



## **Comment on**

### **“Achieving the Vision: Transitions and Participation.”**

**June  
2005**

#### **INTRODUCTION**

ACTCOSS acknowledges that modern day Canberra has been built on the traditional lands of the Ngunnawal people. We pay our respects to their elders and recognise the displacement and disadvantage they have suffered since European settlement. ACTCOSS celebrates the Ngunnawal’s living culture and valuable contribution to the ACT community.

The ACT Council of Social Service Inc. (ACTCOSS) is the peak representative body for not-for-profit community organisations, people living with disadvantage, and low-income citizens of the Territory. ACTCOSS is a member of the nationwide COSS network, made up of each of the state Councils and the national body, the Australian Council of Social Service (ACOSS).

ACTCOSS’s objectives are representation of people living with disadvantage, the promotion of equitable social policy, and the development of a professional, cohesive and effective community sector.

The membership of the Council includes the majority of community based service providers in the social welfare area, a range of community associations and networks, self-help and consumer groups and interested individuals.

ACTCOSS receives funding from the Community Services Program (CSP) which is a program of the ACT Government.

# ACTCOSS Comment on "Achieving the Vision: Transitions and Participation"

## Consultant's Response Form from the Discussion Paper "Achieving the Vision".

<b>Opportunity 1: Enhancing Work Experience</b>			
<p>Contract employment assistance services on a fee for service basis to undertake the planning and management of work experience for students with disabilities in grades 11 and 12 (rolling out to grade 10 in 2007-2008) as well as Traineeships and School Based New Apprenticeships.</p>			
<p><b>ACTCOSS Comment:</b> Employment assistance services are only part of the necessary supports, some of which are outlined in the remaining opportunities. There is a need to engage businesses in job flexibility and design that can support increased participation in the workplace by young people with disabilities. There is also a need to provide education and training for business as to the benefits of employing people with disabilities (PWD) so that the effect in terms of employment lasts beyond any financial incentives that may be used to increase the rate of employment of PWD.</p> <p>ACTCOSS is attaching its recent submission to the Human Rights and Equal Opportunity Commission (HREOC) Inquiry into employment of PWD. Many of the concerns and issues in that document are valid for transitions from educational setting/community-based programs to the workforce.</p> <p>It is also important to recognise that the problem of transitions requires a cross-government approach that includes Education and Youth and Family Services Departmental input, guidance and support. The current document does not outline how that cross-portfolio approach will be undertaken.</p>			
<b>Opportunity 2: Enhance Access to Quality Career Education</b>			
<p>Establish Career Adviser Liaison positions with specialist training and knowledge in career counselling for students with disabilities.</p>			
<p><b>ACTCOSS Comment:</b> There is a need to recognise disability in the workforce as an issue for the Government, not only as a demonstration of good practice, but to ensure that young people with a disability have role models in the environment where they spend the majority of their out-of-home time. This requires recruitment of PWD into positions as advisors in schools, teachers and administrators.</p> <p>There is also a need for the Departments involved in supporting young people with a disability to recognise their life skills requirements at the earliest levels of education. Having a life-affirming job offer is not going to make up for learning deficits in basic work-supporting knowledge. Independent living skills such as catching public transport, organising taxis (where necessary), personal safety of PWD in the wider community, assertiveness skills, keeping a diary, and managing money should be addressed as part of Individual Learning Plans and assistance provided for students to acquire those skills, at a rate commensurate with their personal circumstances, from primary school level.</p> <p>Again, this points to the need for coordination and flexibility across portfolios so that individual need can be addressed. This becomes critically important as young people transition from the supportive educational environment to the workforce. As discussed in the ACTCOSS HREOC submission, support needs to be ongoing so that if problems arise with workforce participation, these can be addressed as a continuum. If the support is limited to advisory structures attached to the educational environment the change in structures creates another transition point that must be negotiated. This is</p>			

