Improving the employment participation of people with disability in Australia

A response from Disability Employment Australia

February 2013
# Contents

Executive Summary ........................................................................................................... 3  
   Key recommendations ................................................................................................. 3  
Introduction ....................................................................................................................... 4  
   Human rights .................................................................................................................. 4  
Barriers .............................................................................................................................. 4  
   Negative attitudes ......................................................................................................... 5  
Measurement and accountability ..................................................................................... 6  
The right to work ............................................................................................................... 7  
Private sector .................................................................................................................... 8  
   Disability discourse ..................................................................................................... 8  
   What should be collected? ......................................................................................... 8  
   Avoiding red tape ........................................................................................................ 9  
Small to medium-sized enterprises .............................................................................. 9  
Public service .................................................................................................................. 9  
   Procurement and contingent labour ........................................................................ 10  
Disclosure ........................................................................................................................ 10  
   Non-disclosure and measurement............................................................................ 10  
Changing negative attitudes ........................................................................................... 10  
   A long-term social strategy ....................................................................................... 11  
   Reporting must be supported ................................................................................... 12  
A national target ............................................................................................................ 12  
   200,000 by 2023 ......................................................................................................... 13  
Further recommendations .............................................................................................. 13  
   Graduate recruitment programs ................................................................................ 13  
   Reforms to Disability Employment Services .......................................................... 13  
   Tackling unconscious bias ......................................................................................... 14  
   A caution on quotas .................................................................................................... 15  
Appendix A ...................................................................................................................... 16  
About Disability Employment Australia ......................................................................... 17  
References ....................................................................................................................... 18
Executive Summary

Disability Employment Australia welcomes the opportunity to provide feedback to Government regarding improving the employment participation of people with disability in Australia. We are particularly encouraged that the focus of this paper goes to employer practices and what can be done to stimulate more demand for people with disability as employees.

Australia continues to progress the rights of people with disability; however more can and should still be done to realise our obligations under the United Nations Convention on the Rights of People with Disability. There is evidence of changing attitudes and goodwill by employers, yet this is unfortunately rendered ineffective through the evidence of negative attitudes and stereotyping.

Given that there has been no improvement in disability employment rates, despite intensive strategies and initiatives including awareness-raising, wage subsidies and welfare reform, we believe that some accountability must shift to employers.

Considering the injustices people with disability face in employment, coupled with the evidence of negative employer attitudes, plus calls from prominent business people to action, Disability Employment Australia submits that affirmative action as it relates to targets and mandatory reporting of disability employment can and should be legislated by Government.

Given the prevalence of discrimination and stigmatisation of disability in Australia, this target should be supported with attitudinal change policies at the personal, organisational and structural levels.

Disability Employment Australia therefore recommends Government adopts a target of 200,000 more people with disability being included in the Australian workforce by 2023. In doing so, it should hold all three levels of Government, big businesses and businesses contracting to Government accountable to deliver these opportunities.

Key recommendations

Our submission makes a number of key recommendations that have been summarised below.

- Although there are encouraging signs of improvement, it is time to challenge the negative perceptions and stereotyping of people with disability by employers;
- We support mandatory reporting of disability for large employers with over one hundred employees;
- Gathering data on disability employment is important to fully realise Australia’s obligations under the UNCRPD;
- All three levels of Government should lead by example, through recruitment, procurement and contingent labour policies;
- Mandatory reporting must be supported by three levels of policies designed to change negative attitudes – individual, organisational and structural levels;
- Given that disability is a human rights issue, we support voluntary disclosure;
- Government should adopt a long-term approach and set national goal of 200,000 more people with disability in the open labour market by 2023;
- Government should initiate a disability employment public awareness campaign that explores multiple media channels, especially emergent social media; and
- The Disability Employment Services workforce requires capability development and professional standards.
Introduction
The workforce participation of people with disability in Australia can and must improve. The Government is to be congratulated on its efforts in furthering this imperative; however we agree that more can be done to translate policies into results. In particular, more needs to be done to improve employer practices in regard to people with disability.

