to identify the most suitable employment services program for the job seeker, taking into account the needs and circumstances of each individual. The assessments are based on the Job Seeker Classification Instrument (JSCI). In addition to the JSCI, Centrelink may refer individuals for Employment Services Assessment (ESAt) or Job Capacity Assessment (JCA) for further assessments. The ESAt will assess a person's medical conditions or other barriers to work, reduced work capacity and the like.

The JCA is used to determine the impact of medical conditions and disabilities on the individual's ability to work, including a determination with regard to eligibility for Disability Support Pension (DSP). Streaming for support models are based on the JSCI assessment. The authors have learnt that many from CALD communities do not provide sufficient information at the appropriate time to receive the benefits of this assessment.

'Centrelink limits people with disabilities' potential to work.'

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

Inadequate language skills and having a family member, friend or a community member acting as the interpreter also hinders the ability of a person with a disability to communicate freely.

'They utilise IQ measurements. I can't access an agency that I want to because they say my IQ is too high.'

The Jobactive Service Model

As of 30 June 2015, there were 149, 848 registered job seekers from 'CALD backgrounds',²⁵ close to 19 per cent of the total caseload of the Job Services Australia (JSA). Of this group, 38, 782 people or 26 per cent were people with disability. Of the 38, 782 CALD candidates with a disability 79 per cent belonged to stream 3 and 4 (the most disadvantaged streams under the JSA model). In addition, between 1 July 2009 and 30 June 2015 JSA achieved 56,909 job placements for people with disability from CALD backgrounds.²⁶

'With Centrelink you can do x amount of work a week while studying, if you exceed the numbers of hours they disconnect you (from Centrelink payments). The system needs to be improved.'

As at 30 September 2015, 142, 989 job seekers registered to receive jobactive services were from a CALD background which is approximately 19 per cent of the total case load. 26 per cent of the CALD participants, in other words 37, 768 job seekers are people with disabilities. About 86 per cent of job seekers with disabilities from CALD backgrounds were in Stream B and C which are the most disadvantaged groups receiving additional supports.

The effectiveness of the jobactive model is difficult to measure as it has only been in operation for a limited time (from 1 July 2015). However, it is noteworthy that many CALD clients do not have a clear understanding about the new service model or how the new changes affect the services that they receive.

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

²⁵ The statistics relate to job seekers born in non-English speaking countries excluding the United Kingdom, the United States of America, Canada, Ireland, New Zealand, South Africa and Australia.

²⁶ Statistics provided to FECCA by the Australian Government Department of Employment on 23 September 2015.

The jobactive scheme is available to those who are receiving income support payments from the government and have mutual obligation requirements such as Work for the Dole or looking for work in return for the government payment. Those who are outside the above categorisation and have work rights may be able to volunteer for jobactive services. This differentiation may have a negative impact on certain categories of migrants, international students and individuals on temporary and bridging visas.

jobactive has an interactive website which provides information for jobseekers as well as potential employers. However, there is no reference as to obtaining language services for those who need such assistance.

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

Given the important role played by these services and service providers it is vital for the government to adopt measures to ensure that people with disabilities from all backgrounds understand the roles of different services and providers.

‘Clients sometimes don’t disclose material information at the initial stages and that works against them. Refugees do not get additional points for their background. Some refugee youth are streamed as Stream 1 and Stream 1 is not entitled to receive funding support from Centrelink. A refugee should be able to bypass Stream 1 entirely.’

JobAccess

JobAccess is an Australian Government initiative to support employment of people with disability. It provides vital services to employers such as information and assistance with regard to workplace modifications or adjustments and ongoing support to job seekers to find and retain jobs. Additionally, JobAccess plays a key role in delivering the Employment Assistance Fund (EAF). This fund provides financial assistance to employers for work related equipment, access related modifications and other adjustments to facilitate an employee with a disability.

Similar to other online information portals, the information about jobactive is limited to English and there are no translated materials available online. The JobAccess website does not provide a clear indication as to how language services can be accessed. Moreover, information provision about this initiative is mainly through online platforms which limits the access of CALD people with disabilities who are not computer literate or do not have access to a computer and/or internet.

DSS Disability Employment Taskforce consultations highlighted the need for further promotion of JobAccess.²⁷ Underutilisation of these resources can be addressed through targeted education campaigns focusing on employers as well as job seekers.

Disability Employment Services

‘Employment Services need to be aware of how to communicate with people who don’t speak English.’

Disability Employment Services (DES) is attached to the DSS and operates parallel to the services provided by the Department of Employment to assist people with disability. DSS offers two employment services to assist people with disabilities, namely;

Eligibility to receive supports under DES is determined following the JSCI and other necessary assessments. DES services are provided for individuals whose primary barrier to employment is a disability or medical condition. If remoteness of the individual's location, language and numeracy proficiency and other factors are more prominent barriers than the disability or medical condition, the individual will receive support under the jobactive service model.

‘People with disability and employers aren’t aware of the JobAccess fund.’

All DES providers must be certified against the National Standards for Disability Services²⁸ and are required to maintain this certification in order to receive DES funding. There are currently 135 DES providers operating in 2,320 sites within Australia, assisting 173,461 DES participants. Approximately 19 per cent or 32,915 DES participants are from a CALD background. Of the 135 DES providers, two providers deliver specialist CALD employment

²⁷ *National Disability Employment Framework – Consultation Report*, DSS, September 2015, p. 5.