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<p>particularly important, as mentioned in other Opportunities, for PWD who need to change careers or develop new skills post-school.</p>			
<p><b>Opportunity 3: Formalise Timely Decision Making and Planning</b></p>			
<p>Establishment of preferred transitional destination/s (such as further education, employment, training) and support/funding requirements prior to the commencement of Grade 12, or beginning of the last year in school.</p>			
<p><b>ACTCOSS Comment:</b> The need for better, more accessible and clearer information on the support available for PWD in gaining and keeping employment has been a formal finding of HREOC – see HREOC website and the initial findings of the review of Disability and Employment: <a href="http://www.humanrights.gov.au/disability_rights/employment_inquiry/">http://www.humanrights.gov.au/disability_rights/employment_inquiry/</a> . It is an area where there is again a need for closer and better coordinated collaboration between all levels of education provision, employers, job search agencies and Government Departments.</p> <p>Unfortunately the wording of this Opportunity gives the impression that PWD, their carers and supporters are being asked to be more prepared than their “abled” peers in career transitions. This is on top of dealing with the disability and its impact on day to day life. Most 15-18 year olds only have a direction for their future involvement in the workforce, as a career is an evolving combination of interest, opportunity and skills development. The need is ongoing, particularly in the current workplace environment where there is diminishing protection from unfair dismissal. It is therefore important that timely decision making and planning to reduce anxiety become a skill set that can be carried through the career of the young person. It is important that young people are empowered to make decisions through skills development, not simply forcing a choice. As stated in Opportunity 2, some of the career transition knowledge required will be concerned with independent workforce skills such as money handling, transport and personal safety. It is important that PWD gain self-confidence and resilience in managing the transition points in their various life-careers</p>			
<p><b>Opportunity 4: Making Day Providers and Community Access Programs more than a casual experience.</b></p>			
<p>Establish additional full time community access and day programs that offer structure, continuity, participation and social experience.</p>			
<p><b>ACTCOSS Comment:</b> The discussion on day programs is important, particularly in terms of managing transitions that happen outside the education-to-work environment. Day programs that build confidence and skills that match with the desires of the person involved would be beneficial, not only to PWD who are without full time employment. ACTCOSS can also see the merits of having open access day programs that accommodate the needs of long term unemployed, or people who have trouble keeping employment due to their personal circumstances, caring responsibilities or lack of appropriate workplace skills. Having a mix of consumers participating also ensures that programs do not develop into warehousing of consumers with high needs.</p> <p>Again there is a need for day programs to reflect best practice by employing PWD themselves, engaging the business sector to identify opportunities for transition to work, and involving the community services sector as a source of complementary resources and opportunities, including employment.</p>			

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<p><b>Opportunity 5: Increasing the range of employment opportunities through job design.</b></p>			
<p>Establish a pilot program that focuses on job creation through job design which is centred on individual job seekers with a disability, working with ACT employers in the private, public and non-Government sector.</p>			
<p><b>ACTCOSS Comment:</b> As discussed in the HREOC submission, ACTCOSS believes that flexibility in job design across the board, not just designing jobs specifically for individual PWD. Many employers probably would not recognise that they already make significant changes to job design when they recruit new employees. For example, when a new employee starts in a small business (say a food outlet), they are given an orientation and their personal circumstances around such things as rosters, uniforms and breaks. Even in process-like environments, there is ability to modify the infrastructure and tasks of the work team to capitalise on the talents of the whole team. Unfortunately, many businesses do not have in-house expertise in job design, and tend to have an “organic” approach that flows from their own personal experience. It would be therefore beneficial if there were Government provided consultancies, employing people with disabilities that could actively promote job design flexibility and provide advice on job modification BEFORE a particular person was identified for employment. There is also a need for education of employees in the industries that supply equipment to businesses, such as office furniture, computers, filing cabinets and even building services, on accessible working environments, flexible design and disability access issues.</p>			
<p><b>Opportunity 6: Increase Access to Business Services</b></p>			
<p>Increase the number of places in business services.</p>			
<p><b>ACTCOSS Comment:</b> ACTCOSS is assuming that “business services” are the form of business run by the ACT Schizophrenia Fellowship, where a commercial operation is staffed with people who are recovering from ill health and need a staged transition into employment. While such opportunities can be extremely beneficial in making the transition from unemployment or illness back to the workforce, they again create a point of transition that then has to be managed, from the business service (what ACTCOSS prefers to call supportive employment) to open employment. ACTCOSS believes that alternate opportunities can be achieved for PWD through employer education and job design, as outlined in the previous point.</p>			
<p><b>Opportunity 7: Enhancing Access to Information</b></p>			
<p>(a) Research and document the most effective way of delivering information to students, parents and other carers, and adults with disabilities.</p>			
<p><b>ACTCOSS Comment:</b> There is little promotion of web-based information tools, including the Disability Support Office site, to PWD, parents or carers. It appears the problem is the focus within education settings on the individual, rather than forming networks and support structures. ACTCOSS recently saw a demonstration of the Supportlink service, based in Tuggeranong, which provides an online, secure referral service for family and crisis support. This service is a model that could be further developed to meet the needs of community services, parents, carers, teachers, counsellors and employment services to share information. Perhaps the consultants and Departmental representatives could explore with Supportlink any partnerships that may be beneficial to both parties?</p>			
<p>(b) Enhance existing referral and information capacity of service providers as core information providers.</p>			

