
**Written Submission in response to the
Discussion Paper: Ensuring a strong future
for supported employment**

QDN

QUEENSLANDERS WITH DISABILITY NETWORK
NOTHING ABOUT US WITHOUT US

Submitted To:
Department of Social Services
Australian Government

Contents

About Queenslanders with Disability Network (QDN).....	3
Value Statement on People with Disability	3
Introduction.....	4
QDN’s Position.....	5
Principles to guide the Government’s future policy direction for supported employment	7
Strategies to support employment participation for people with disability	8
Strategies to support employers and service providers to provide effective employment opportunities	9
Strategies to facilitate greater choice and control for NDIS participants.....	9
Conclusion	10

About Queenslanders with Disability Network (QDN)

QDN is an organisation of, for, and with people with disability and the organisation's motto is "nothing about us without us." QDN operates a state-wide network of members who provide information, feedback and views from a consumer perspective to inform systemic policy feedback to Government and peak bodies. QDN also provides information and referral support to people with disability.

QDN has over 900 members across Queensland who provide QDN with the perspectives of people with disability.

Value Statement on People with Disability

QDN's work in providing feedback and input into systemic policy issues is based upon the organisation's core values and the place of people with disability in an inclusive Australian society.

QDN believes that:

- All people with disability have a right to a place in the community and have contributions to make to community. This is as empowered, free citizens who are as valued, present, participating and welcomed as members of any dynamic and diverse society.
- The place of people with disability in the community is not just about people with disability having a house in the community. Core to this is that they are welcomed in the community as ordinary citizens where they are genuinely given opportunities to contribute and actively participate. People with disability need to be in communities where their individuality, their talents, and their lived experiences of disability are recognised and acknowledged.
- Culturally and historically, people with disability are not afforded the same value, opportunities or access to community life.
- Any inclusion in community for people with disability is conditional and vulnerable to withdrawal.
- Many people with disability in Queensland are excluded from the most basic experiences of ordinary lives.
- Current exclusionary practices are unacceptable and must be challenged.
- These issues affect not only people with disability but the whole community.
- The responsibility is shared. It lies within government (federal, state and local) and the community at large, to ensure that people with disability have a place and are resourced to belong in community.

Introduction

QDN welcomes the opportunity to make a submission to the Australian Government Discussion Paper, “Ensuring a strong future for supported employment”. QDN has members across the state who work in supported employment settings. QDN is optimistic about employment opportunities for people in supported employment as it transitions to the National Disability Insurance Scheme (NDIS). QDN believes the NDIS principles of choice and control and people with disability having social and economic participation are fundamental to this transition. QDN believes that having different options of business models other than productivity based employment which enable a diverse range of focuses, will enable more people with disability to trial open or other forms of employment and seek the support they need to achieve their goals around employment and meaningful activity.

QDN strongly supports the right of people with disability to be engaged in meaningful, paid work and to make a contribution to society. This right is enshrined in the Convention of the Rights of Persons with Disability (CRPD) to which Australia is a party, and includes the following obligations in Article 27 in relation to employment:

States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity 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... [This includes obligations which]

- a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and **equal remuneration** for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one’s own business;
- g) Employ persons with disabilities in the public sector;

- h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
- k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities **are not held in slavery** or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

QDN believes that many of the strategies highlighted in the above Article could be endorsed to strengthen employment opportunities for people with disability in both open and supported employment and will discuss these further in our submission. Opportunities for paid work and/ or other meaningful activity should form part of a person's plan for NDIS supports, if they choose.

QDN's Position

People with disability experience significantly worse employment outcomes than others in their community. Generally, people with disability are willing to work and improve their individual economic and social participation, yet routinely experience significant barriers to employment. Employment outcomes for Australians with disability remain drastically below outcomes for the general population (around 52.9 per cent compared to 82.5 per cent for people without disability in 2012) and are near the lowest level in the Organisation for Economic Cooperation and Development (OECD). Lack of inclusive skilling opportunities and workplaces contribute significantly to low employment participation rates for people with disability.