Australia is signatory to the United Nations Convention on the Rights of People with Disability (UNCRPD) and our National Disability Strategy (NDS) provides the framework to guide broad disability policy direction. In addition, the 2009 National Mental Health and Disability Employment Strategy (NMHDES) delivers recommendations specific to disability employment.

Human rights
The right to work is a fundamental human right. The right to work is essential for the realisation of other human rights and forms an inseparable and inherent part of human dignity. Disability is a human rights issue. According to the World Health Organisation:

- People with disability experience inequalities. For example, where equal access to employment participation is limited because of their disability.
- People with disability are subject to violations of dignity. For example, where they are subject to prejudice, abuse or disrespect because of their disability.
- Some people with disability are denied autonomy. For example, where people are deemed legally incompetent because of their disability.

Barriers
In our view, the primary responsibility for addressing the barriers for people with disability in the open workplace falls on government. However, this is not to say that responsibility does not also fall with other players and stakeholders. Disability Employment Australia recognises the efforts of current and former Governments in exploring and understanding the barriers faced by people with disability in Australia. For the purposes of this response, we draw attention to the comprehensive investigation conducted by the Australian Human Rights and Equal Opportunity Commission.

WORKability II: Solutions (Human Rights and Equal Opportunity Commission, 2005, p. 13) identified and summarised three sets of obstacles facing people with disability and their actual or potential employers.

- **Information** – an absence of easily accessible and comprehensive information and advice that assists in decision making processes and responds to ongoing needs;
- **Cost** – concern about costs of participation for people with disability and possible costs borne by employers when employing a person with disability; and
- **Risk** – concern about any possible financial and personal impact on people with disability and their employers, especially if a job does not work out.

One of the key recommendations from the WORKability II: Solutions report was the formulation of a national disability employment strategy. Government is to be lauded for implementing this recommendation through extensive consultation and the creation of the National Mental Health and Disability Employment Strategy.
Improving the employment participation of people with disability in Australia

Australia is signatory to the UNCRPD (ratified by Australia on 18 July 2008). This instrument recognises that people with disability face barriers in participating in social and economic life and draws into focus the importance of the right to make their own choices. The purpose of the UNCRPD is to:

Promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by people with disabilities and to promote respect for their inherent dignity.

(World Health Organization, 2011)

Linked to the ratification of the UNCRPD, the development of Australia’s National Disability Strategy was informed through extensive consultations with people with disability and their advocates and carers. In particular, the 2009 Shut Out report (National People with Disabilities and Carer Council, 2009, pp. 38-42) highlighted the barriers experienced by people with disability in employment:

- ‘By far the biggest barrier identified was employer attitudes’ (2009, p. 38);
- Misconceptions about workplace adjustments and their costs;
- Stereotypes and misconceptions influencing attitudes and behaviours of employers, recruiters and government;
- Perception of ‘employment as charity’; and
- Inflexible Disability Support Pension acts as a disincentive to work.

More recently, the United Nation’s Thematic study on the work and employment of persons with disabilities (2012, p. 4) highlighted the following barriers, many of them relevant in the Australian context:

- Negative attitudes or opinions;
- Deeply rooted stigma and stereotypes;
- Lack of interest from governments, employers and the general population; and
- Lack of access to education and training in skills relevant to the labour market.

Negative attitudes

There is evidence that people with disability are subject to deeply rooted negative attitudes and opinions in Australia. Disability discrimination has been the most common complaint received by the Human Rights and Equal Opportunity Commission over the past five years (2012, p. 131).
Finally, despite many admirable attempts, the participation rates of people with disability in employment in Australia have not improved. Our performance relative to other OECD countries is well below average. In its report to the Prime Minister, the COAG Reform Council reported there was ‘no improvement at a national level for people with disability’ (2012, p. 11) in terms of economic participation from 2003 – 2009.

The evidence suggests one of the main barriers to workforce participation is *negative stereotypes and employer attitudes*. The evidence also demonstrates that there has been no improvement in workforce participation rates at a national level over a six year period.