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<p><b>ACTCOSS Comment:</b> ACTCOSS was critical of the decision by the ACT Government to locate its new youth workers within the Department of Education. This organisation agreed with the Youth Coalition of the ACT that these positions should have been located within community sector services to allow for better access to services for young people, as well as better linkages and knowledge sharing.</p> <p>ACTCOSS also believes that the lack if ICT support by the ACT Government is hampering the availability of timely and relevant information across all community service providers. The lack of funding for help desk and technical support for community sector providers, not to mention training and upgrades, and the withdrawal of Digital Divide funds in 2007-08 will continue to hamper proper information flows between services, parents, carers and the various Government departments involved in supporting PWD.</p> <p>Within the discussion paper the enhancement of existing referral and information capacity was spoken of as a core deliverable. Such a demand would need to be negotiated with individual services, taking into account the Standard Funding Agreement and the Social Compact. Any change to the current agreements for service deliverables would also have to be met with commensurate increases in funding to ensure reliability and capacity.</p>			
<p><b>Opportunity 8: Enhance access to transitional support for adults with disabilities.</b></p> <p>Establish systems to assist adults with disabilities to plan and participate in further education, training, employment and recreation.</p>			
<p><b>ACTCOSS Comment:</b> This issue is partly covered by ACTCOSS' earlier discussions on the need for improved day care services and skills development, as well as recognition that PWD will have similar career paths to others in the community, that is, they will have periods of unemployment, underemployment and change of employment, all of which need some management. There is little recognition in the discussion document of the concept of continuous care models and support services, and the entry points to access such services. ACTCOSS believes that the information and support links discussed at Opportunity 7 form part of the solution. However for many PWD, there will be a need for an ongoing relationship with a number of services that can provide support and skills development at the various transition points in their lives.</p>			
<p><b>Opportunity 9: Enhance Funding Access</b></p> <p><i>Enhance funding access by providing assistance in preparation of applications, greater clarity in funding criteria, and transparency of decision-making.</i></p>			
<p><b>ACTCOSS Comment:</b> Unfortunately the ACT Government's Future Directions Strategy places overt emphasis on meeting the needs of PWD who are in the high needs category, whereas most of the young people with disabilities looking to transit from educational settings to employment will have mild to moderate disabilities. There is a need for transparency, as outlined in the discussion document, but that transparency should be evident at all stages of any funding application process. This means open and honest information about the level of need and the funds allocated to meet that need.</p> <p>It is also unclear, because of the aforementioned issues with information flows and knowledge of funding programs, what future demand will be for individual support funding. ACTCOSS is very concerned that there continues to be a focus on PWD gaining employment, without recognition of the need for Individual Support Packages to allow that change to happen. We attach an extract from our recent ACT Budget analysis, "Treading Water", which highlights some of the concerns of the sector on funding for disability services..</p>			



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**Human Rights and Equal Opportunity  
Commission - *Inquiry into Employment and  
Disability.***

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**April 2005**

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## **About ACTCOSS**

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## **Human Rights and Equal Opportunity Commission**

*Inquiry into equal opportunity in employment and occupation for people with a disability.*


*Terms of Reference.*

*Dr Sev Ozdowski, Human Rights Commissioner and Acting Disability Discrimination Commissioner, will conduct on behalf of the Human Rights and Equal Opportunity Commission and pursuant to sections 31(a)(b)(c) and (e) of the Human Rights and Equal Opportunity Commission Act 1986 (Cth), an inquiry into equal opportunity in employment and occupation for people with a disability in Australia.*

*The purpose of the inquiry is to:*

- *identify existing systemic barriers to equal employment opportunity for people with disabilities;*
- *examine data on employment outcomes for people with disabilities including workforce participation, unemployment and income levels; and*
- *examine policies, practices, services and special measures implemented to advance equal employment opportunities for people with disabilities.*

*The scope of the inquiry includes:*

- *Commonwealth government as an employer and service provider; and*
  - *private sector employers.*
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## **INTRODUCTION**

The ACT Council of Social Service is not putting itself forward in this review as the voice of people with disabilities. Our perspective is drawn from the development of systemic advocacy across a wide range of policy areas, including disability, welfare reform, employment disadvantage, poverty, mental illness, drug and alcohol misuse and discrimination. We are confident that the Human Rights and Equal Opportunity Commission (HREOC) processes will pro-actively seek out and consult with people with disabilities within the community, as well as speaking to the people who work in the areas of service delivery and support for people with disabilities.

What ACTCOSS believes it can comment on with most authority is the area of systemic disadvantage, unmet need in human services and the community understanding of disability and its manifestations. Under normal circumstances, our practice would be to widely consult with consumer groups within the ACT, and then forward those comments in our submission. However, given the large amount of consultation that has taken place in the ACT on disability issues over the past few years, and the fact that ACTCOSS is encouraging its members and affiliates to directly submit to HREOC, we have departed from this process.

Overall, our position is that removal of the barriers that people with disabilities face in entering the labour market starts with meeting the need for human services which facilitate participation in the wider community. These needs are articulated well by the consumers and their representative organisations and should be discussed with these groups under the auspice of this inquiry.

A corollary to this position is that the social model of disability must become the norm in public discourse. Whilst disability continues to be described in medical terms, the idea persists that people are living with a curable disease that can be overcome with technology and medicine. Under the medical model of disability solutions also become individualised and move away from the systemic. Changing the prevailing mindset will involve community education and action by politicians and other community leaders. This would be assisted by the return to a full-time, rights-based disability Commissioner who represents the interests of people with disabilities.

The other issue that must be addressed is the notion that often dominates social policy discussion on this issue: that people with disabilities who are not currently in the workforce should be provided with low-skilled jobs that have limited or no prospects for career development and promotion. Disability does not mean lack of ability, and many people with disabilities achieve the same outcomes and have the same ambitions for their

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working life as others in the community. Providing programs to enable them to obtain paid employment does not mean creating dead end jobs or providing subsidies for employers to put someone into a position that has no prospect of meeting the occupant's ambitions or need for skills development.