²⁸ National Standards for Disability Services:
https://www.dss.gov.au/sites/default/files/documents/06_2015/nsds_full_version.pdf (accessed on 27 September 2015).

services in 5 sites (3 in New South Wales, 1 in Queensland and 1 in South Australia).²⁹ The Department conducts post-placement check of DES participants approximately after 3 months following the exit of DES services to monitor their current status.

‘My disability employment agency doesn’t support me to look for work if I’m studying. I was taken off the employment books because I was studying. I had to reapply and start the whole process again.’

In the 2014 calendar year, the general disability employment success rate was 31.5 per cent, while the CALD employment rate was 25.5 per cent. A total of 29.3 per cent of the DES participants were not in the labour force; of this 29.3 per cent, 35.2 per cent were participants were from CALD backgrounds.³⁰

Disability Employment Taskforce

‘Job Services Providers run on KPI Indicators. The consultants are under that much pressure to get their targets. The whole system is petty.’

DSS established a Taskforce in 2015 to review the DES services to design a new Disability Employment Framework that is choice-driven, employer-focused and co-designed with people with disability, employers and service providers.³¹ The principles of change include individual funding based on needs and employment goals, market-based service provision, long-term career planning and capacity building and increased open employment options. Several suggestions were made in order to assist people with transitioning to open employment including ‘more support for specialist assistance for some cohorts such as *CALD people with disability* [emphasis added] and people with mental illnesses’.³²

‘The entire system needs a full overhaul.’

Flexible working arrangements are vital for people with disabilities who have varying degrees of working capacities. Job sharing is a method in which employment opportunities for people with disabilities can be increased. Although this option has been promoted for a long period of time, there are certain risks of job service providers manipulating these arrangements.

²⁹ Disability Employment Services- DES Monthly Data: <http://lmip.gov.au/default.aspx?LMIP/DisabilityEmploymentServicesData/MonthlyData> (accessed on 27 September 2015).

³⁰ *Ibid*

³¹ *National Disability Employment Framework – Consultation Report*, DSS, September 2015, p. 2.

³² *Ibid* p. 10.

According to the National Disability Employment Framework Consultation Report, 'the department received feedback that certain providers churn many participants through the one job to achieve additional payments and additional performance credits'.³³

The current service model encourages disability employment service providers by allocating certain incentives based on employment outcomes. A provider can secure a greater amount of revenue through the bonus work placement payment mechanism. This inadvertently results in creating an environment where service providers are inclined to dedicate more resources and energy to place individuals with disabilities who are more likely to be employed as opposed to others who possess more complex needs.

Such differentiation of clients will have an impact on the 'star rating'³⁴ of the employment service provider in the long run and will also be detected during the business reallocation evaluation conducted by the department every 18 months. The authors are supportive of the Government initiative to redesign the Disability Employment Framework (DEF), especially when considering the poor outcomes and continual under-representation of people with disability in the Australian workforce. The shift to an individualised funding system, where people with disability determine how they want to be supported while working towards their career and employment goals, is a step in the right direction.

It is concerning that the needs of CALD people with disability are not afforded special consideration in the draft framework. We understand that the DEF is in early stages of development and have expressed our views that it is crucial that the framework is inclusive of Australia's diverse populations.

'How do we chose what employment services are good? I don't have the information or ability to make a decision.'

Australian Disability Enterprises (ADEs)

'I used to supervise guys who earned less than \$2.50 per hour.'

Reduced wages are yet another form of discrimination people with disability, including CALD people with disability, are subjected to. Currently, there are over 20, 000 people with disability in Australia employed by ADEs. Approximately 75% individuals employed by ADEs

³³ Ibid, p. 6.

³⁴ For more information about the Disability Employment Services Star Rating please visit <https://www.employment.gov.au/disability-employment-services-star-ratings> and https://docs.employment.gov.au/system/files/doc/other/disability_employment_services_star_ratings_methodology_advice.pdf (accessed on 27 September 2015).

live with an intellectual disability; they do not receive equal pay for work of equal value, and have no access to the industrial protections that people without disability have.³⁵ The Business Services Wage Assessment Tool (Bswat), which assessed and determined the wages for the majority of ADE employees, was suspended in 2012 after a federal court case found that two people had been discriminated against by being paid wages as little as \$1 per hour.

Additionally, employees working in ADEs have limited access to skills development, and after often unable to access the opportunities available within the open employment arena. This wage equity issue has yet to be formally resolved. The authors, however, are of the strong opinion that all employees with disability should receive appropriate and fair wages for the work they undertake and should be able to access sufficient support to be explore open employment opportunities.

Employment Service Providers

A prominent sentiment which arose in the focus group was the opinion that Disability Employment Service (DES) providers did not have the skills, expertise or capacity to support people with disability to access real or meaningful employment. Additionally, there was a general consensus that Disability Employment Services set unambitious goals for people with disability.

This is of significant concern when considering the role DES' are expected to play in working towards the economic participation of people with disability. Nonetheless, previous NEDA research³⁶ has demonstrated that although people with disability from CALD or NESB communities participated at lower rates in DES programs, they generally had better outcomes and reached their milestones at a great rate than that of Anglo-participants engaged in DES services. A full list of the specific barriers to employment experienced within DES providers can be found within the NEDA report.³⁷

'It is the responsibility of the Job Service Providers to educate employers. There is a lack of communication. The whole system is meant to keep you where you are.'