### Measurement and accountability

Disability Employment Australia believes it is time to move beyond rhetoric and good will, towards a system of measurement and accountability. This view has been supported and recommended by various people and organisations as the issues regarding disability employment have been explored over the years. In particular and more recently, employers and employer groups have publically supported targets and reporting. This is encouraging when we consider employer attitudes have been flagged as a serious barrier to the workforce participation of people with disability.

In January 2011, former Macquarie Group executive Bill Moss proposed that the top 500 ASX companies should have targets between 3 and 5 per cent for people with disability as employees (Curruthers, 2011). Moss made his remarks in the context of the proposed National Disability Insurance Scheme and pointed to future cost savings for government.

> My argument is, if more corporates employ people with a disability, fewer people will require insurance […] we have to change the paradigm. Whether its indigenous people or people with disabilities, the one thing you need to do to make a difference is give them jobs.

(Moss cited in Curruthers, 2011, p. 44)

The former CEO of the Australian Human Resources Institute, Serge Sardo, questioned whether it was time for mandatory reporting of disability employment (2012) and mirrored our concern that it is time to take more affirmative action to improve participation lest the trend observed from 2003 – 2009 continue.
A game-changer needs to happen to get disability employment on employers’ radar and the game-changer most likely to work looks like being the legislative imposition of mandatory reporting on targets – otherwise I can see myself writing the same blog in 2020.

(Sardo, 2012)

In addition to these recent recommendations from the business sector, the Human Rights and Equal Opportunity Commission made the same recommendation in 2005.

The Inquiry recommends that the Commonwealth government coordinate the collection of annual statistics from private sector and public sector employers regarding the employment of people with disability, and ensure their publication.


Similar to other diversity reporting imperatives, we believe that moving to a system of measurement and accountability will take time and should be implemented with consideration. It is important to learn from other reporting requirements, to invest in developing a system that is meaningful and that provides valuable data – that delivers insight into the actual behaviour of corporations and is not the product of an overly burdensome process. When we consider the example of gender reporting several risks are apparent, it can lead to real or perceived cases of unfairness or injustice and might risk a public backlash of cynicism and possibly envy (Sardo, 2012). The setting and measurement of targets and resultant reporting will also create another regulatory regime for business.

Given the very real injustices people with disability face in employment, coupled with the evidence of negative employer attitudes, plus calls from prominent business people to action, Disability Employment Australia submits that affirmative action as it relates to targets and mandatory reporting of disability employment can and should be legislated by Government. Previous attempts at increasing participation have not been successful; therefore it is time for a ‘game-changer’. This recommendation is underscored by Australia’s obligation under the UNCRPD to take positive measures (which may include affirmative action programs) to increase employment rates with the private sector.

The right to work
In our view, the logical starting point for practical and workable approaches to improve employment outcomes and workplace equality is the UNCRPD followed by the NDS and NMHDES. The right to work is set out in Article 27 of the UNCRPD. The United Nations recommends States Parties monitor their progress in implementing the right to work by using International Labour Organisation (ILO) indicators such as the rate of unemployment, underemployment and the ratio of formal to informal work (United Nations High Commissioner for Human Rights, 2012, p. 16).

We believe this is especially important in the Australian context given the dearth of disability employment data. Disability Employment Australia submits that Australia should systematically collect disaggregated data as the basis for our assessment of our compliance with obligations under article 27 of the UNCRPD. We recommend a different approach is taken for the public and private sectors, as well as for larger private employers and small to medium-sized private enterprises.
Larger employers are more likely to have human resource departments and the skill and expertise to implement diversity reporting requirements given they currently have gender reporting requirements. The public sector has additional obligations to its citizens; particularly given it is the largest employer in Australia.

**Private sector**

In relation to the private sector, Disability Employment Australia recommends that large employers, those with more than one hundred employees, are subject to mandatory reporting of disability as a broader diversity imperative. It is a diversity imperative because people with disability represent the largest minority group in Australia. Furthermore, given the evidence of stereotyping and stigmatising of people with disability by employers, we believe employers have a corporate and social responsibility to provide more inclusive workplaces and recruitment procedures. More importantly, people with disability are often the best candidates for the job and can better meet business needs given the opportunity.