On this matter, we would like to see some clarification from HREOC as to the definition they are using in this inquiry for the term "occupation". In ACTCOSS' view, an occupation can be a career, however, there is potential for other interpretations.

ACTCOSS is pleased that this important issue is continuing to receive attention at the highest levels of social policy discussion. We wish to point out, however, that there have been a large number of reviews and inquiries into all levels of disability service over the past few years. ACTCOSS urges HREOC to ensure that the hard work and time given by people with disabilities to these reviews are not ignored simply because this inquiry has focussed on employment, rather than service provision and the wider issue of social participation.

## People with disabilities and the community

"All animals are equal but some animals are more equal than others." George Orwell, *Animal Farm*, 1945.

HREOC has entered the debate about disability and workforce participation at an interesting stage in public policy development. The Federal Government has devoted considerable resources to determining how to increase workforce participation rates among people who are seen, traditionally, as being reliant on income support, such as single parents and people with disabilities.

ACTCOSS is pleased that HREOC sees this as a priority, but is concerned that this review continues the practice of previous inquiries by asking people with disabilities for the solutions to the problem of their employment status. Whilst the review has the scope to look at Commonwealth and private sector employers, in one sense the review starts from the wrong place. In ACTCOSS' reading of the terms of reference, the problem is still attached to the person with a disability, even as the inquiry looks for the systemic causes of unemployment among people who identify as having a disability.

The current discussion also focuses on participation in an existing market. The terms of reference could have been expressed as a function of the employment market – for example "What are the features of the current employment markets in Australia that prevent people with disabilities progressing in the workforce?"

Even that may be precipitate. Before we consider what barriers to the workforce exist for any particular cohort there needs to be an analysis of what services and supports are needed to enable people with disabilities to engage in their community. There have been several reviews of services in the ACT in the past few years, and the main message of these has been that there are insufficient services to allow people living with disadvantage (which includes poverty, disability, chronic illness, mental health problems, drug and alcohol misuse, communication difficulties, etc.) to fully access the community they live in. One of the more recent is the Australian Institute of Health and Welfare (AIHW) study for the ACT Government "Addressing Disadvantage" project in 2003 (AIHW catalogue HSE23), "The need for, and provision of human services in the ACT".<sup>1</sup> This work shows that demand has not yet been met for most basic community access services.

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<sup>1</sup> The companion studies in the "Addressing Disadvantage" Project were an analysis of poverty in the ACT by NATIONAL Centre for Social and Economic Modelling (NATSEM) and a survey of non-government service providers by ACTCOSS. The ACT Government did its own analysis of Government-provided services. We recommend these studies to the HREOC. (<http://www.cmd.act.gov.au/about/publications.shtml#Reviews%20and%20Reports> – under Reviews and Reports – all four volumes are grouped together at the bottom of the page)

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The recent increase in the use of Individual Support Packages (ISPs) in the ACT is one way the ACT Government is tackling the problems of disability support meeting individual needs. Yet problems persist - of over 200 applications for ISPs, just over 50 were allocated. Many people with high support needs were not able to obtain an ISP, and continue to rely on generic services that may not meet their particular needs.<sup>2</sup>

The recently released Australian Community Services Survey 2005, conducted by the Australian Council of Social Service (ACOSS), shows that in the ACT, turnaway rates for community service consumers are still high, and there are particular problems with recruiting and retaining trained staff to provide these services (ACOSS, 2005).

The lack of adequate support means that some people with disabilities are unable to get out of bed at any set time, and must rely on the availability of personal care workers. This can disrupt life enormously, even if employment is not an issue. In other situations there may be a lack of appropriate transport to get people to regular therapy sessions or to suitable venues for daily exercise. Access barriers may include major fears or phobias, or the lack of appropriate technology or interpreter services.

Many people with disabilities are unable to do their own shopping, manage commercial transactions or participate in social activities because of access difficulties in the community. To prioritise participation in the workforce above supporting daily interaction in the community would, in ACTCOSS' view, misrepresent the need. We do understand that there are many people with disabilities who currently are in the workforce, and many more who are actively seeking paid employment. However, for many people, making a commitment to paid employment is not possible until they can be assured that they receive a level of appropriate services that allow them to participate in their community in a predictable fashion. The obvious comparison to this is the provision of childcare, and the expectation that care will be available, reliable and affordable.

Inextricably linked to this is the need to recognise the cost of disability. It is assumed that, once a person with a disability has paid employment, they no longer need social supports or financial reimbursement for the costs associated with accessing the community. ACTCOSS will leave the discussion of the marginal tax rate effect of changing from income support to wages to other groups, but wishes to make a related point. The cost of disability is not recompensed by having a job that pays the person with a disability the same wage as other employees. A much higher income is needed to provide for the non-discretionary costs of disability, which can equal an additional \$10-\$30,000 per annum.

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<sup>2</sup> See Attachment 1, an example of one family's response to ISPs.