³⁵ People with Disability Australia (PWDA), Wage Justice Campaign, Available at: <http://www.pwd.org.au/campaigns/real-wages-for-real-work.html>

³⁶ National Ethnic Disability Alliance (NEDA), 'Disability Employment Services (DES) Consumer Engagement Project, 2014, Available at: <http://www.neda.org.au/index.php/latest/169-disability-employment-services>

³⁷ *Ibid*

Employment of Mature Aged CALD Australians: Overview of Issues

It is reported that 1.34 million Australians over the age of 50 years are from CALD backgrounds, which equates to almost 20% of all Australians aged 50 years and over.³⁸

Adults born in countries where English is not the main language face a much higher risk of poverty (18.8% using the 50% poverty line) than those born in Australia (11.6%), or in an English speaking country (11.4%).³⁹ Furthermore, 29.1% of adults living in households below the 50% poverty line are from a non-English speaking country.⁴⁰ A contributory factor to this could be the inability for this cohort to access government provided funding supports, or at least, have only limited access.

Samples selected for government commissioned surveys and research need to be reflective of the whole cross-section of the Australian population and the sample size should be relatively substantial in order to draw specific assertions and conclusions. NEDA has pointed out the lack of reliable and proper data, and lack of consistency in defining ethnicity by various government institutions in gathering data.⁴¹

Mature aged workers from CALD backgrounds encounter additional barriers compared to other Australians trying to enter or re-enter the workforce. Due to the inability to enter mainstream employment, this cohort often engages in precarious and unregulated employment. As discussed, the data gathered by government agencies is not reflective of the actual cross section of the community. FECCA has continuously highlighted the need for conducting further research into a number of demographic themes including employment of older CALD people.⁴² As of 30 September 2015, there were 142,989 job seekers from CALD backgrounds registered with jobactive. Of these, 47,765 were mature aged (50 years and more) CALD job seekers, which is approximately 33 per cent of the CALD job seeker cohort. Around 61% of them were in the two most disadvantaged streams receiving more supports from the services.⁴³

³⁸ FECCA, *Review of Australian Research on Older People from Culturally and Linguistically Diverse Backgrounds*, March 2015, p. 6.

³⁹ *Poverty in Australia 2014*, Australian Council of Social Service, September 2014, NSW, p. 23.

⁴⁰ *Ibid*

⁴¹ *What does the data say?* National Ethnic Disability Association, March 2010, NSW, p.20.

⁴² FECCA, *Review of Australian Research on Older People from Culturally and Linguistically Diverse Backgrounds*, March 2015, p.26.

⁴³ Statistics provided to FECCA by the Department of Employment on 10/11/2015.

Finding an entry point into the employment system

Finding a first job in Australia can be a major challenge for many migrants. These challenges are amplified for older people, who often face significant age discrimination in addition to other barriers. They often lack the requisite skills to write resumes and other job applications, due to limited English knowledge and computer skills. Lack of interpreters and translated information for completing forms, work compliance and inductions can restrict CALD people's ability to access jobs.

Professionally qualified mature aged workers face challenges in obtaining recognition for their overseas qualifications and skills. Skills recognition and having to undergo further examinations can be time consuming and costly. Due to family and caring responsibilities, mature aged migrants tend to work in low skilled employment that is not reflective of their educational and professional qualifications until they are financially stable to pursue their studies. This delay in getting the qualifications recognised results in having to compete with younger individuals with similar qualifications and more recent relevant local work experience.

Although permanent visa holders and permanent humanitarian visa holders are entitled to receive government 'VET fee-help'⁴⁴ for education many individuals are not aware of the support provided by the government. Thus, it is important to educate migrants about the availability of these schemes to assist them in gaining recognised qualifications and expedite the process of entering the workforce.

Another commonly cited issue is the difficulty in gaining initial work experience in a job market that generally demands Australian experience as a prerequisite for most jobs, particularly professional positions. It is difficult for older migrants to gain this experience through volunteer work given the financial pressures faced by many new migrants.

Many post-War migrants from countries that were affected by Second World War were generally employed in low skilled jobs.⁴⁵ These individuals still continue to work in these unsafe and unregulated places of employment.

⁴⁴ See further VET FEE-HELP eligibility:

<http://studyassist.gov.au/sites/studyassist/help-payingmyfees/fee-help/pages/fee-help-> (accessed on 3/11/15).

⁴⁵ Dr. L. Thomson, *Migrant Employment Patterns in Australia: post Second World War to the present*, Adult Migrant English Service, October 2014, p.8.

'Every time I go to my employment services provider, they have a new consultant. I've also been exited from the system because it wasn't coordinated. I've been to so many service providers who aren't interested.'

Experiences with employment services

Age and racial discrimination in recruitment agencies is another significant issue. At present, incentives do not exist for recruitment agencies to have a certain proportion of people from CALD backgrounds on their books. In a contracting job market, even a person with strong English skills and significant experience and qualifications gained overseas is unlikely to be considered a competitive applicant by recruitment agencies; the combination of a 'strange' surname, heavy accent, qualifications that are not recognised in Australia and the fact that they are nearing conventional retirement age effectively place many older CALD people at the back of the queue in trying to access the job market in their chosen field.