Given that there has been no improvement in disability employment rates, despite intensive strategies and initiatives including awareness-raising, wage subsidies and welfare reform, we believe that some accountability must shift to employers. The introduction of reporting requirements would effectively force the issue of disability employment onto board room tables across Australia. Lyn Goodear, the current CEO of the Australian Human Resources Institute has recently commented that it is not government inactivity or poorly motivated job candidates that has resulted in poor participation levels, rather it has been a lack of employer engagement on the issue.

So the stoppers are not government inactivity or lacklustre motivation of job-seekers. The stopper is employer engagement, a conclusion our research confirms. Through no fault of their own, employers with a few exceptions are either unaware of the issue or regard it as none of their business.

(Goodear, 2012)

**Disability discourse**

By bringing the issue to the attention of boards, it is anticipated that disability employment KPIs will be given to CEOs, which will then filter down through management structures. It is important to note that a requirement to report does not directly translate into a requirement to employ people with disability. Rather, the requirement to report against nominated targets means that organisations need to detail their efforts, if any, by the way of new policies or recruitment. The requirement to report also requires employers to explain why they have not improved participation rates. On the flip side, it also means successes and progress can be easily identified, celebrated and even replicated. Many large employers, but not all, have Disability Action Plans that set out strategies for a more inclusive workforce. In our view, all large employers should have a Disability Action Plan, inclusive of disability employment strategies, as a broader diversity imperative.

**What should be collected?**

Disability Employment Australia recommends that the data collected disaggregates disability type(s) as well as the type and level of the job. This is especially important given the lack of information regarding disability employment as this information can be used to inform effective and targeted
initiatives in the future. The information reported could be further enhanced by recording details of any workplace modifications and the relative time and cost of implementing them.

States parties are requested to include indicators on type of disability and type of work when collecting data on employment so as to allow for well-informed and targeted efforts to be made to improve the employment situation of persons with disabilities.

(United Nations High Commissioner for Human Rights, 2012)

Avoiding red tape
Disability Employment Australia recognises that determining and reporting on targets involves increased administration for the business sector. In order to avoid unnecessary red tape it is essential that the reporting mechanism and regulatory system are as streamlined as possible and integrated within existing structures, e.g. through ASIC or the ACNC. Many employers are already leading by example and collecting this information through existing staff surveys and/or their human resources information technology systems.

Small to medium-sized enterprises
We do not recommend that small to medium-sized enterprises (SMEs) are subject to reporting requirements at this point in time. SMEs by and large already employ the majority of workers with disability. SMEs require information and resources to assist them to become disability confident. Such information should be communicated and supplied through industry level peak associations, local governments and local chambers of commerce. The Government is to be applauded for its Job Access initiative which serves as a ‘one-stop-shop’ of information for disability employment; however, given employer survey results demonstrate there is still a very low level of awareness of Job Access and the supports funded by Government, we believe more can be done at the industry association level to promote ability and diversity.

Public service
With regard to the public service, Disability Employment Australia echoes the calls of many people with disability: All three levels of Government can and should lead by example. The evidence demonstrates that the numbers of people with disability working in the Australian Public Service Commission has steadily declined over the last ten years. The evidence also points to a higher anonymous disclosure rate of disability; this can be interpreted as the public service having a culture that is not disability confident. Encouragingly, the Australian Public Service Commission has launched As One, its disability employment strategy. However, it should be noted that the APSC has long been responsible for reporting on the numbers of employees with disability and this alone has not improved participation rates. For this reason, Disability Employment Australia supports the call from Australia’s Disability Discrimination Commissioner, Graeme Innes, for senior executives within the APSC to be held accountable for disability employment targets through their financial bonuses. In doing so, we hope to highlight the importance of coupling targets and reporting with strategies designed to change attitudes and challenge stereotyping.
Procurement and contingent labour
As well as directly delivering services to the public, Government is often responsible for procurement from the private sector to deliver public services. Where such services are procured we recommend that Government builds in criteria for tenderers to employ people with disability, for example, between 3 and 5 per cent. Where Government agencies or departments require contingent labour, we recommend that the procurement process includes a criterion that the tendering organisation demonstrates 3 to 5 per cent employees with disability. In this way, private procurement of public services will favour those organisations with a more diverse workforce.