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ACTCOSS feels that the issue is well expounded on the Physical Disability Council of Australia (PDCA) website<sup>3</sup>

There are also issues of multiple disability, or disability combined with medical issues, which can mean multiple supports and comparatively higher costs. The permutations are infinite, and should be addressed on a case by case basis, in consultation with the person with a disability. Meeting the cost of disability is a major barrier to many people with disabilities being included in the community and participating in the workplace. ACTCOSS strongly advocates that there should be a right to an allowance that assists with meeting the cost of disability, independent of the employment status of the person with a disability.

***ACTCOSS' position on this issue: Equality of opportunity for work does not come until after equality of access to community life, which includes financial recognition of the cost of disability.***

## **Language and discussing disability**

ACTCOSS is concerned about the language used in the debate about participation of people with disabilities in the workforce, some of which falls into the trap of stereotyping.

In one question, employers are asked why they don't employ people with disabilities, with some of the fears that may be expressed from time to time cited as examples. Stating these as direct questions provides these fears with a legitimacy that they do not deserve. Rather than ask why you don't do something, the question, if it needs to be asked at all, should be framed in an empowering way: what services should be available to assist you to employ people with disabilities? The result would be far more creative than focussing on the negatives.

ACTCOSS also questions why this section has been included in the discussion, as the paper is prefaced with reference to the multitude of previous reviews that identified many barriers to employment for people with disabilities. Again, the discussion paper focuses on the individual, rather than systemic issues.

***ACTCOSS' position on this issue: The language used and the way the paper is framed still asks individual people with disabilities and employers to solve the employment "problem".***

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<sup>3</sup> <http://www.pdca.org.au/cgi-bin/pdca/contents.pl>

## Who receives assistance in current workplaces?

At present, “regular” participants in the “competitive” workforce get a lot of assistance to get to work and to contribute their skills – transport systems, accessible buildings and workplaces, suitable accommodation that allows them to be as self-sufficient as possible, school and care systems that attempt to accommodate their caring responsibilities, accessible technology such as phones, faxes, household cleaning appliances, shopping centres that allow them to self-select goods and other services that they require to meet their requirements for participation in the wider society. For most people, there is some choice about the consumption of these services and resources (leaving aside the problems associated with child care, which has parallels to the problems of services for people with disabilities).

In contrast, people with disabilities are expected to overcome access barriers and obtain paid work so that they can afford to be included in the community: a community that is designed around the needs of people who are mobile and otherwise able. The time deficits alone caused by this lack of access cannot be bought back by participating in the open workforce.

The dominant paradigm of community life and work has become more exclusive as we have adopted a car-based, commuter society that values private time and carries out much of its socialising in the work environment, or away from private residences. What this shift in community has done is to assign those who do not share that lifestyle or level of ability to the realm of “the other”. People with disabilities are not visible, as they are not permitted to interrupt the commuter lifestyle: people using pension concessions can only access the cheapest bus fares if they travel “outside of peak times”. Taxis that are licensed as wheelchair accessible are often not available at “peak times”, with hearsay evidence being that non-wheelchair commuters are more profitable at those times.

***ACTCOSS’ position on this issue: There needs to be wider recognition through discussion, legislation and regulation that workplace are increasingly reducing accessibility, using the mantra of cost-saving and productivity to exclude people with disabilities.***

## Medicalising disability

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This leads ACTCOSS to the larger issue of the dominant paradigm, the analysis of the current construction of disability as a medical problem, and the personalising of disability.

Gerard Goggin and Christopher Newell's "Disability in Australia: Exposing a Social Apartheid" (UNSW Press 2005) speaks eloquently about the "othering" of people with disabilities and medicalising their circumstances. An example of this was the 2003 review of Child Disability Allowance by Centrelink. The review asked parents to get a medical practitioner's assessment of their child's disability. As one parent put it, their child (who is autistic) does not suffer any health problems, and her doctor had never dealt with that aspect of her child's life. There was no capacity or preparedness for other disability professionals to provide an expert opinion – it had to be a GP. In earlier reviews a generic form was used to garner information from parents, including asking parents of children with Down's Syndrome if their child still needed ongoing support. "Cures" have not been identified in either area.

Many adults with disability have good general health. Some have medical complications that do require intensive support from doctors and other allied health services. However, as Goggin and Newell discuss, science has convinced the community at large that all disease and disability can be "cured". This then persuades that part of the community which does not experience disability to believe that this is the goal of all people with disabilities – to be cured. This flies in the face of evidence that disability rates have not dropped, and that some medical interventions are leading to higher rates of some physical, intellectual and mental conditions.

Every new discovery seems to lead to new claims that we have seen the end of disability and infirmity. Dr Karl Kruszelnicki, famous and influential for making science accessible for non-scientists via the ABC, claimed in 2004 that new stem cell research would see the end of death – everyone could live a life that was greatly extended from current longevity, in full health. The message that such pronouncements make is that the crippled can walk, the blind will see, and they only have to wait until we gather some more stem cells! As Goggin and Newell discuss at some length, well know people with disabilities, like Christopher Reeve, have perpetuated this idea that disability is a medical problem that is ultimately curable. While "cures" may be found for some disorders and disabilities in the future, that does not remove the urgent need for services in the present.

