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August 3, 2018

Department of Jobs and Small Business

To whom it may concern,

Re: Open consultation on the future of employment services.

National Ethnic Disability Alliance (NEDA) welcomes the opportunity to briefly provide a preliminary response to the Department of Jobs and Small Business' (the Department) consultation on the future of employment services and *The Next Generation of Employment Services* discussion paper.

NEDA is a national Disabled People's Organisation (DPO) that advocates for the human rights of people with disability from culturally and linguistically diverse (CALD), and migrant and refugee backgrounds. NEDA is a founding member of DPO Australia, an alliance of four national DPOs, which are organisations constituted and governed by people with disability.

Australia is obliged to ensure CALD people with disability can access and experience their human rights on an equal basis with others. Article 27 of the UN Convention of the Rights of Persons with Disabilities (CRPD) requires governments to protect and promote the rights of all people with disability to 'gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. Countries are to prohibit discrimination in job-related matters, promote self-employment, entrepreneurship and starting one's own business, employ persons with disabilities in the public sector, promote their employment in the private sector, and ensure that they are provided with reasonable accommodation at work'.¹

The National Disability Strategy (NDS), Australia's policy framework and mechanism for implementing the UN CRDP, lists the economic security of people with disability as a key area of national policy action. Considering the economic participation of CALD people with disability is interdependent on accessing and achieving other rights, it is

¹ UN Convention on the Rights of Persons with Disabilities, Available at:
<http://www.un.org/disabilities/convention/conventionfull.shtml>

disappointing that this review of employment services is very limited in scope, and is unable to consider wider employment, structural and social barriers currently disabling CALD jobseekers.

It is further disappointing that the recently established *Employment Services Expert Advisory Panel*, which was tasked with informing the Minister for Jobs and Innovation and the Government on the future design of employment services, fails to include job seeker representative groups on the panel.

NEDA believes this was a missed opportunity; overlooking the experiences, expertise and knowledge of DPOs and other representative groups can lead to costly, ineffective, and poorly designed service systems. CALD people with disability, and other participants within the program, need to be engaged in the development and evaluation of all policies and programs that directly affect them.

Economic participation of CALD people with disability

The Australian Human Rights Commission’s *Willing to Work* report comprehensively documents the compounding discrimination and intersecting barriers underpinning Australia’s historical, and ongoing, low labour force participation rates and high unemployment rates of people with disability.²

It is known that the unemployment and labour force participation rates are further exacerbated for CALD people 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.