Disclosure
The issue of disclosing a disability is a human rights issue and many people with disability report experiencing discrimination following disclosure (National People with Disabilities and Carer Council, 2009, p. 39). This discrimination can present itself in both covert and overt ways: more often as the result of unconscious bias than deliberate discrimination. The issue of disclosure is complex and resonates differently for individuals according to their disability type and previous experience. For example, visible or non-visible, congenital, acquired or degenerative disabilities raise individual considerations. Those with intellectual or psychiatric disability report the highest amounts of discrimination and stigmatisation. For these reasons and at this point in time, Disability Employment Australia submits that the disclosure of disability should remain a voluntary decision for the person with disability; however, the question should be mandatory.

Non-disclosure and measurement
Where disclosure of disability is voluntary, employers cannot be held account for something they cannot measure, therefore we do not believe sanctions are appropriate in this context. However, we also acknowledge that sanctions tend to make targets more effective. Instead of sanctions, government should consider the merit of providing incentives for the achievement of targets, potentially in the form of tax reduction. Discrimination, be it conscious or unconscious, is still a very real issue in Australia. Employers have a responsibility to create inclusive workplaces that invite disclosure through affirmative action and disability confidence – this could be rephrased as employers having an obligation to adjust their attitudes and beliefs regarding the capability of people with disability to meet their business needs.

Changing negative attitudes
Characteristics of policies and initiatives that have been successful in changing attitudes and beliefs towards disability have been detailed in the FaHCSIA occasional paper Community attitudes to people with disability: scoping project conducted by the Social Policy Research Centre at the University of New South Wales (Thompson, Fischer, Purcal, Deeming, & Sawrikar, 2011). The authors detail effective policy options at three levels: person-level policies, organisational-level policies and structural-level policies.

<table>
<thead>
<tr>
<th>Personal</th>
<th>These policies attempt to change the attitudes of individuals, e.g. the Australian Disability Awards. A combination of information and person contact has been found to most successful.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisational</td>
<td>These policies attempt to change attitudes in particular life domains. In the employment</td>
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domain, approaches include: leadership from the top, provision of information, resources and recognition, sharing best practice, networks for recruitment and support. Workplaces where managers have personal experience of disability are the most accommodating towards future recruitment.

<table>
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<tr>
<th>Structural</th>
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<tr>
<td>These policies attempt to mandate behaviour change and consist of policy statements and laws that define the intended requirements reflecting positive attitudes, as well as the means of implementation and monitoring.</td>
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Initiatives that have the following characteristics have been identified as successful in changing attitudes and overcoming prejudice (Thompson et al., 2011, p. ix).

- Resourcing the overall strategy adequately;
- Supporting the participation of people with disability in the design and implementation of the overall strategy;
- Addressing all three levels of intervention;
- Recognising the diversity of disability types and circumstances of people with disability; and
- Implementing the strategy over a prolonged period of time to reinforce positive attitudes and replace negative attitudes.

A long-term social strategy

Disability Employment Australia therefore recommends that Government invest in a long-term strategy that sets out to change negative perceptions of disability and employment. We submit this can occur over all three recommended areas of intervention. Common methods of changing individual attitudes include awareness campaigns, awareness training, positive portrayal of disability in the media and arts and social contact programs (Thompson et al., 2011, p. 36).

Disability Employment Australia recommends that current and emerging forms of social media offer a realistic and affordable channel to facilitate individual attitude change, especially when linked to a broader strategy. For example, YouTube can be as used a medium to publish videos that challenge stereotypes. These videos would need to have broad public appeal with the potential to be viral, or shared through networks. This might be best achieved through an open competition to attract creative approaches. The Australian Broadcasting Corporation can be called upon to positively represent people with disability in employment, for example, the topic could feature on The Gruen Transfer. Additionally, television programs (or films) funded for production by Government should include a positive role model(s) and/or counterstereotypical portrayals of disability.