QDN acknowledges that Australian Disability Enterprises (ADEs) are one of a range of supported employment options for people with disability. This is particularly relevant to people with intellectual disability who, according to the Australian Bureau of Statistics, have a "higher rate of unemployment in comparison with other disability groups, regardless of severity. Those with moderate or mild intellectual disability (20%) have a higher unemployment rate than those with moderate or mild physical disability (8.8%)." QDN acknowledges the need for reform of the current model and system, particularly in light of full transition to the NDIS, to better serve people with disability within ADEs and to ensure barriers to successful outcomes and employment can be overcome. The ability, opportunities and targeted professional development to enable a person to transfer from an ADE to open employment needs to be better addressed to ensure people can gain jobs in open employment or other opportunities for professional development or advancement are not limited by a person's employment in an ADE.

QDN supports the payment of full award wages for all employees and a fair day's pay for a fair day's work. Some QDN members have raised that they may become 'stuck' in the current supported employment system with little or no opportunity to trial open employment, due to an individual's productivity. QDN members however also raise some concerns they have with regards to open employment including:

- bullying,
- discrimination,
- lack of adequate support from employers,
- lack of understanding about disability,
- lack of consideration about support needs and adjustments to enable person to perform required tasks and
- perceived stress associated with open employment workplaces.

QDN members have also raised their support for what supported employment business offer them in terms of matching people's work capacity and skills to jobs, hours of work, and a workplace that understands an individual's needs and works with them.

People with disability who currently access supported employment options regularly inform QDN that the costs associated with attending and participating in supported employment are substantially greater than the productivity based wages offered by the ADE. QDN is concerned that for some people the costs of economic participation in work are greater than economic return to the employee. Common issues raised by members are travel costs related to disability needs i.e. lack of access to affordable, accessible private and public transport options from home to places of employment and back each working day. Perhaps people get other needs met through supported employment such as respite for families or for supported employees, an opportunity for social interaction with peers and this outweighs the associated costs. However all people get additional benefits from employment which is no different for people with disability and should not negate the need for individuals to get a fair days pay for fair day's work.

QDN believes that it is important that people with disability have choice and control and that reform measures are put in place to deliver outcomes for supported employees regardless of what setting or environment they are working in that address both the challenges of each environment and the opportunities. QDN believes it is critical that people do not lose their 'place' in the supported employment system if they trial other options and they have guaranteed security to transition in and out of this as this practice currently acts as a disincentive for people to trial open employment.

Principles to guide the Government's future policy direction for supported employment

Inclusion of NDIS principles of choice and control and social and economic participation is fundamental to the future policy direction of supported employment, particularly in light of its transition to the NDIS.

The transition of people with disability from passive service recipient to customer can not be understated. This allows ADEs to move away from productivity-based business models to putting the person at the centre and tailoring solutions to meet individual needs and goals in relation to employment. This will require services to think about additional and auxiliary services and supports they can provide, or source externally, to meet their customer's employment goals. This could include but is not limited to:

- Professional development courses and programs focussing on self-esteem, career development, work-readiness, capacity building, peer networks and ongoing support
- Links to TAFE and university sectors to upgrade people's skills and work readiness
- Opportunities to link people to open employment – these could be incentivised by government
- Thinking outside the box of productivity-based employment: in an NDIS environment this could include training people for roles such as peer leaders, group facilitators of training and peer support groups, consultants in co-designed workshops and projects utilising people's lived experience of disability.

Additionally QDN endorses the approach of the National Disability Strategy and encourages the Australian Government to be guided by the broad principles outlined in the Strategy when considering the future direction of disability employment. Specifically:

- Encouraging innovative approaches to employment of people with disability such as social enterprises, or initiatives to assist people with disability establish their own small business.
- Improving employment, recruitment and retention of people with disability in all levels of public sector employment, and in funded organisations – QDN outlines specific targets below.
- Developing innovative approaches to future financial planning including private provision for people with disability, their families and carers.
- Developing innovative options to improve affordability and security of housing across all forms of tenure – a person's security of housing tenure has direct links to their ability to maintain employment.
- At the review points of the National Affordable Housing Agreement and related National Partnership agreements, parties agree to consider including strategies consistent with the Strategy, to ensure they address the housing needs of people with disability.

- Consider the implications for economic security for people with disability, their families and carers.

Additionally, QDN urges the Australian Government to continue to monitor ADEs as they operate in a significantly changing Industrial environment with the ceasing of the Business Services Wage Assessment Tool (BSWAT) due to a finding in the Full Court of Australia in 2012 in a case of indirect discrimination in the use of the BSWAT. QDN supports the Fair Work Commission's consideration to remove all competency-based wage tools through the Modern Award Review to the *Supported Employment Services Award 2010*.

