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# Inclusive. Accessible. Diverse.

Shaping your new disability employment support program

**NEDA, PCE and KIN joint written submission in response to the inquiry into the new DES model**

**Date 1/2/2022**



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## **About NEDA**

National Ethnic Disability Alliance (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.

## **About PCE**

Power in Culture and Ethnicity (PCE) is a self-advocacy, peer support group run by and for people with disability from culturally and linguistically diverse backgrounds. Our lived experience validates our expertise in the intersectionality of disability and ethnicity.

We positively contribute to government policy and research. We call out disability and race discrimination by changing community attitudes. We also support each other to better address life's challenges.

## **About KIN Disability Advocacy:**

KIN Disability Advocacy is Western Australia's peak not-for-profit organisation advocating for the rights of people with a disability from a CALD background and their family and carers. KIN Disability Advocacy is a member of the NEDA.

KIN Disability Advocacy appreciates the opportunity to work together and develop the new disability employment support program that increases the number of people with disability in employment and increase the duration and quality of their employment.

## **Introduction**

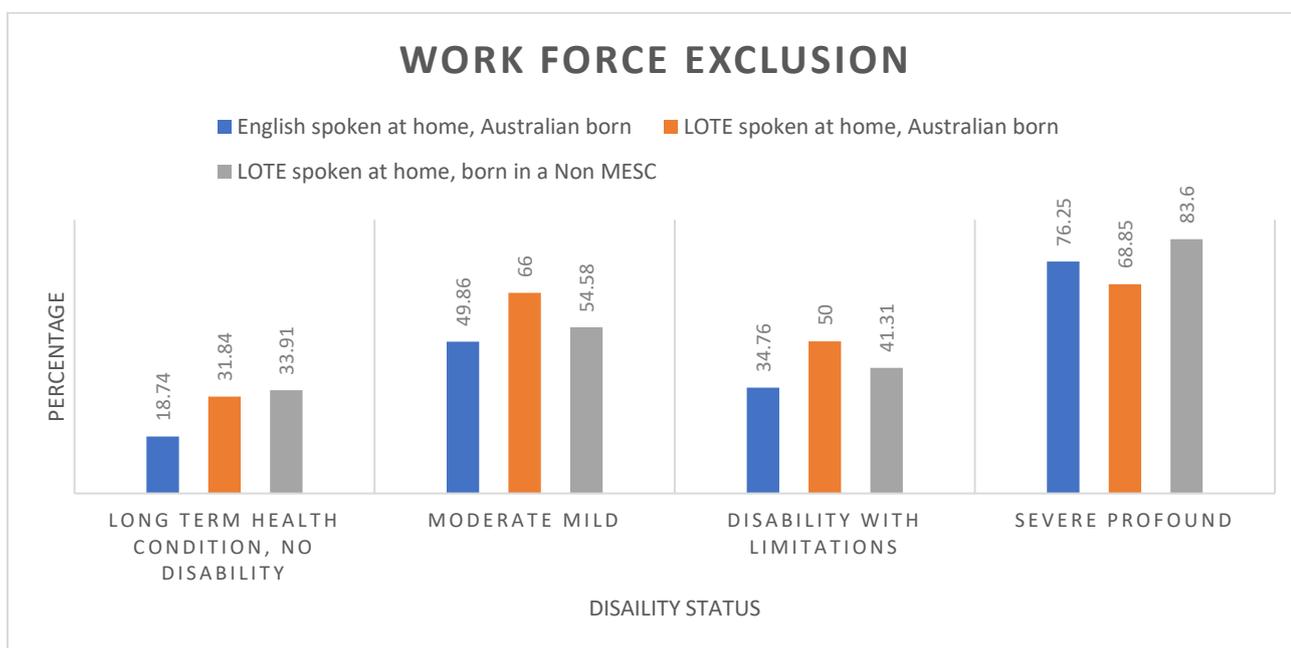
Firstly, we thank the Department for including us in the new Disability Employment Services (DES) reform co-design development process and facilitating an environment that welcomed robust honest discussions. This submission brings together the work from Kin in Western Australia, PCE in Victoria and NEDA, who all have been part of the CALD and First Nations working group. The lived experience informs this submission of being involved with DES, two as consumers of the service and one as DES worker for a not-for-profit agency. The recommendations reflect these experiences and wish to contribute to the development of the new model constructively.