By introducing mandatory reporting of disability, Government can ensure that board rooms across the country engage in dialogue regarding the issue. This in turn creates the structural imperative for more employers to access initiatives proven to diversify the workforce through disability employment. However, it would also create the imperative for such programs to be made available to employers and therefore requires adequate resourcing. The recent changes to the National Disability Recruitment Coordinator program represent a positive step in the right direction.

In our view, it is important that the issue of disability employment equity remains an enduring one. This can be achieved by commencing with a light regulatory approach. If we start with reporting, we start the conversations and the thinking around inclusion and meeting business needs. However, we recognise that in order to report, organisations will require infrastructure and support. Over time,
trends will demonstrate whether or not there is momentum and will point to areas of future focus or increased requirements.

**Reporting must be supported**

We believe that a structural-level intervention, such as mandatory reporting, must be complemented by an enduring public awareness campaign and increased supports for employers to provide inclusive workplaces that do not discourage disclosure. This view is also supported by the United Nations in respect to States Parties meeting their obligations under the UNCRPD.

States parties have an obligation to raise awareness among employers of their duty to employ persons with disabilities; employers in both the public and private sectors must proactively seek to create a working environment that welcomes persons with disabilities as employees

(United Nations High Commissioner for Human Rights, 2012)

**A national target**

Disability Employment Australia submits that Government can raise awareness of disability and employment issues and remove barriers to work by setting a long-term target for employment inclusion. If mandatory reporting of disability is introduced then it must be measured against a national target. The national target, as well as the supports and strategies to achieve the target must be promoted and driven centrally by Government. We have included ‘straw man’ outline of a systems approach to the issue in Appendix A. In the Indigenous policy space we observe the Closing the Gap initiative and similar language is used by Deloitte Access Economics in their report for the Australian Network for Disability *The economic benefits of increasing employment for people with disability* (2011). In that report, the authors identify a $43 billion increase in GDP if Australia can increase the participation rate by one-third and refer to this target as achievable, perhaps even modest.

The economic modelling presented in this report suggests that closing the gap between labour market participation rates and unemployment rates for people with and without disabilities by one-third would result in a cumulative $43 billion increase in Australia’s GDP over the next decade in real dollar terms.

(Deloitte Access Economics, 2011, p. ii)

The economic modelling used in the report points to an increase of between 191,000 and 203,000 additional people with disability participating in the labour market should the participation rate increase by 10 per cent. It also implies an increase of around 20,000 people participating in the labour force each year over the next ten years.

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1 We offer caution over the use of language that might consider people with disability as ‘other’ or ‘different’ to people without disability through inferences that they are in some ways ‘behind’ others. Instead we suggest that inclusive language is used wherever possible and recommend Disabled Persons Organisations are heavily involved in branding the initiative.
Improving the employment participation of people with disability in Australia

200,000 by 2023
Disability Employment Australia therefore recommends Government adopts a target of 200,000 more people with disability being included in the Australian workforce by 2023. Given the prevalence of discrimination and stigmatisation of disability in Australia, this target should be supported with *attitudinal change policies* at the personal, organisational and structural levels.

Further recommendations
As part of stimulating demand for people with disability as employees, attention must then turn to supplying the labour market with suitable candidates. In considering a goal of 200,000 more people included in Australian workplaces we offer the following suggestions.

- **Graduate recruitment programs**
- **Reforms to Disability Employment Services**
- **Tackling unconscious bias**;
- **A caution on quotas**.

**Graduate recruitment programs**
Disability Employment Australia believes that more can and should be done to improve the employment of graduates with disability as a means of realising the goal of an increase of 200,000 people with disability included in the workforce by 2023. Government is to be applauded for the policy initiatives that have resulted in increased enrolments of students with disability in higher education – an increase from 1.9 per cent to 4.8 per cent from 1996 to 2011 (Brett, 2012). There is a clear link between education and employment; however a large number of graduates with disability remain excluded from the labour market. It has been estimated that at least 35,000 graduates with disability would benefit from the assistance to enter the labour market (Brett, 2012).