Furthermore, QDN asserts employees have the right to receive fair wages and are entitled to the same employment protections experienced by all other Australian workers, including to exercise their labour and trade union rights on an equal basis with others. However, it is essential that measures are put in place to ensure the sustainability of ADEs whilst maintaining a person-centred approach to work planning, including the payment of 'real' wages for a day's work.

Strategies to support employment participation for people with disability

Additional to the strategies outlined earlier in this response, QDN puts forward the following high level strategies for supporting the employment participation of people with disability:

- Creating multiple pathways to employment, with people in supported employment being supported to trial open employment through access to employment services, graduate intake programs, companies linking with employment services and Australian Disability Enterprises to give participants opportunities in open employment.
- Creating incentives through guaranteed income support programs and other allowances and benefits that encourage people to work, rather than act as a disincentive.
- Creating individual capacity building and peer mentoring support services targeted at people with disability entering the workforce.
- Personal care and other disability support funding to be available in the work sphere for those who require it.
- Specific targeted measures are also needed for the intersectionality of disability and other factors of discrimination that exists for further marginalised groups such as women, people from Aboriginal and Torres Strait Islander background, people from cultural or linguistically diverse backgrounds, LGBTI people, homeless people and older people.
- Accessible buildings and welcoming workplaces – Building regulations, aligning accessibility with workplace health and safety standards and media campaigns targeted at attitudinal barriers.

Strategies to support employers and service providers to provide effective employment opportunities

Additional to the strategies highlighted above, QDN recommends the following in relation to employment of people with disability:

- Government Department employment ratio targets of 10-13% to be set for people with disability and a commitment to inclusive workplaces. This can be across local, state and Commonwealth government departments and can also be promoted to the community and for profit sectors, business, non-government sectors and private sectors.
- Requiring Government Departments and procurement contractors to develop 'disability impact statements' when introducing changes to policy, regulations, infrastructure and programs that highlight benefits, mitigate risks and unintended consequences with regards to people with disability.
- Creating targeted job opportunities – matching a job to a person's skills and building upon the person's disability and finding unique solutions and using a strengths-based approach.
- Creating incentive schemes for both employment (businesses, community sector, government) and job placement (supported employment providers) of people with disability– imbed in government contracts targets for employing people with disabilities. This could be facilitated through public/ private/ community formalised partnership arrangements between government and peak bodies representing the business sector and community and disability employment agencies and peaks

Strategies to facilitate greater choice and control for NDIS participants

The NDIS re-envisages how people with disability receive support, allowing more choice and control over how, when and where supports are provided, and gives people with disability certainty they will receive the supports they need over a lifetime. This presents new opportunities for people with disability to choose their supports, and for providers of employment supports to operate in the growing open market of the NDIS.

Strategies to facilitate greater choice and control for NDIS participants in relation to employment include:

- Funding independent, peer led and designed workshops on training and employment options and services and supports under the NDIS.
- Encouraging a competitive market with a wide variety of services and supports in relation to supported and open employment services and links to other service so that people with disability feel they have genuine choice over the services and supports

they receive in relation to employment. Including clear pathways into supports, vocational training and education programs and employment trials and opportunities.

- Having an accessible and independent organisation to provide supported employees accessible information and support regarding the performance of supported and open employment services so people can make informed choices about the services and supports they choose.
- Promoting the ability to ‘shop around’ and exit services if people are not happy with the services and supports they are receiving.
- Ceasing any current disincentives in ADEs relating to people trialling open employment.

Conclusion

QDN appreciates the opportunity to provide a submission to the Australian Government Discussion Paper: “Ensuring a strong future for supported employment”. QDN is optimistic about the opportunity for people with disability to achieve their employment goals through supported employment services as they transition to the NDIS if supported employment services:

- Adopt the NDIS principles of choice and control and social and economic participation of people with disability.
- Avoid productivity-based employment models that may act as a disincentive for services to encourage productive employees to take up open employment opportunities.
- Are flexible and competitive so they can meet the changing needs of customers under the NDIS.
- Are able to provide responsive services and supports that enable people with disability to achieve their employment goals.
- Are supportive of people with disability advocating for their industrial rights.
- Work in creative partnerships with government, and for profit sectors, business, non-government sectors and private sectors to achieve employment outcomes for people with disability.