DES is the crucial national program designed to help people with disability find or keep a job and plays an essential role in improving the social and economic participation of people with disability. Some people with disability choose to enter DES; however, most DES participants must be in the program (mutual obligation) to receive Centrelink social security payments. However, our members have reported that the DES program is not meeting its objectives efficiently and effectively because the model in practice is a mix of medical and social models but strong in the medical model.

Therefore, there is a policy deficit in understanding disability employment positions that benefit all people with a disability, including those from a CALD background.

## 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<sup>1</sup>. In addition, NEDA examined The Australian Bureau of Statistics (ABS) Survey of Disability Ageing and Carers (SDAC) from 2003 to 2018 and found that workforce exclusion for CALD Australians with a disability is higher than disabled persons where English is spoken at home.



Current data from the 2018 SDAC survey shows that labour force participation varies by the severity of impairment, from long term health conditions without disability to severe profound disability status. In addition, workforce exclusion is compounded by language spoken at home and if their country of birth is of a non-English speaking country.

## 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. PCE members believe significant barriers to employment include direct and indirect forms of ableism, racism, sexism and ageism. Nationally Federation of Ethnic Communities' Councils of Australia (FECCA) report say there is 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

<sup>1</sup> 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/disabilityrights/publications/willing-work-national-inquiry-employment-discrimination>

unrecognised overseas qualifications; and cultural/religious/linguistic differences also further disadvantage CALD job seekers from obtaining or maintaining meaningful employment<sup>2</sup>.

## **Jobactive and CALD**

Recent data for the 2017-2018 period indicates approximately 27% of job active participants are people with disability; 5.3% of participants are from a refugee background. Earlier and more comprehensive data from September 2015 indicated that approximately 150,000 job seekers or 19% of the total caseload registered to receive Jobactive services were from a CALD background. Furthermore, 26% of these CALD job seekers, around 38 000, were CALD people with disability.

KIN states that most CALD people, especially newly arrived, are not familiar with the strict criteria to receive social benefit, and they often make unintentional mistakes. Therefore, newly arrived migrants should be exempted for a minimum of six months from compulsory job search; they should be dealt with by Centrelink in that period and link with community and social services/language tutoring during that period.

## **Intersectionality and employment**

People with disability are not a homogenous group. Experiences of employment barriers, disadvantages and discrimination will be specific to the multiple dimensions of a person's identity, such as gender, age, sexual identity, race, cultural background and ethnicity. Particular effects of this intersectionality must be identified and addressed to ensure that DES can provide the right processes and supports to increase employment rates for all people with disability. People with disability who face intersecting barriers to employment experience even lower workforce participation rates. For example, culturally and linguistically diverse (CALD) people with disability have significantly higher unemployment rates and lower labour force participation rates when compared to non-CALD people with disability.<sup>3</sup> The job seeker market is structured to disable participants from being informed to make good choices between DES and Jobactive providers run by mainstream agencies and settlement support organisations. People from a CALD background with a disability are directed via settlement support organisations with a Jobactive program.

## **NEDA's Position**

The current DES reform should develop a broad, considered, and comprehensive national strategy to lift all people with a disability. Building on Kin and PCE recommendations (refer to appendix 2 and 3), we believe employment for people with disability needs to evolve from one of deficient view to one of seeing disability as adding to the diversity and strength to the workplace and

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<sup>2</sup> 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-Accessand-Equity-Report-2014-2015.pdf>

<sup>3</sup> NEDA & FECCA Joint Submission to the Australian Human Rights Commission's 'Willing to Work Inquiry', December 2015, Available at: <http://www.neda.org.au/index.php/latest/202-neda-fecca-dec-2015>

industry. The following statements are ways we think this can be achieved through the new model and address workforce exclusion.

### **Insufficient data**

Good policy about employment with disabilities needs to be guided by data of which industries people with disability are participating in currently advocates state information is confusing or hard to find. We also need an appropriate post-job placement assessment tool that determines what people with disability define as satisfaction in employment. This work should be embedded in the National Disability Data Asset<sup>4</sup> initiative and the Australian Disability Strategy.