ACTCOSS finds this a conundrum. With an estimated one in five people having a disability<sup>4</sup>, a large number of people with disabilities are already working and in touch with their local communities. Yet the wider community is not recognising people with disabilities among their friends,

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<sup>4</sup> PDCA website, op cit.

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acquaintances, and colleagues, then recognising that people are being excluded from economic activity on the basis of disability.

Public education is needed to make the connection that disability is not a defining word that is applied to a certain cohort – it is a term that explains only one aspect of a complete human being. While we make the disability a personal, individualised, medical experience, we can deal with it in a personal, individualised, medical way. The individual is blamed for their disability, with a public perception that the person with a disability must take responsibility for their social isolation and living situation, not the wider community. This indicates a residual level of shame associated with disability that ACTCOSS believes must be dispelled, through leadership at all levels.

ACTCOSS believes that the situation for people with a disability in relation to their participation in the workforce will not change until the reviews of old ground stop, and action is taken. As was the case with women and the employment market, there needs to be support given to make people with disabilities visible among the workforce. This means promotion into high level positions in corporate and public sector life. It also means recognising the cost of disability and entrenching financial support for consumers to address this cost.

***ACTCOSS' position: Immediate attention must be given to countering the medicalisation of disability, with more weight given to the idea of disability being a social construct.***

## **Other issues that need to be actively considered**

### **Education**

A wide range of children with disabilities do not access relevant and appropriate education. While “special education” facilities are provided for young people with profound physical disabilities, many ambulatory young people progress to high school without formal recognition of their need to be taught in a way that takes into account their learning styles, and at a pace that meets their needs.

ACTCOSS believes that the HREOC would be assisted in this current investigation to review the information available on education systems and how they are dealing with disability. Particular attention should be paid to those children whose education is interrupted by ill health associated with a disability as this can make it difficult for young people to remain connected to the education system until year 12..

Similarly, with non-medical disabilities, such as Attention Deficit Hyperactivity Disorder (ADHD), autism and some behavioural disorders, students can miss out on opportunities to develop their workforce skills because of disrupted school attendance. Most employment programs offered in high schools and colleges have, in the past, focussed on helping young people who can meet the demands of school and work. While this culture is changing, the very nature of these programs mitigates against most students with disability participating in school to work programs, or obtaining the skills required for workplace participation. Instead, many young people with a disability are “managed” through to year 10 and 12 with no real expectation that they will achieve independent employment.

Others who are yet to manifest any recognised signs of disability have often also been overlooked. These young people (and their carers) also suffer because of an assessment that, because they don’t achieve at school, they aren’t capable of anything more than low skilled jobs in the workforce. That is, failure to achieve academically in mainstream educational environments equates to a lack of ability for workforce participation and promotion. One example of this type of labelling are young people with ADHD, a disability that may manifest itself in behavioural problems in adolescence.

As outlined in terms of workforce participation, people with disabilities need to have their educational needs recognised and met in a way that provides them with equity of outcomes with their peers in education, not uniformity of inputs.

***ACTCOSS' position: There is a need for increased study of educational expectations and programs for young people with disabilities to determine how we can best cater for the different learning rates of young people.***

## **Workforce health**

Over the past several decades there has been growing recognition that the expectations of increasingly competitive workplaces, with long hours, insecure employment, underemployment and increased use of contractors who bear their own insurance and other risks, are having a negative impact on the health of workers. Whilst research has long recognised the problems associated with unrealistic expectations of workplaces and the severe strains these put on employees, Governments do not facilitate a withdrawal from this form of exploitation. Flexibility in the workplace has been lost with the need to deliver increasing outputs under pressure – known euphemistically as “productivity gains”.

As risk (as understood in insurance and Occupational Health and Safety terms) is shifted more and more on to employers, they appear to be responding by trying to ensure that they lessen their obligations to their employees. For people with disabilities, this is compounded by the medicalisation of disability, so that employers see disability as a form of risk to be avoided.

Employment of people with disabilities, again, needs to be the function of inclusive practices and accessible workplaces. This means recognising that **all** workers need a workplace that meets their physical needs, is accessible, provides work that meets their expectations of a working life, uses their talents and skills, and values their contribution as individuals. Given that some workplaces actually contribute to the breakdown of worker health, there needs to be a concerted effort to ensure that working conditions do not cause or exacerbate illness, or exclude people because the workplace is not being managed to maintain the health of its workforce.

***ACTCOSS' position: There is a need to examine the links between workplace “reform” and the decline in employment opportunities for people with disabilities, as well as improved regulation of workplace practices that can lead to worker ill-health.***

## **Visibility**

**ACTCOSS Comment: Achieving the Vision: Transitions and Participation  
Attachment 3: Submission to HREOC inquiry.**

Most discussion of employment and disability centres on employing “a person” with a disability. ACTCOSS believes the discussion should, instead, be about providing an accessible workplace that can provide meaningful work and accommodate all persons qualified for the jobs available. The groups that often are seen as needing “special” consideration include people with disabilities, those from Culturally and Linguistically Diverse backgrounds, Aboriginal and Torres Strait Islander people, women, carers, people with chronic illness, older workers, and many other people who can be “categorised” as non-regular workers.