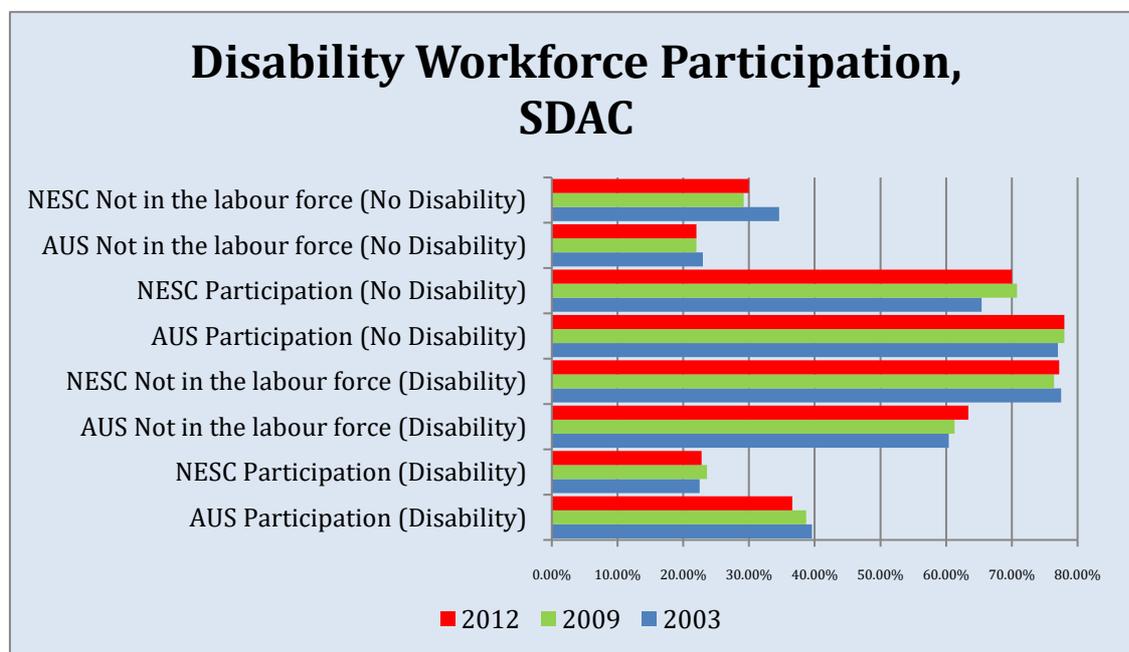


Figure 1: 2003, 2009 & 2012 SDAC Data on the Workforce Participation and Unemployment rates for people with disability and people without disability, by birthplace. AUS= Australian Born, NES: Born in a Non-English Speaking Country.

² Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*, 2016, Available at: <https://www.humanrights.gov.au/our-work/disability-rights/publications/willing-work-national-inquiry-employment-discrimination>

Figure 1 illustrates the higher unemployment rate of CALD Australians 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 rates (approx. 22%) compared to Australian born people with disability (38%), non-disabled CALD people (approx. 68%) and non-disabled Australian born people (78%).

Barriers to Employment for CALD people with disability

Substantial and intersecting barriers to employment prevent CALD people with disability from obtaining and maintaining meaningful employment.

Some significant barriers to employment include:

- direct and indirect forms of ableism, racism, sexism and ageism;
- inadequate information and support;
- inappropriate work environments
- lack of reasonable accommodations; and
- lack of accessible or affordable public transport.

Furthermore, length of residency in Australia; nuances around disability disclosure; lack of volunteering or work experience; possession of unrecognised overseas qualifications; and cultural/religious/linguistic differences also further disadvantage CALD jobseekers from obtaining or maintaining meaningful employment.³

NEDA members also indicate that the current punitive income support compliance regime, along with issues pertaining to the affordability of employment, prohibit positive employment outcomes.

Additional research must also be conducted around the unintended consequences of employment programs and their impact on the labour market. For example, amongst other issues, the ways in which such programs feed more insecure work, or worsen wages, must also be explored.

jobactive

Recent data for the 2017-2018 period indicates approximately 27% of job active participants are people with disability; 5.3% of participants are from refugee background.⁴

Earlier and more comprehensive data from September 2015 indicated that approximately 150,000 job seekers, or 19% of the total case load, who were registered to receive jobactive services were from a CALD background. Furthermore, 26% of these CALD jobseekers, around 38 000, were CALD people with disability. About 86%

³ Federation of Ethnic Communities' Councils of Australia (FECCA), *Multicultural Access and Equity: Building a cohesive society through responsive services 2014 – 2015*, Available at: <http://fecca.org.au/wp-content/uploads/2015/08/Multicultural-Access-and-Equity-Report-2014-2015.pdf>

⁴ The Generation of Employment Services Discussion Paper, Australian Government, Available at: <https://www.jobs.gov.au/future-employment-services>

of CALD jobseekers with disability were in Stream B and C which are the most disadvantaged groups receiving additional supports.⁵

CALD people with disability regularly state that they receive insufficient support from their employment provider. Although they routinely engage in employment-related activities such as resume preparation, job search and job interviews, unpaid internships and/or training, this often fails to lead to securing a job. Additionally, poor provider operations and organisational culture, stemming from a lack of disability and culturally inclusive practice or untrained staff, has a debilitatingly negative impact on CALD jobseekers with a disability.⁶

The current employment system is structured in a way that prioritises interim employment opportunities and monitoring of income support compliance over supporting unemployed or underemployed CALD people with disability from obtaining long-term, meaningful or *real* employment outcomes.