In addition to the loss of productivity associated with workplace discrimination and bullying, many older CALD workers may simply choose to leave the workforce entirely rather than pursue strategies to improve their situation. Addressing these barriers involves providing access to information, advocacy services, support and confidence-building. \

Familiarity with Australian workplace entitlements and protections

Many older migrants have spent the majority of their careers working in an employment system that is very different from that of Australia. A complex web of cultural experience, lack of knowledge and fear of unemployment restricts older CALD people's ability to understand and access many mechanisms that established Australians take for granted, such as anti-bullying and complaints mechanisms, workers' rights and avenues for more flexible employment conditions.⁴⁶

Many older CALD workers have been shaped by workplace cultures where complaining about discrimination or bullying, or seeking compensation for an injury is not a cultural norm or would put them at risk of losing their jobs. In many countries, while legal mechanisms such as minimum wage, workers' compensation and unfair dismissal may exist on paper, they are not enforced in practice.

⁴⁶ *Opening the door to access and equity: FECCA Access and Equity Report 2011-2012*, FECCA 2012, Canberra, p. 25.

For this reason, even when they are aware of Australian workplace laws many older CALD workers are reluctant to assert their right to such services for fear that they will lose their job or face further discrimination. Many people prefer not to complain about poor treatment at work for fear of losing a job that was difficult to come by in the first place and because they are not fully informed about the complaints procedures and remedies, and support mechanisms available to them.

Flexibility and Caring Responsibilities

A major issue faced by older CALD people is the incompatibility of full-time work and informal caring roles. This issue is particularly common in CALD communities due to strong cultural expectations that older people will be cared for by family members rather than outsiders as they age. In many communities, formal aged care services, particularly nursing homes, are considered taboo and a strong source of community shame. Many older CALD workers therefore find themselves dealing with the significant burden of maintaining paid employment while caring for an ageing spouse or other family member.⁴⁷ Inflexible working conditions, and a lack of confidence to ask for greater flexibility, results in a premature exit from the workforce for many older CALD workers.

Furthermore, like people from non-CALD backgrounds, many older CALD workers would prefer to transition out of the workforce through part-time work and/or more flexible conditions, rather than being forced to choose between full-time work and retirement. Older CALD workers wishing to transition out of employment as they get older through reduced hours, or needing greater flexibility to support informal carer roles, lack the confidence to ask for this flexibility.

These workers need to be made aware of their right to ask for greater flexibility, and supported to do so, in order to prevent many CALD workers choosing to simply exit the workforce early when faced with what they perceive to be a blunt choice between full-time work and retirement. Fear of losing pension entitlements in retirement if they choose to switch from full-time to part-time work is a related issue.

⁴⁷ See further: *Review of Australian Research on Older People from Culturally and Linguistically Diverse Backgrounds*, FECCA, Canberra, March 2015, pp 21 – 24.

The cost of re-entering the workforce and misinformation about pension entitlements

The perceived cost (in terms of loss of pension entitlements) of re-entering the workforce, and misinformation about the effect that working will have on pension entitlements, often dissuades people from re-entering the workforce or transitioning to part-time work before retiring.

Awareness of available services and resources

Lack of awareness about services on the part of the employers as well as the mature aged job seekers hinders the ability of mature aged people to gain meaningful employment. For example, the Restart Wage Subsidy provides an incentive of \$10,000 for employers who hire and retain mature aged job seekers who were unemployed and were receiving income support.⁴⁸ The largest employers in Australia are small businesses and such businesses would immensely benefit from a wage subsidy, and this incentive could increase recruitment of mature aged workers if these businesses had sufficient knowledge about the scheme.

Training opportunities

It is also imperative for the government to assist and improve the employability of the mature aged job seekers. Lack of training opportunities prevents older people from acquiring new skills or upgrading their existing skills in order to obtain better jobs or to improve the chances of remaining in the job for longer.⁴⁹ This is particularly important for CALD people who are unfamiliar with the Australian employment structure and technology.

'Culture shock' and loss of confidence

Older immigrants are at particular risk of suffering a loss of self-esteem and confidence in relation to job-seeking due to the 'culture shock' associated with adapting a new culture and employment system. A loss of confidence can prevent people from gaining employment as well as asserting their rights or asking for better conditions in the workplace

⁴⁸ See further: <https://www.dss.gov.au/seniors/news/2014/restart-wage-subsidy> (accessed on 11/11/2015).

⁴⁹ Aging and Employment Policies, *Organisation for Economic Co-operation and Development*, 2004, p. 15.

Cultural, Religious and Linguistic Considerations

To secure the rights of CALD people with disability are upheld in the labour market, employers need to ensure that they consider contextual factors around the cultural, language and religious differences of jobseekers and employees. For example, coming into contact with certain products, including animal products, working with alcohol or having to wear a uniform that cannot be altered may go against certain religious and cultural practices.⁵⁰ Employment service providers should take into consideration these factors when supporting people with disabilities from CALD backgrounds to obtain employment.