### **English as a Second Language (ESL) requirement**

Recognising the essential need for refugees and migrants to have a firm grasp of English, the 500 hours of compulsory English language classes must include learning Australia's employment environment. One way to ensure newly arrived migrants are informed is that people with disability have a right to work and are empowered to apply for jobs that are right for them.

### **Settlement services as a Job access service**

Job placement services by settlement support services for new refugees consist of resume writing, access to training opportunities, job matching, and providing interview skills. A way to support those with complex needs is that settlement services must inform an employer that reasonable adjustments go a long way towards secure employment. In addition, disability employment reforms must include a range of supports based on individuals living with a disability, aspirations, and specific job requirements.

### **Industry and job skills**

People with disability need to benefit from the changing economic and employment environment. The support facilities need to take account of emerging opportunities and not just focus on recycling the traditional avenues to disability work. People with disabilities should have the chance to work in all industries, not just those seen as disability-friendly or in segregated settings. Such industries include:

- Public Administration and Safety
- Health Care and Social Assistance
- Manufacturing
- Financial and Insurance Services
- Professional, Scientific and Technical Services
- Mining
- Rental, Hiring and Real Estate Services
- Retail Trade
- Electricity, Gas, Water and Waste Services
- Agriculture, Forestry and Fishing

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<sup>4</sup> <https://ndda.gov.au/>

- Transport, Postal and Warehousing
- Information Media and Telecommunications
- Administrative and Support Services
- Wholesale Trade
- Arts and Recreation Services
- Construction
- Accommodation and Food Services<sup>5</sup>

The DES program should include casual and part-time employment, community engagement, or paid work experience, flexible to the person living with a disability. Additionally, the Public Service Commissioners from the Australian Federal Government, States and Territories, about what the public sector is doing to attract, retain and promote employment for people with disability. Industries can adopt some of these measures to build flexible and accessible workplaces to allow a person with a disability to maximise their potential; this goes for the back of the office roles and front line/customer service roles.

### **Abolish mutual obligation**

The focus must shift from job seekers responsibility to look for and apply for employment. Using Job active agencies as a reporting mechanism to Centrelink and penalise job seekers is not the best practice for both industries in terms of waste of resources when needed to assess 40% of inappropriate applicants and for job seekers the stress and fear of mutual obligation as it is not conducive of finding secure and satisfactory employment.

### **National Disability Insurance Scheme (NDIS)**

As it stands now, the Government provides several funding streams to assist people with disability gain and hold employment. From incentive funding for job active agencies and employers once an applicant has gained employment, and Employment Assistance Fund (EAF)<sup>6</sup>, and through an NDIS participant's core budget that provides supports "in any workplace"<sup>7</sup>. However, we are concerned about employment support via the NDIS to Australian Disability Enterprises (ADES), where an NDIS participant is an employee. We believe the industry needs to be better informed that supports are available across any workplace, but these supports must be industry appropriate.

Where NDIS participants have identified job placement in the open job market as a goal, i.e. they are currently looking for work, funds allocated to line items that will enable them to partake in job-seeking. These can be taxi vouchers to attend interviews, short resume training classes, childcare etc.

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<sup>5</sup> <https://lmip.gov.au/default.aspx?LMIP/Downloads/DisabilityEmploymentServicesData/MonthlyData>

<sup>6</sup> <https://www.jobaccess.gov.au/employment-assistance-fund-eaf>

<sup>7</sup> <https://www.ndis.gov.au/understanding/supports-funded-ndis/supports-employment>

Another option is to include funding in NDIS plans tied to the duration of the job agreement between the job agency and an NDIS participant, like how a plan fund support coordination, plan managers or allied health providers.

## **Conclusion**

This paper outlines the barriers and levels of workplace exclusion people from a CALD background with disability face in participating in the workforce. We believe the recommendations by PCE and KIN and NEDA's position statements will resolve levels of disadvantage people with disabilities experience when seeking work and maintaining secure and appropriate employment of their choosing. We believe reform needs to happen across DES, government disability policy and industry to ensure better job outcomes for people with disability.

## Appendix 1

### NEDA papers

The following links are public access submissions and reports available via the NEDA website about DES and workforce participation.