A stronger employment service program for CALD people with disability

A new employment services system can only be effective if it is a part of a broad, considered, and comprehensive national strategy aimed at lifting the labour force participation rates of people with disability.

Any future employment services program must be developed with both jobseekers and employers and be based on real *co-design* principles. The system should work to remove the diverse compounding barriers to employment affecting jobseekers, while at the same time, providing evidence-based supports that are known to promote positive employment outcomes.

Concerns regarding some specific proposals scoped in the discussion paper

Strong focus on self-sufficiency and personal responsibility

NEDA flags concerns regarding the goal of relying upon 'self-sufficiency and personal responsibility' within the future employment services program. This goal negatively and disproportionately impacts CALD people with disability- and other disadvantaged cohorts of participants within the program- both directly, and indirectly. It fails to consider the entrenched historical factors, and intersectional barriers underpinning access and equity, which prohibit marginalised people from having the opportunity to be fully independent and/or proactive. Subsequently, many participants will not have access to the supports they need to meet program expectations regarding 'self-reliance'.

⁵ Joint NEDA/FECCA Submission to Willing to Work Inquiry, 2015, Available at: <http://www.neda.org.au/publications/joint-fecca-neda-submission-australian-human-rights-commissions-willing-work-inquiry>

⁶ Joint NEDA/FECCA Submission to Willing to Work Inquiry, 2015, Available at: <http://www.neda.org.au/publications/joint-fecca-neda-submission-australian-human-rights-commissions-willing-work-inquiry>

Strong focus on online self-servicing

Building upon the above concerns, NEDA has strong apprehensions about the proposal to move employment services to a more digital platform. Online systems can be equally enabling as they are *disabling* for program participants.

Many people, particularly CALD people with disability, may not have the digital literacy or access requirements (e.g. digital devices, internet connection, finances to procure such services) to be engaged in an online platform. Consequently, all online aspects of the program should be on a *volunteer/opt-in* rather than mandatory basis.

From a participant perspective, any online program should meet the diverse accessibility needs of all people with disability, including people with disability from non-English speaking backgrounds. Additionally, an online program designed to register or exchange simple transactional data (e.g. logging participation requirements) *may* seem attractive to some people as it would remove the burden of them being required to attend less than necessary appointments with their provider, for example.

However, any online self-servicing system must be accompanied by a fully accessible and human-serviced pathway that enables all participants to engage with a person-via the phone, and face-to-face/in real time- to discuss and respond to more complex issues regarding their program participation.

From a digital-rights perspective, legitimate questions are raised regarding the Government's capability to safely manage, store, and/or use personal data collected by the program. This is of concern when considering the cross-departmental system would most likely have access to highly personal information e.g. an individual's health records, drug/alcohol history.

Measuring job seeker motivation

The discussion paper accurately challenges the misconception that job seekers are unmotivated to find work and refers to the evidence that demonstrates that stigma and other compounding barriers stifle and prohibit employment opportunities. Knowing this, NEDA struggles to understand how the development of a tool to measure and assess job seeker motivation would be accurate, relevant, or meaningful to any future program.

Measuring job seeker motivation also inaccurately assumes that one's motivation is inherit or static to who they are, rather than acknowledging that motivation is complex and dynamic, and shaped by many factors including service system experiences and expectations. It also fails to consider unique or extenuating circumstances.

NEDA fears that any method of measure of motivation is bound to lead to inaccurate results and further fuels existing stereotypes. It is for this reason NEDA opposes any such measurement of motivation.

Creating competition within the service system & job seeker choice/agency

The discussion paper proposes increasing competition across the employment provider market to drive improved service delivery and provider performance. It suggests that job seeker choice/agency will drive competition and create positive employment outcomes.

This new marketplace needs to be appropriately regulated to ensure disempowered, disadvantaged and vulnerable jobseekers are adequately protected from adverse market forces. Providers should hold a license to be eligible to operate in the market, and licenses should be issued to providers who demonstrate capacity to meet national quality standards, issued by an independent statutory authority.

The government should intervene in the market, when required, to protect the interests of job seekers. Therefore, a provider cap to employment regions must be applied.