In addition, people with disability from CALD backgrounds may also require employers to take their communities' religious or cultural needs into consideration in regards to the rostering of staff, and around expected workplace attendance. Employees should receive support to observe and participate in religious holidays and other important cultural events that play a prominent role in their communities' calendar. CALD people with disability are routinely not having their language and communication needs met. If CALD people with disability were able access increased language supports and additionally language development opportunities then they may experience more positive employment outcomes and have an increased presence in the labour market.

Government agencies and Job Service Providers should produce material in various formats and communicate through diverse modes and mediums, e.g. online; online in a variety of translated languages; online and accessible for screen reader users; in pictorial and plain English forms; via community radio; via television; via community newspapers; via apps and video; one-on-one in discussions with people with disability, their families and communities.

There are systemic barriers to accessing and utilising professional interpreters for CALD people with disability. Government and non-government organisational staff are often unaware of their responsibilities to provide interpreters, and CALD people with disability often do not possess the information, or possibly the self-advocacy skills required to secure access to an appropriate interpreter. Additionally, the costs of interpreting services may also be prohibitive to agencies or service providers,⁵¹ resulting in CALD people with disability

⁵⁰ Federation of Ethnic Communities' Councils of Australia (FECCA), 'National Disability Employment Framework' Submission, July 2015, Available at: <http://fecca.org.au/wp-content/uploads/2015/07/Submission-for-the-National-Disability-Employment-Framework1.pdf>

⁵¹ Federation of Ethnic Communities' Councils of Australia (FECCA), *Use of Language Services in Rural and Regional Areas*, May 2014. Available at:

being excluded from conversations and not being provided the opportunity to be heard. Family members or non-accredited interpreters are regularly utilised as a cost-saving measure and/or because of a lack of awareness of the importance of using trained interpreters; this can have negative consequences for CALD people with disability and raises concerns around confidentiality and impartiality.

Overseas Qualifications

Difficulties with obtaining recognition of skills and qualifications earned overseas are frequently cited by immigrants as a major barrier to accessing employment in Australia. Many service providers and community members believe that there is not enough information about how to have overseas qualifications recognitions. Additionally, the costs of this recognition can be prohibitive particularly to refugees. Another key issue for humanitarian entrants, especially those from small and emerging communities, is that they may be unable to demonstrate previously held qualifications due to their inability to bring documents from their country of origin.

This was confirmed by the Ethnic Communities' Council of Victoria (ECCV) in their discussion paper entitled *Qualified but not Recognised* which identifies that a significant barrier to migrants and refugee job seekers in Victoria is the difficulty in achieving recognition of overseas skills and qualifications.⁵² A key recommendation is the establishment of 'one-stop shop' information hubs in Victoria to provide face-to-face information and advice on overseas qualifications recognition. Given community feedback that many migrants have difficulty accessing information about this issue, FECCA supports the recommendation and endorses its adoption nationally.

As a result of the difficulties of having overseas qualifications recognised, many professionals who qualified overseas are working in sectors not related to their profession and in roles that don't capitalise on their skills and expertise.⁵³ This can have a profound impact on the self-esteem, confidence and future economic and workforce opportunities of CALD people.

<http://www.fecca.org.au/images/Documents/issues%20paper%20-%20Use%20of%20language%20services%20in%20rural%20and%20regional%20areas.pdf>

⁵² Ethnic Communities Council of Victoria, 'Qualified but not Recognised' (2014).

⁵³ Ethnic Communities' Council of Victoria, 'Real Jobs: Employment for Migrants and Refugees in Australia, 2008, Available at: <http://eccv.org.au/library/doc/ECCVDiscussionPaper3-RealJobs.pdf>

Solutions: Addressing employment discrimination against CALD Mature Aged Australians & CALD People with Disability.

Given the intersecting disadvantages of CALD people with disabilities and mature aged workers from CALD backgrounds, it is important to identify solutions which are pragmatic and relevant for such communities. Focusing on job shaping to match the educational and professional qualifications, long term career planning, increasing more culturally sensitive service providers, minimising red-tape, increase flexible working conditions including options such as working from home and job sharing, identifying role models and developing case studies to be distributed to prospective employers are some practical solutions to increase employment of CALD people with disabilities and mature aged Australians from CALD backgrounds.

Retaining the strengths of the current system

The current disability employment mechanisms and policies contain numerous positive aspects that should be retained. Services and supports such as JobAccess, Wage Subsidy Employment Assistance Fund and services provided by DES encourage the increased employment of people with disabilities and mature aged workers. The objective of the government should be to retain these strengths and improve where there are loopholes or weaknesses. It is also important that any review process take into consideration the views of the relevant stakeholders, ensuring that the consultation process encompasses a cross-section of the community including those with disabilities, diverse cultural backgrounds and different age groups. It must also be noted that compared to employment assistance pathways for people with disabilities, the avenues to employment are very limited for mature aged workers.

Co-production

Co-production is an emerging concept which has been applied heavily in the areas of mental health and youth education. Co-production provides a framework that helps to understand whether relevant stakeholders are being meaningfully heard and included in the decision making process. Under this principle stakeholders are not defined by their needs, but are considered as contributors to service effectiveness through sharing knowledge, experience, skills and capabilities.

