

update

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Employment, Unemployment
& Underemployment

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Employment, unemployment & underemployment

By Susan Helyar, Director, ACT Council of Social Service Inc.

The ACT is currently facing some of the biggest threats to growth of employment opportunities in our region as a result of cuts to public spending both in the public sector and in programs funded in the community.

The Federal Government is making changes to income support payment levels and eligibility, is unwilling to recognise the adequacy of payments now and into the future and has refused to address unfairness in the taxation and retirement incomes systems.

Over the past few decades there has been a steady erosion of commitment to public policy having a role in promoting social mobility. The current proposed cuts to education funding, and extension of user pays in the health system, are the latest examples of this.

The only solution to poverty supported by the current Federal Government is employment, yet the majority of growth in entry level jobs is in insecure, part-time, minimum wage positions.

It is in this context that ACTCOSS is publishing a newsletter on the theme of employment, unemployment and underemployment.

The articles we have collated bring the perspectives of people who are or have been unemployed, who work to support people to access training and jobs or represent people excluded from the labour market.

The articles share a common message—blaming people out of work for their circumstances creates a barrier to getting a job, both in minds of potential employers and in the confidence of people seeking work. The articles also expose the perverse outcomes of disinvesting in services, creating high personal costs for the people dealing with unemployment and underemployment, and avoidable costs in the health, social service, income support and justice systems.

The publication brings together clear advice on the evidence, workplace practices and changes in attitude and investment that would address the barriers older people, younger people, people living with disabilities, refugees, people who have been long-term unemployed, and people with histories involving drugs, alcohol and/or the criminal justice system face in getting and keeping a job.

ACTCOSS newflash

You are invited to the
**ACTCOSS AGM on Mon
17 Nov 2014, 4pm, at the
ACT Legislative Assembly
Reception Room. Find
out more & nominate for
the Committee:
www.actcoss.org.au**

Too young to retire, too old to find work

By Jane Thomson, Policy Development Officer, COTA ACT

Australia can't afford to support the increasing number of older people who are out of the workforce, we're told. In today's economy, we need people to go on working as long as possible—or at least until they're seventy. Apart from the strain retirement (arguably) puts on the nation's finances, many of us just don't have enough superannuation saved up to retire on anyway. Take away our paying jobs, and we're struggling to keep up with rents, mortgages and the rising cost of living.

So we need to keep working—but what if we can't? In Canberra, with the recent cuts to the federal public service, many older people are facing redundancy (voluntary or otherwise). Some of those people will be able to live comfortably on their payout, but others will have to start looking for another job at some point. That's when, for some, the reality of being unemployed and over 50 may kick in.

For example, one woman (who we'll call Lisa) took a package two years ago from a large public service department. She was now unemployed, but ineligible for Centrelink assistance as she had her payout. Worried about her dwindling nest egg, Lisa began looking for a job. Rather than apply for a position at her previous level, she thought she'd apply for less taxing work.

She signed up with a recruitment agency, who allocated a bright young staff member to interview her. The staff member wasn't optimistic about her chances.

'It'll be hard to convince employers to give you a job at a lower level than your previous position, because they'll be worried that you'll get a better job and then leave,' she said.

The agency was evidently unaware that most people—at whatever age—move jobs when they find something better—but that older people are in fact likely to stay in a position for longer than younger people.

Another man who previously worked at a junior executive level was told he shouldn't apply for lower level positions because, 'the employer will be worried that you'll try to tell your supervisor what to do.'

At the same time, it can be very difficult to get back into work at the same level. Another woman, retrenched after a long career in the public service, applied after a few years for exactly the type of job she used to do when she had worked in her public service

agency, only to be told that, 'You've been out of the APS for a while now, so your skills are a bit out of date.'

How out of date do skills get, after two years (unless you're in cutting edge IT)?

Lucy used to work in academia and run her own marketing company before she got cancer and had to resign. Thankfully, the cancer remitted, but since then Lucy's been unable to find another job. She's 58 and has been told that 'the successful applicant was more experienced' when the only other applicant was 20. At one point she joined a recruitment agency specifically for mature-aged workers, and was thrilled when—after three months—they announced that they'd found her a job at a university. The position? Toilet-cleaner.

Hard as it can be to find a job as a white-collar worker, spare a thought for people like Trevor. Trevor works as a delivery driver, but has Parkinson's. Last month Trevor lost his job because his employer noticed his continually trembling hands. At 60 and after a lifetime of physical work, there's very little chance that Trevor will pick up anything else.

However, back to Lisa. After some time trying to find paid work, Lisa signed up for voluntary work in a couple of community sector organisations, doing similar work as she had in the public service. Through her voluntary work she built up new skills, contacts and confidence. Last month, to her relief, she finally got a part-time job in an area of interest.

Says Lisa, 'This money will make such a difference to me—and also being able to use my skills and being in a workplace again. The volunteer work helped because it showed that I was keeping current the particular skills that they were wanting.'

Lisa's energy and persistence paid off. However, until employer (and recruitment agency) attitudes change, being unemployed as an older person is often a disheartening experience.



www.cotaact.org.au

Where will young people go?

By Anglicare ACT

At the end of this year one of the most significant and successful programs, Youth Connections, across the country will end, leaving thousands of young people without support. Here in the ACT young people and service providers will feel it acutely. The program focuses on ensuring young people who had become disengaged from school are given the skills to be job ready. Most significantly, the evidence showed it was very successful in helping young people obtain meaningful and sustainable career paths.