[https://www.neda.org.au/publications/submissions-policy-documents?field\\_publication\\_categories\\_target\\_id=20&sort\\_by=field\\_publication\\_year\\_value&sort\\_order=DESC](https://www.neda.org.au/publications/submissions-policy-documents?field_publication_categories_target_id=20&sort_by=field_publication_year_value&sort_order=DESC)

[https://www.neda.org.au/publications/submissions-policy-documents?field\\_publication\\_categories\\_target\\_id=20&sort\\_by=field\\_publication\\_year\\_value&sort\\_order=ASC](https://www.neda.org.au/publications/submissions-policy-documents?field_publication_categories_target_id=20&sort_by=field_publication_year_value&sort_order=ASC)

## Appendix 2



### BACKGROUND

Power in Culture and Ethnicity (PCE) is a self-advocacy, peer support group run by and for people with disability from culturally and linguistically diverse backgrounds. Our lived experience validates our expertise of the intersectionality of disability and ethnicity.

We positively contribute to government policy and research. We call out disability and race discrimination by taking action to change community attitudes. We also support each other to better address life's challenges.

Outlined below is PCE's contribution to the review of the Disability Employment Services program.

<b>DES – ISSUES</b>	<b>DES – SOLUTIONS</b>
Inadequate support in transitioning from high school to tertiary settings and employment.	Better preparation for post-school options commencing earlier in the secondary years.
KPIs for employment agencies are inappropriate when supporting people with disability and particularly those from CALD backgrounds.	KPIs need to be adaptable to properly reflect the particular challenges people with disability face in accessing and retaining employment. This will inevitably require more than 12 weeks to secure a successful employment arrangement when CALD specific issues are addressed.
Many consultants are not qualified or experienced in supporting people with disability and understanding individual barriers to employment.	Improve induction and ongoing professional development for employment consultants.  Consider specialist consultants whose expertise can be utilised to mentor others.
Insufficient understanding and expertise in securing adequate workplace adaptations.	Factor in the customisation required to ensure that employment placements achieve ongoing success.
Current employment expectations don't take into account health and wellbeing fluctuations related to specific conditions.	To reduce the likelihood of employment placement failure, ensure that a person's capacity is appropriately matched with workplace requirements.
Lack of access to assistive technology and willingness of employers to adapt.	Greater emphasis on supporting employers in the lead up to finalising individual placements, by addressing any physical, attitudinal and technology barriers.

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## Appendix 3



### **Brief Submission to Department of Social Services Proposed DES Reforms**

**22<sup>nd</sup> December 2021**

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#### **About KIN Disability Advocacy:**

KIN Disability Advocacy is Western Australia's peak not-for-profit organisation advocating for the rights of people with a disability, from a Culturally and Linguistically Diverse (CALD) background and their family and carers. KIN Disability Advocacy is a member of the National Ethnic Disability Alliance (NEDA).

KIN Disability Advocacy currently receives recurrent funding from the Australian Department of Social Services (DSS) and the WA Department of Communities Disability Services (DS). KIN Disability Advocacy delivers individual and systemic advocacy services in the metropolitan, regional and remote areas of WA. This includes state-wide CALD advocacy services and individual generalist advocacy to WA's Northwest region (Kimberley and Pilbara).

Additional project funding is used to deliver human rights-based self-advocacy training for people with disability and their families/carers. KIN Disability Advocacy generates extra income from its cultural competency training for the disability services sector. This training is delivered in line with the National Disability Services Standards. KIN Disability Advocacy also has a Digital Communication Project where issues of disability and ethnicity are discussed in terms of new and existing services, policies, legislation, etc.

KIN Disability Advocacy appreciate the opportunity to work together and develop the new disability employment support program that increase the number of people with disability in employment and increase the duration and quality of their employment.

Major policy changes have been introduced in the last decade that effect people with disability.

Subsequently, the Government is currently spending huge money to support people with disability into employment in metropolitan and in regional Australia through the DES program, helping them prepare for employment, find a job, and access support and services to keep their job.

However, the DES program is not meeting its objectives efficiently and effectively because the model in practice is a mix of medical and social model but strong in medical model. Therefore, there is a policy deficit in understanding disability employment position that benefit all people living with a disability including those from Culturally Linguistically diverse background.