**Reforms to Disability Employment Services**
As the peak body representing Australia’s Disability Employment Services, we make the following suggestions regarding the DES program. First, the Job in Jeopardy program should be renamed to make it more attractive to employers, especially in light of the fact that on DEEWR’s own evidence, an employer is more likely to retain an employee with mental illness as opposed to recruiting one (DEEWR, 2008).

Second, while we congratulate Government on the introduction of a jobs board specifically for the mining and resources sector, we point to the health and community care sectors as the biggest jobs growth area. This sector is also more likely to have a values alignment towards including people with disability in its workforce. We recommend that Government upgrades the functionality of the Australian Job Search website to ensure it accessible to people with disability and that it focuses on jobs growth areas.

Third, outcome requirements should better reflect the changing nature of the labour market. For example, if 40% of work is insecure, then insecure work should not be regarded as a non-payable outcome. Insecure work can be temporary, time limited or casual work. We submit that employment outcomes should be allowed to accumulate over time through more flexible outcome requirements that better reflect the opportunities available to people with disability.
Improving the employment participation of people with disability in Australia

Fourth, by increasing demand for people with disability as employees, there is a strong imperative to better position the DES workforce to respond capably. As signalled by the APESAA Final Report (Advisory Panel on Employment Services Administration and Accountability, 2012) we believe there is an imperative for Government to ensure professional standards and qualifications are introduced for the employment services sector. In particular, the skills and capability development required to work with disability differs greatly from the skills required to work with people without disability – as do the skills and capabilities required to work with large corporations compared to small to medium-sized enterprises.

Finally, there is a need to ‘stress test’ Disability Employment Services to ensure the program is not swallowed up by compliance and administration which comes at the cost of client servicing. This can reduce the responsiveness and quality of services from the point of view of participants and employers. The competitive performance system and narrow outcome focus has resulted in a convergence of risk-averse, homogenous servicing practices that limit collective impact.

Tackling unconscious bias

Unconscious or implicit bias refers to stereotypes about groups of people that individuals form outside their own consciousness. Stereotypes cause discrimination by influencing how people process and recall information regarding other people. Stereotyping is more likely to occur when the target has solo, or near-solo status (i.e. a lone person with disability in a workplace) among a homogenous group (Lee, 2005, p. 404). Put another way, behaviour, including decision making, is largely driven by implicit preferences (attitudes) and beliefs (stereotypes) which together constitute implicit bias (Larson, 2008, p. 472). These biases manifest at work in many different ways, most notably in the construction of merit and evaluation of resumes and job credentials. This can lead to the exclusion of people with disability from the workforce.

According to Larson (2008, p. 472) four common themes have emerged from the study of implicit bias:

1. **Implicit bias is pervasive.**
2. **Implicit bias convergences from consciously reported preferences.** This bias tends to favour socially valued groups and has been described as ‘ingroup favouritism’. Conversely, ‘outgroup derogation’ describes the phenomenon where negative characteristics are attributed to less socially valued groups, e.g. people with disability.
3. **Implicit bias predicts consequential behaviour.** Implicit bias against a social category predicts disparate behaviour towards individuals mapped to that category.
4. **Implicit bias is malleable.** The effect of implicit bias on behaviour might be mitigated through motivation. The most common approach to minimising bias is exposure to counterstereotypical outgroup members.

The prominence of the unconscious bias discourse might relate to the conforming narrative it offers to Australia’s history of segregation, exclusion and discrimination towards people with disability. The appeal to unconscious bias levels neither accusation nor blame, in that it identifies a problem within us all, a problem that distorts thinking and behaviour. For many, it is easier to accept that unconscious bias influences behaviour, rather than covert and blatant discrimination. In this way,
the unconscious bias discourse promotes a superficial consensus that the ‘disability problem’ persists by bypassing potential sources of disagreement and through misdescription.