Co-production means delivering public services in an equal and reciprocal relationship between professionals, people using services, their families and their neighbours. Where activities are co-produced in this way, both services and neighbourhoods become far more effective agents of change.⁵⁴

The concept requires involvement of people with lived experience in the decision making process, implementation and review of policies and practices. There are numerous benefits to using co-production in a disability and mature aged employment frameworks including, better provision of services, optimum utilisation of limited resources and as a result increased cost-effectiveness and improved outcomes for stakeholder including people with disability and mature aged people intending to enter the workforce, service providers and the government.

The idea of using this concept in service delivery and policy development has been discussed during various government processes. A government policy paper highlighted that the need for genuine engagement in the co-production of policy and services requires major shifts in the culture and operations of government agencies.⁵⁵ Measures adopted by the government should include an attitudinal shift on the part of the government as well as the other stakeholders.

Proportional representation

As highlighted above, CALD people with disabilities and mature aged workers from CALD backgrounds face intersecting disadvantages that further marginalises them in the community. Amongst other reasons, limited engagement with the government processes is a major contributory factor to this. It is imperative that the decision makers pay special attention to the difficulties faced by this cohort. All systemic and other changes should consist of a consultative process that includes people from CALD backgrounds proportionately.

⁵⁴ D. Boyle and M. Harris, *The Challenge of Co-production*, Discussion paper, NESTA, p. 11.

⁵⁵ *Citizens' engagement in policymaking and the design of public services*, Research Paper No. 1, 2011–12, Department of Parliamentary Services, p. 31.

Early intervention

The majority of the issues pertaining to employment of people with disabilities relate to the lack of access to services and training. These can be avoided through early intervention. Providers of DES are able to commit to early intervention partnerships with schools and other services to ensure employment assistance is available as soon as a person with disability is ready to participate.⁵⁶

Considering the attitudes in CALD communities towards disabilities and the caring roles, it is important for measures to include education of family members, carers and the community as to the available employment opportunities, the safeguards available to protect them in the workplace and financial and material subsidies available to them. Provision of information with regard to right to vary the employment options for mature aged workers, for example the right to transition into part time work instead of immediate retirement and employment service providers' obligations could be provided to this cohort at an earlier stage.

Adoption of a person-centred and long-term career focused approach

Long-term career planning and adoption of a person-centred approach was recommended during the Disability Employment Taskforce consultations.⁵⁷ Adoption of a person-centred approach will better assist a person to lead a more independent life. Such an approach can accommodate the cultural needs of individuals, language needs and include increasing capacity to self-advocate.

An issue that has been repeatedly highlighted with regard to people with disabilities from CALD backgrounds is that employment agencies place these job seekers in low-skilled and low paid jobs that do not reflect their level of education or competency. Long-term career planning will assist an individual to develop on their skills in a chosen career path. However, it should be made clear to the person receiving such support that they do have the option of changing the path if they choose to do so.

⁵⁶ Disability Employment Services Factsheet, *Disability Employment Services Flexible, Tailored Employment Assistance*, Australian Government, <http://www.jobaccess.gov.au/sites/default/files/documents/07-2015/DES%20Factsheet.pdf> (accessed on 30/10/2015).

⁵⁷ *National Disability Employment Framework – Consultation Report*, DSS, September 2015, p. 8.

Changing attitudes

Often people with disabilities and older people from CALD backgrounds are viewed as a burden to the economy and the society. It is important to have a positive attitudinal change to view them as an asset. The economic contribution that these individuals can make has not been adequately measured.

Fear among employers with regard to costs, workplace adjustments required and assumptions relating to the risks of recruiting people with disabilities and older people could be addressed through education of the relevant stakeholders, especially, employers. These education measures should also elaborate as to what financial and other resources are available for employers in the event that they employ people with disabilities.

It is important to help employers understand the benefits of having a culturally diverse workforce for improving productivity, innovation and growth. There is a need for greater education of employers of the opportunities to employ people from a CALD background, including older people and those with disabilities.

To facilitate this, an awareness campaign could be initiated to assist employers in understanding the needs of CALD employees and subsequently provide tips on creating a welcoming, inclusive and culturally appropriate workplace, free from racism and discrimination. Promoting the benefits of having a culturally diverse workforce through a nationwide campaign targeting employers is proposed as an effective way to eliminate experiences of racism and discrimination with regard to employment

Workplace policies

Workplace policies are a mechanism for employers to communicate their attitude to discrimination and harassment to their employees. These policies also give employees knowledge about what to do if they experience discrimination or harassment, including complaints mechanisms available to them. Discrimination and harassment policies should be developed and implemented in all businesses, regardless of size.

The Australian Human Rights Commission (the Commission) has a 'good practice, good business' resource for employers on racial discrimination.⁵⁸ The resource outlines what racial discrimination is and what the obligations of employers are in relation to it.

The Commission also has an online workplace cultural diversity tool which can be used by employers to assess themselves against best practice standards in workplace cultural diversity and plan their business development.⁵⁹ These tools could be promoted for use by employers to improve their knowledge and understanding about workplace discrimination and cultural diversity.

FECCA and NEDA recommend encouraging employers to develop and implement workplace anti-discrimination policies and multicultural action plans, for example through the use of resources developed by the Australian Human Rights Commission.

Targeted communication strategies

Education of all the stakeholders is vital to increase the employment of vulnerable and marginalised groups. Targeted communication strategies should be applied to relevant stakeholders, including employers and members of CALD communities. They can include conducting workshops, information sessions and other educational programs, utilising ethnic media, speaking to community leaders, and attending community events to provide information.