People who are able-bodied often identify a wide range of issues that make participation in the workforce more or less compatible with their social and societal obligations. Employers need to be provided with competencies and training in identifying how to support all workers, not just in making special arrangements for people with disabilities. Some employees need recognition of culture in their working arrangements, for example the provision of facilities and time to pray. For others, it is recognition of their role in community organisations, perhaps as volunteer emergency service personnel, or as a carer. Quite a few workplaces, admittedly often in female dominated, low-skilled processing industries, make these types of adjustments without comment, but still see employing a person with a disability as somehow different.

Some industries (such as IT) have been able to develop flexibility around work hours, locations, days worked and physical environment, which means that they have the potential to have a more diverse workforce than other industries. Some of this flexibility and recognition of the nature of work may help employers think more flexibly about what constitutes an inclusive workplace.

ACTCOSS believes that to provide an inclusive workplace is to look at the work to be done, the skills required, and to then ensure that the person who has those skills is able to take up that position. Instead, we have workplaces where people are expected to fit into a pre-arranged structure and physical location, regardless of whether that is appropriate or necessary.

As such, people with disabilities are not visible in the workforce, except in being exceptions to “normal” employment practices. Or, alternatively, some workplaces that do have a higher number of people with disabilities are seen as being somehow “different” to normal workplaces. Some of these employers have received awards for providing an inclusive workplace. ACTCOSS believes, however, that every workplace should be inclusive.

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There is also the issue of fear of discrimination within the workplace, particularly for people with acquired disability. It has been seen in some employment sectors in the past as being a career threatening move to admit to a disability in the workplace. This means that many disabilities that could be dealt with in the ordinary course of personnel management can become major issues, threatening employment stability.

There will be a need for leadership in turning the invisible into the visible. Not only do we need to provide an inclusive workforce that allows people with disabilities to gain employment, promotion and a fulfilling career, it will also be necessary to provide support for people who develop disability over time while in the workforce.

Part of the solution is a return to a more inclusive public sector. This includes providing a full-time Disability Commissioner who advocates and lobbies on behalf of people with disabilities. ACTCOSS believes that the Federal Government had abrogated its responsibilities by not providing a permanent Disability Commissioner, although we are pleased that the Human Rights Commissioner has been able to carry on this important work. We note that other important areas of discrimination representation have also been allowed to slide in recent years, and we are equally adamant that areas of inequality of rights need to be better resourced and supported.

Representation of consumers by consumers is important, as is having leaders who are also representative of the population at large. There has been little support of people with disabilities in the political process, nor is there very much evidence that policy debates on disability issues are being led by those who have the greatest knowledge of this area – people with disabilities.

Again, this is an issue of making the community inclusive, not defining work by the ability to perform at unsustainable levels of output, and ensuring that every person is able to have their workplace meet their needs in terms of being accessible, health and flexible.

***ACTCOSS' position: For people with disabilities to increase their workforce participation, there needs to be an increase in the number of people with a disability at all levels of community and economic life. This visibility aspect will require public sector agencies to lead by example and to provide accessible workplaces, with employment opportunities at all levels of their activity for people with disabilities.***

## **Conclusion**

ACTCOSS believe that there are a number of issues at stake when discussing employment of people with disabilities. We believe that society as a whole has a role to play in making the community accessible in the first instance, and then providing workplaces that recognise the skills and talents that individuals bring to their team to produce the desired or required outputs.

The first issue in this is to make accessibility a priority so that every person within the community can access all the benefits of that community. This means adequate transport, human services and the myriad of services and goods that are necessary to provide equity of access for people with disabilities. It also means accessible buildings and community facilities, so that people with disabilities can work where they choose.

The second issue is that funding should be available for all people with disabilities to provide them with the personal care or equipment needs for participation in the community. This, we believe, should take the form of a "cost of disability" allowance that is not means tested or workforce based.

The third issue is that people with disabilities need to be involved in all areas of human activity, and not relegated to "special" industries – they should be visible in the workplace. This means that the community, Governments and individual employers should not be looking at one-off modifications for specific individuals as a way to encourage people with disabilities to take up paid employment. The Federal, State and Territory Governments have a role in this, by leading with an accessibility plan that rolls out improvements that recognise that human beings come in all shapes and sizes, with a range of personal space needs and equipment requirements to perform the tasks associated with their jobs.

The fourth point ACTCOSS wishes to make is that employment for people with disabilities needs to fulfil more than just a time-occupying role. People with disabilities are entitled as a right to have meaningful employment that meets their need for personal development and challenge. This includes opportunities for career development and promotional opportunities. ACTCOSS believes that jobs for people with disabilities should not be commercial equivalents of sheltered workshops – opportunities should be available at all levels of economic activity.

This also requires the removal of educational barriers. ACTCOSS believes too many young people are "selected out" of the education pool through non-flexible educational programs (eg minimum units), inaccessible

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facilities (takes 15 minutes instead of 2 to get upstairs by using the freight lift), and restricted access to resources such as computers. It is a community and Government-wide obligation to provide flexible learning pathways with assistive technology in the workplace, and in support of formal schooling.