Employment for people with disability needs to evolve people with disability need to benefit from the changing economic and employment environment. The support facilities need to take account of emerging opportunities and not just focus on recycling the traditional avenues to work. The task of DES providers ought to be more than just resume writing, access to training opportunities and providing interview skills as well as working with an employer to access reasonable adjustments. Realistic Disability Employment Reforms Must Include A range of supports based on the individual living with a disability, their aspirations and specific requirements of the job. Disability employment support program should include casual and part time employment, community engagement, voluntary work and short-term unpaid or paid work experience, flexible to the person living with a disability.

The current DES systems are hard to navigate, including the process of selecting a provider. People with disability were being placed into jobs that did not match their skills and interest. Others were not progressing into a career that reflected their education. Others felt difficult maximising their earning potential.

The following outline current barriers/problems

- Biased assumptions made by prospective employers about the capacity of people with disability to do the job.
- Lack of consistent support from DES Providers which impacts the individuals accessing the right information to find employment.
- Lack of empathy by service providers leading to a lack of understanding of the specific needs of each disability and therefore failing to understand the unique needs, skills and challenges faced by people with disabilities.
- Environmental and the physical inaccessibility of premises and the access of accessible technologies or workplace environment.
- Lack of assistance or reasonable adjustments to allow for a smooth transition into the labor force into employment.
- lack of integration between income support programs and the labor market for people with disability.

Recommendations to be considered:

- A Digital Employment Services Platform – this will help people with disability job seekers to self-manage their job search online and give them choice and control.
- Suite of employment support for rural and remote locations – design remote engagement program that will factor issues of specific concern for rural and remote Australia.
- Defined disability employment goal with sub-goals for individuals with targeted disabilities – where necessary, provide personal assistance services to certain employees with a disability because of the type of their disability, designed to improve the recruitment, hiring, retention, promotion of qualified individuals and advancement in the workforce.

This will eliminate discrimination against job applicants and employees with disability and provide opportunity for employers to engage in affirmative action for individuals with disabilities.

- Focus on the language of choices and rights rather than assessments and needs – people with disability should have a strong voice in any decision that affects their lives, and this should change significant attitudes and barriers in employment context.
- Need to reflect on the transformist power of social model of disability – We must shift the focus squarely away from the functional limitation of impaired individuals and on to the contemporary social organisations with a plethora of disabling barriers.
- Focus on the benefit system in tandem with realistic policy making – Design creative application of key social model and independent living themes to the issues of disability and employment – choices and rights, enabling transmission of language and culture.
- Critically assess employment policies and practices which have largely failed people with disability accessing quality and meaningful employment by correcting and addressing the errors of the past DES business structure.
- The focus must shift from entirely job seekers responsibility to look for, apply for or to resource employment options, as it is set up now. Job active has been paid since 2015 to monitor, supervise and to police and penalised job seekers if they did not record min 20 jobs per month. This must stop as it is not the best practice.
- Most CALD people, especially newly arrived, are not familiar with that so much strict criteria to receive social benefit, and they often make unintentional mistakes. Therefore, newly arrived migrants should be exempted for minimum 6 months from compulsory job search; should be dealt by Centrelink in that period and link with community and social services / language tutoring during that period.
- DES Job service providers receive money from Government in advance, but do not invest into training for CALD people (either on job or school based), avoiding paying for short term courses, rather, keeping money within their service providing activities they can charge for.
- DES providers should be financed and encouraged to employ workers who will be directly working towards marketing job seekers to employers and developing relationships with employers for the benefit of job seekers with disability.
- Take a human rights approach that takes into account the Convention on the Rights of Persons with Disabilities.
- Initiate improvement and reforms in worker representation, minimum wage definitions, flexible working arrangements, upgraded superannuation, insurance package and suite broader supports.
- Emphasise data and recordkeeping by adapting a consistent approach among the Australian employers to make it mandatory recording and tracking data with respect to the employees with disability.
- Nonpublic sector employers with 100 or more employees must report for employees with disability annually – affirmative action.
- Additionally, the Public Service Commissioners from the Australian Federal Government, States and Territories Victorian Government and the Government of the Northern Territory, about what the public sector is doing to attract, retain and promote employment for people with disability.
- Use an interdisciplinary approach in validation assessment outcomes for job seekers input to final assessments rather than relying on assessment of one professional.