Communication may also involve a range of media including ethnic newspapers, ethnic radio, mainstream television and pamphlets in ethnic languages. Strategies should cater for the translation and interpretation needs of the communities to ensure that community members have a clear understanding of services as well as other avenues of support where relevant.

Transparency, monitoring mechanisms and accountability

One of the gaps in the current system is the lack of monitoring mechanisms to identify individuals and organisations exploiting the system. The implementation of effective monitoring mechanisms to increase transparency and accountability will resolve the existing

⁵⁸ Australian Human Rights Commission, 'Racial discrimination', accessible at: https://www.humanrights.gov.au/sites/default/files/GPGB_racial_discrimination.pdf

⁵⁹ Australian Human Rights Commission, Workplace Cultural Diversity Tool accessible at: <http://culturaldiversity.humanrights.gov.au/>

loopholes that some employment service providers may be using to receive an undue advantage.⁶⁰

Cultural sensitivity and competency

Understanding the varied levels of disability, social stigma and cultural needs is vital for disability employment service providers. Encouraging disability employment service providers to recruit individuals with lived experiences of disability within their own organisation will create more opportunities and on the other hand will increase the effectiveness of service delivery.

Adoption of practical measures to assist CALD job seekers

Given that one in four people with disability come from a CALD background, which is approximately 4 per cent of the population⁶¹ and 1.34 million Australians over the age of 50 years are from CALD backgrounds it is imperative that specific measures are in place to address their needs. Following are some of the practical measures adopted by the government or government agencies.

National Disability Insurance Scheme

National Disability Insurance Scheme (NDIS) provides numerous opportunities for people with disabilities including assistance to pursue a career of their choice. For instance, Briahna Grant-Griffin is a successful owner of a rag doll business in Canberra.⁶² Briahna owns the design through IP (Intellectual Property) Australia. She is living with cerebral palsy and is a participant in the NDIS.

As part of her NDIS package, Briahna was able to purchase a push-button sewing machine. The business makes her an active member in the community and is assisting her to become more independent.

⁶⁰ See further: *National Disability Employment Framework – Consultation Report*, DSS, September 2015, pp. 5-6.

⁶¹ Diversitat Disability Findings Report, Diversitat Settlement and Community Program, Page 4 <https://www.pavetheway.org.au/sites/pavetheway.org.au/files/documents/CALD%20in%20NDIS%20aunch%20site%20Diversitat%20Disability%20Report.pdf> (accessed 25/11/2015).

⁶² See further: <http://www.canberratimes.com.au/act-news/canberra-life/ndis-helps-briahna-grantgriffin-set-up-rag-doll-business-with-pushbutton-sewing-machine-20150608-ghhzxi>

Ticket to Work

Ticket to Work supports young people with disability to successfully transition from school to work.⁶³ The program facilitates collaboration across a range of organisations and sectors to optimise employment outcomes for young people with disability. Ticket to Work is an Australia-wide initiative working directly with local communities. In April 2015, the National Disability Services (NDS) partnered with Ticket to Work.⁶⁴

Special budgetary measures

A new budgetary measure introduced this year young people with disability to receive up to six months of Disability Employment Services support while participating concurrently in state and territory post-school employment or transition to work programmes.⁶⁵ It is hoped that this program will give individuals the extra support they they need to get into the workforce.

Reasonable Adjustments Passport

'Reasonable Adjustments Passport' is an initiative of the Department of Defence which provides employees who have an injury, ill health or disability the opportunity to document any form of agreed assistance or adjustments in or around the workplace to reduce or eliminate barriers to work.

Employees will not need to repeatedly disclose and renegotiate their arrangements each time they have a change in manager or when they transfer to a new role. The Passport will support continuity of any arrangements that are required for the employee in the workplace. The Passport will also document when workplace assessments took place and when or if further assessments are required.⁶⁶

DSS intends to make the Reasonable Adjustments Passport widely available to all employers.

⁶³ See further: <http://www.tickettowork.org.au/>

⁶⁴ See further: <http://www.sectorconnect.org.au/news/n/nds-news-update-ticket-to-work-joins-national-disability-services-150409>

⁶⁵ See further: <http://www.formerministers.dss.gov.au/15487/2015-budget-to-support-ndis-roll-out-disability-employment-and-carers/>

⁶⁶ See further: <http://www.defence.gov.au/dmo/NewsMedia/DMOBulletin/Diversity-and-inclusion-an-integral-part-of-the-DMO> (accessed on 27 September 2015).

RecruitAbility

RecruitAbility is an initiative of the Australian Public Service (APS) to address the under-representation of people with disabilities in the APS.

RecruitAbility provides APS agencies with the means to better support people with disability in APS selection processes without compromising the merit principle.⁶⁷

The following figures illustrate the outcomes of RecruitAbility program since January 2015:⁶⁸

Total agencies advertised using RecruitAbility	42
Total engagements	43
Total movements	06
Total promotions	18
Total RecruitAbility advertised positions	1913

Considering the outcomes achieved as illustrated above, it is vital for the government to continue these projects with a special focus on CALD people with disabilities as they face additional barriers.

Programs such as these must also focus on provision of senior and middle management job opportunities to suit the educational qualifications and career interests.