## **Attachment 1**

The following letter appeared in the Canberra Times on Saturday, April 2, 2005. It is used here as an illustration of how some people are still being excluded from their communities by lack of support.

### **Extra disability funding is falling short of demand**

Sally Richards

Saturday, 2 April 2005

Lois Ford the executive director of Disability ACT states "this Government has an ongoing commitment to people with disabilities and has demonstrated this through the allocation of additional funding." (CT March 27, p16).

We already know that the additional funding falls a long way short of meeting the need. Verbal commitment is easy; committed action is something else altogether.

Ford is right about the "low level of throughput" however. As long as we have babies and drive cars, just to name a couple of human activities, the number of people with disabilities will increase each year. That is an absolute given.

Therefore if we, as a society, continue to choose to value life over death no matter what the quality of that life or the impact that life has on finite resources, then we, as a society, have to put our dollars where our mouth is. Otherwise, the hypocrisy is overwhelming.

The services currently available to people with a disability such as Marcel Burmester, and my son, are few and extremely difficult to access.

Here's an example. My son's attendance at the School Holiday Program he has used for the past seven years has been cut by 9/10ths in the last six months.

This Home and Community Care program is supposed to "ensure that the consumer's access to a service is decided only on the basis of need", and "to provide flexible, timely services that respond to the needs of consumers". (HACC Guidelines, Service Provider Responsibilities).

However, the carers of young people with a disability who want to secure some days of care at this School Holiday Program must engage in a race. On a certain nominated day you must get your application form in to a certain location where it is time and date stamped.

If I am two minutes faster than you, I get priority. If your need is greater than mine - too bad. I win and you lose.

Is this better or worse than allocating funding on the competitive misery model? Is it an equitable way to allocate resources? Is it dignified for the carers to have to engage in this race? Does it show respect for the families? Why do all the people I have discussed this with, from the Youth Co-Ordinator of the program to the HACC director in the ACT, think that this is OK? Are we grateful nevertheless? You bet we are.

Chuck us the crumbs and we will sit up and beg for more. It's how we have been trained: to expect little and accept less.

Desperation ensures that we play the game by the rules no matter how unfair or demeaning.

But the rules have to change, funding has to be increased and both society and Government have to take responsibility for the less able humans who live amongst us.

Sally Richards, Yarralumla

## **Disability**

### **Initiatives**

- Additional funding of \$792,000 for community support and crisis intervention (Individual Support Packages): approximately 17 people to be provided with packages at costs ranging between \$7000 and \$125,000.
- Introduction of audits of service delivery for human rights compliance with the ACT Government's "Access to Government" strategy.
- Children with high and complex needs: \$610,000 for equipment and therapy support including children with autism.
- North side community-based service for young adults with a disability: \$415,000.

### **Concerns**

- There is no new funding to expand interpreter or translation services: this means people who need these services, including the deaf community and people from culturally and linguistically diverse backgrounds, will still struggle to access basic services.
- 94 people were assessed last year as needing ISPs, however, many did not receive funding. This budget provides for some of those people. This does not cover those with less than high and complex needs, or people who have emerged since the last funding round or assessments. The budget papers do not clearly outline the number of ISPs being allocated.
- All other disability service funding is for the same levels of service provision as were provided in 04/05. There is a small increase to cover the increased cost of service provision, but the level of services remains the same despite unmet demand.
- North side community service for young adults with disabilities is a needed and welcome service, but the commitment is less than was made prior to the last election.

### **Background**

People with a disability have become a central focus of Federal Government social policy in recent months, with the forthcoming Commonwealth Budget expected to introduce new conditions for access to the Disability Support Pension (DSP) for entrants to the scheme from next financial year.

**ACTCOSS Comment: Achieving the Vision: Transitions and Participation  
Attachment 2: Excerpt from ACTCOSS 21005-06 ACT Budget Analysis.**

ACTCOSS has made submissions to the Human Rights and Equal Opportunity Commission (HREOC) Inquiry into work and disability issues, which can be viewed on the ACTCOSS website.\* Our concern is that people with a disability can have difficulty obtaining and affording services such as home care, accessibility aids, appropriate information technology, transport and a host of other supports that allow them to engage with their community and, where possible, undertake paid employment. Simply making it more difficult to obtain the DSP without addressing service provision issues will create more disadvantage and poverty.

In the ACT, services need to be accessible, affordable and appropriate. The ACT Government provides disability services and that commitment must be supported with adequate funding and real partnership with consumers. In our 2005-06 Budget submission, ACTCOSS made the following specific recommendations and comments:

**Recommendation 6:** The guarantee of free interpreter services needs to be expanded to ensure that Translation and Interpreter Services (TIS) are available for people who need translators for their everyday communication with service providers, whether Government operated or private.

- ⇒ We expect that a fuller picture of the Government's plans to address the human rights of people with a disability will be outlined in the 2005-06 Budget papers
- ⇒ ACTCOSS anticipates that the method of payment for interpreter services in community sector contracts can be remedied with the development of the Core Pricing Principles program.

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\* Copies can be obtained by ringing the ACTCOSS office on 6202 7200.