Put another way, the unconscious bias discourse is a politically palatable way of reminding people of the continuing salience of disability in Australian society.

While we do not doubt the existence of unconscious bias, we do doubt that contemporary disability bias accounts for all, or even most, of the injustice people with disability face in employment. The injustices which concern us the most are substantive – education failure, large scale segregation, poverty and exclusion – and stem from a complex interplay of economic, social, political and historical influences.

‘The most fundamental problems with the unconscious bias discourse, though, are that it reinforces a misguided preoccupation with mental state, and perpetuates an obsession with antidiscrimination law, rather than policy reform, as a means of realizing […] justice goals.’ (Banks & Ford, 2009, p. 1059)

We are therefore encouraged that this discussion paper signals policy reform as a means of realising more equitable workplaces for people with disability. Coupled with personal-level policies, such as tackling unconscious bias, such policy reforms are more likely to be effective in realising their goals.

A caution on quotas
Quota systems are commonly used by other countries to advance the inclusion of people with disability in employment, in both the private and public sectors. These systems can be categorised broadly as either strict quotas or flexible quotas, with the most common being a strict quota. In a strict quota scheme people with disability are treated preferentially irrespectively of whether he or she is the most qualified applicant.

With a flexible quota, the person with disability is only treated preferentially if they are equally meritorious. However, despite the efforts of quota schemes internationally, the jobs reserved for persons with disability are often those with lower skill requirements and have little scope for career development or self-determination. Quota schemes may also send a negative message: that some people are only employed because they have a disability and not because they can perform the job. This can further entrench negative stereotypes and attitudes towards people with disability.

In Germany, employers of more than twenty people have quotas of 5 per cent for the employment of people with profound levels of disability. Other countries also have quotas and employers face financial sanctions if they fail to meet the quota, and the revenue raised from sanctions can be used to fund other disability employment initiatives (World Health Organization, 2011, p. 242).

At this stage, we do not believe quotas are appropriate in the Australian context, given that there has been no thorough impact study regarding their effectiveness elsewhere (World Health Organization, 2011, p. 242). Additionally, we believe we need to get the reporting right before considering sanctions. The issue is further problematised by the disclosure issue. However, the international experience demonstrates that financial sanctions could be considered to fund other disability support services over time, for example, the National Disability Insurance Scheme in Australia.
Appendix A

200,000 more people with disability included in the Australian workforce by 2023

- Employability Skills and Knowledge
- Disability Employment Services; Australian Disability Enterprise; Day Programs
- Education, University and VET
- Income Support and Disability Support Pension
- Disabled Persons Organisations – Removing barriers and mobilisation
- Interagency collaboration to deliver measurable results on the goal linked with the NDS and NDIS
- Requirements introduced re: contingent labour
- Employers Measurement & Reporting (creating demand)
- Companies and associations reporting through ACNC
- Businesses with more than 100 employees
- Three levels of Government

Who should own this goal and be accountable? Who should drive it and have authority to ensure cooperation from other Agencies?
About Disability Employment Australia
Disability Employment Australia is the peak industry body for Australia’s Disability Employment Services (DES).

We are recognised internationally as the preeminent organisation representing, supporting and resourcing the disability employment sector throughout Australia.

As a membership organisation, we exist to represent the interests of Disability Employment Services at a national level to government and a range of other stakeholders, such as consumer and employer groups.

Disability Employment Australia supports the Australian Government to deliver high quality employment support to people with disability in Australia.

We have a unique responsibility to foster innovation and flexibility of service within the Disability Employment Services program.

We support our members to achieve best practice service provision in their role to find employment outcomes for people with disability.

We advise, advocate, train, inform and undertake events to strengthen and promote the sector.

We believe in the right of every member of society to be included fully in the community, and to have control over their own life choices. Participation in the open labour market is a crucial factor in recognising this goal.

We strive to inspire, challenge and celebrate the Disability Employment Services sector.

Represent | Support | Resource
Improving the employment participation of people with disability in Australia

References

Department of Education, Employment and Workplace Relations.