To further protect jobseekers' rights within any future employment services program, a 'Statement of Rights' should be developed with job seekers and their representative organisations; this should inform policy development and direct license and regularly conditions across the market place.

Having access to choice vs realistically exercising *informed choice*

NEDA's support for these proposed open market reforms are contingent on a substantial investment by the Commonwealth for job seekers to get the information and support they need to make an informed choice within any new marketplace. NEDA believes that this would need to be scoped with significant investment into adequately responding to the diverse information, communication, access, and support needs of all jobseekers, including CALD people with disability.

Only empowered and informed participants can drive quality outcomes within a more open marketplace; inadequate resourcing and failing to support jobseekers to exercise informed choice increases their risk of failing and/or experiencing poor employment outcomes within the program. NEDA urges an increased focus on service system cooperation and fostering collaborative environments, rather than the promotion of competition within the sector.

We welcome issues discussed in *Chapter 8 Targeted regional and local approaches*. Community engagement and collaborative incentives should be factored into the program to prioritise and subsequently strengthen local community participation and service system 'buy-in'.

Jobseekers should have access to, or be easily linked with, independent professional advocacy support within the program; this will ensure their rights are protected and promoted and may assist some people to exercise their choice and agency.

Performance Monitoring

Jobseekers should be actively engaged in all future program monitoring and evaluation activities. This symbolic *and* practical mechanism would promote improved outcomes within the program. Symbolically, a step towards rebalancing the power dynamics that are inherent to the system and reaffirms that jobseekers are truly central to program aims.

Practically, jobseekers are experts in their own lives and are best placed to engage with the diverse communities of participants, as auditors, to ascertain if the program is effectively working to deliver positive employment outcomes for unemployed and underemployed people. Jobseekers, and their representative organisations, have substantial knowledge regarding lived experiences; they also possess the expertise to identifying solutions and solve problems associated with implementation challenges and program complexities.

An example of an auditing program which currently includes service users is the National Disability Advocacy Program (NDAP).⁷

Currently, people with disability (referred to as 'Consumer Technical Experts', CTEs), are hired as paid auditors to review the performance of the NDAP program. From the perspective of service users CTE's add a layer of legitimacy to the program; CTE's also work to improve program effectiveness and sustainability of the NDAP program.

The National Disability Insurance Agency's (NDIA) Quality and Safeguarding Commission are currently exploring ways in which people with disability (CTE's) are involved with evaluating the performance of the National Disability Insurance Scheme (NDIS).

⁷ JAS-ANZ, Human Services Scheme Part 6: Additional Requirements for Bodies Certifying Advocacy Agencies under the National Disability Advocacy Program, Available at: http://www.jas-anz.org/sites/default/files/ndap_scheme_issue_4_210916.pdf

Recommendations

- The Commonwealth should develop a broad, considered, and comprehensive national strategy aimed at lifting the labour force participation rates of all people with disability. This strategy should prioritise implementing the Willing to Work Inquiry's concluding recommendations.
- As a priority, the department should develop mechanisms and processes to ensure strong and accessible engagement with jobseekers, and diverse groups of jobseeker representative groups (i.e. CALD people with disability), in all aspects of employment services policy development, implementation, and evaluation.
- If a future employment services program includes a more competitive and open marketplace, then the Commonwealth needs to make a substantial investment to ensure jobseekers receive the adequate information and supports required to enable participant informed choice.
- The Commonwealth should develop a robust mechanism to monitor and evaluate key employment programs and employment-related policies which intersect across various Government departments or jurisdictions e.g. jobactive, Disability Employment Service (DES), National Disability Insurance Scheme (NDIS). This would strengthen policy implementation across service systems, provide opportunities to identify and respond to issues arising from a participant's pathway perspective, and reduce the risk of service system replication and/or duplication.

Furthermore, NEDA endorses the detailed and comprehensive Australian Council of Social Services (ACOSS) submission provided in response to this open consultation.

NEDA thanks the Department for the opportunity to be engaged in these important discussions, and we would welcome further consultation on any of the matters we have raised.

Yours sincerely



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