Use of technology to improve employment outcomes

The development in modern technology can be utilised to further assist this group in obtaining meaningful employment. It is important to note that not all people from CALD backgrounds are computer literate or have access to internet and computer facilities to access these services.

Examples of utilising technology in the employment context include:

⁶⁷ See further: <http://www.apsc.gov.au/priorities/disability/recruitability> (accessed on 12/11/2015)

⁶⁸ Statistics provided to FECCA by the Disability Employment Policy Division, Australian Public Service Commission on 12 November 2015.

- Conducting interviews via Skype over the phone for those with mobility issues or are residing in remote areas; and
- Promoting options such as working from home to minimise the cost of travel or assist with requirements of people with disability.

Developing an evidence base

It is important to create an evidence base to indicate how effectively these cohorts perform, the numerous benefits and positive attributes of diversity in the workplace which can be utilised to attract employers to recruit people from diverse backgrounds.

Enabled Employment⁶⁹ is currently engaged in a project focusing on developing an evidence base that describes the benefits and the market advantage of having a diverse workforce. This is expected to result in simplifying the process of employment and address the misconceptions and uncertainties around employing individuals with disabilities.

A similar program can be adopted to enhance the evidence base of mature aged CALD people and their contributions in the work place.

Tailored education programs

Mature aged CALD people who are entering or re-entering the Australian workforce can be assisted through tailored programs to address their needs. A good practice example for this cohort is the program implemented by Victoria's ethnic organisations and the Registered Training Organisations (RTOs).⁷⁰ RTOs offer older migrants courses that are a combination of English as a Second Language (ESL) classes and certificate level qualifications in Aged Care sector, which result in job placements at the completion of the course.

The program has resulted in mature aged people from migrant and refugee backgrounds gaining employment and employers valuing their contributions.

⁶⁹ See further: <https://www.enabledemployment.com/> (accessed on 12/11/2015).

⁷⁰ ECCV Submission for the Inquiry into Opportunities for Participation of Victorian Seniors to the Family and Community Development Committee, August 2011, p. 6.

Examples from other countries

Ticket to work: USA

The Ticket to work is program assist people receiving social security payments to obtain a job in their chosen field that may lead to a career.⁷¹ The program assists people with disabilities to become financially independent.

The advantage of this program is that those receiving social security benefits are capable of continuing to receive those payments irrespective of the participation in this program.

Social Enterprises: Denmark

In Denmark, social enterprises act as a significant mechanism for employing people with disabilities. Typically, they commit to operating on market principles by selling products or services at fair value however invest all profit back into the organisation as per company goals.

It is argued that social enterprises can provide meaningful employment for many people with disability as they 'create inclusive workplaces and improve the competencies of the persons of the target group by adaptive workplaces and tasks to these persons' special individual needs.'⁷²

OpenEyes Program: Sweden

OpenEyes, managed by the City of Stockholm, is a program that supports young people with disabilities to find suitable and long-term employment by accessing traineeships within large companies⁷³.

During their internships, trainees access mentors who work to build a relationship between the young person with disability and the potential employer. The employer is initially informed that the aim of the internship is that it will lead to employment for the client; often this eventuates as the young person establishes themselves as competent worker in the role, and are hired post-internship.

⁷¹ See further: <https://www.ssa.gov/agency/> (accessed on 12 November 2015).

⁷² Sandbeck, A. 'Decent Work: Promising practices in the Employment of People with Disabilities from Sweden, Denmark, Estonia and Finland', 2013, ASPA Publications, p. 69

⁷³ Idstrom, A., Stenroos, M & Uimonen, M. 'Decent Work: Promising practices in the Employment of People with Disabilities from Sweden, Denmark, Estonia and Finland', 2013, ASPA Publications.

Information Technology Industry: USA and Germany

There are a number of examples from numerous countries where individuals with various intellectual capacities are provided with an opportunity to work on areas that they excel in.

For example, Aspiritech⁷⁴ in the United States of America, Vindhya E-infomedia⁷⁵ based in India and SAP a leading software development company originated in Germany⁷⁶ are software companies that are harnessing the special talents of people with disabilities.

Disability Confident: United Kingdom

Disability Confident is an initiative of the Department of Work and Pension in the United Kingdom.⁷⁷ Through this program, the government is working with employers and the employment sector to overcome various barriers to employment, provide people with disabilities an opportunity to achieve their career goals and realise their aspirations.

The relevant website contains a series of success stories and other information with regard to this project.

⁷⁴ Aspiritech provides high quality, Competitively-priced, domestic software testing services by harnessing the strengths of people with high functioning autism; attention to detail, precision, an affinity for repetitive tasks, outstanding technology skills, and providing our Test Engineers with a combination of intensive training, structure, and support to mitigate potential workplace challenges. See further: <http://aspiritech.org/> (accessed on 16 November 2015).

⁷⁵ See further; <http://www.vindhyainfo.com/> (accessed on 16 November 2015).

⁷⁶ See further: *Autism and Asperger's are not disabilities at SAP* <http://news.sap.com/autism-and-aspergers-are-assets-not-disabilities-at-sap/> (accessed on 16 November 2015).

⁷⁷ See further: <https://www.gov.uk/government/collections/disability-confident-campaign> (accessed on 16 November 2015).