Youth Connections is a program aimed at removing the barriers that impact a young person's access education, training and transition to employment. It is currently funded by the Australian Government, Department of Education. The program was established by the Howard Government, and rolled out across the country in January 2010.

Youth Connections aims to build educational pathways for students, in conjunction with their families and education provider. The objective of the program is to ensure young people get the support they need to remain engaged, or to reengage in education or training. The program is focused on young people at risk of not attaining Year 12 or an equivalent qualification. Additionally, Youth Connections focuses on supporting young people to make a successful transition through education and onto further education, training or employment.

In the ACT, the Youth Connections provider is Anglicare. Anglicare have partnered through a subcontracting arrangement with

the YWCA of Canberra, Belconnen Community Services and Woden Community Services Inc. to provide the services.

The ACT Youth Connections program supports and engages directly with schools. As a result, the program has always held strong relationships with high schools and colleges across Canberra. The program also works with the Transitions and Careers section of the Education and Training Directorate to help identify disengaged young people and reengage them with education training or transitions to employment.

Across Australia, Youth Connections is funded at \$80 million and provides 30,000 young people support to transition into education or employment. In the ACT, the service is funded at \$1.1 million to support 300 to 350 young people each year. The service employs ten Youth Workers and two Youth Educators to work with young people in the ACT. Since January 2010, Youth Connections ACT has supported 1,608 individual young people between the ages of 12 and 18. Over the same period, Youth Connections ACT has had to decline over 500 referrals as the service was at capacity and unable to offer assistance.

Depending on the level of disengagement, it costs Youth Connections on average \$2,000 to \$4,000 per disengaged young person to provide support that results in ongoing engagement in education, training and or employment. This cost naturally increases for young people living in regional or remote areas.

The *Destination Study*¹ completed by the Youth Connections National Network continues to show how successful the Youth Connections program is at supporting young people transition into education and or employment. Across Australia 93.6% of young people who were engaged in Youth Connections are still in education or employment six months after exiting Youth Connections. Youth Connections in the ACT has maintained the same engagement rate.

Anglicare is aware that when the doors of Youth Connections close in December 2014, 300 to 350 young people who would have previously been assisted will no longer be able to access a community based specialist support service to engage and or remain engaged in education or training in the ACT. These young people will be forced to gain support through mainstream services or may fall through the cracks.

This additional support load, created by Youth Connections closing, will fall on school welfare teams, youth engagement and case management support services. As most of us who work in education welfare teams and the youth sector and know, services, programs and teams are already at full capacity, without the additional load of potentially 300 to 350 young people being referred to them once Youth Connections closes.

Anglicare is concerned that when young people in the ACT are unable to gain the specialist supports they require, that they may fall through the cracks and join the 360,000 young people across Australia, who were unemployed or inactive in 2013.² This will inevitably cost government far more in the future with drains on adult corrections, mental health and housing services

due to young people drifting into those systems.

If the ACT Government is serious about helping young people to become active and productive members of society, investment

in a community based program that supports young people's educational attainment and transitions into employment is essential.

See page 11 for footnotes.

ANGLICARE
ACT

www.anglicare.com.au

Youth unemployment: Whose fault is it?

By Emma Robertson, Director, Youth Coalition of the ACT

Would you employ a Gen Y?' the Canberra Times asked small business owners.¹ Citing the high cost of employing and training young workers as the main reason many Australian businesses are moving away from 'taking on and training up a young 'un', the article then went on to blame young people's 'lacklustre work ethic and entitlement mentality' for youth unemployment rates hitting a 14 year high in Australia in 2014. Youth unemployment reached 11.3% at the start of the year in the ACT, nearly three times the overall unemployment rate in the Territory (3.8%).²

Media commentary about the current generation of young job seekers often features statements about young people; 'having too great expectations from the workplace', 'expecting reward for just turning up', 'lacking loyalty', leading to predictions that they 'will have many more jobs than their parents'. Yet when did 'confidence and tolerance' become 'entitlement and narcissism'? Strauss and Howe, the authors of intergenerational theory, themselves predicted that this generation would be more like the 'civic-minded G.I. generation with a strong sense of community both local and global'³. So why all the negativity about young people in the public conversation about youth unemployment?

Maybe as people grow older the result is always a reflection on how the 'youth of today are different', where actually the world of today is different. The Brotherhood of St Laurence in their February *Australian Youth Unemployment 2014: Snapshot*⁴ noted:

Like most advanced economies, the Australian workforce is becoming more highly skilled with a diminishing number of unskilled and semi-skilled entry level jobs. The need to be a more highly educated worker has mainly been driven through the introduction of technological advances, greater workforce flexibility and economic reforms.

Young people looking for work today may have great expectations from employment because they are facing far greater expectations from us about what working will look like. We expect they will have at least a year 12 certificate, if not a higher qualification for many jobs, including some that in previous years were seen as entry level. At the same time employment now is more likely to be casualised, with young employees responsible for managing and saving for their own leave, illness, training, etc. The notion of 'entry level' jobs itself is perhaps as antiquated as the idea that you can start your career in the 'mail room' and make your way to CEO.

While opening the 8th National Homelessness Conference recently comedian Jean Kitson reflected that while at university she had to work three hours in her casual job to earn her rent, where today her daughter works 15 hours to cover the same. As a 15 year old work experience student told the Youth Coalition:

We're told that if we want a good life we need to own a home and to do that we need to get a good job, to get a good job we need to go to university. But I am not sure if I'm going to be able to afford to go to university now, so does that mean I am never going to own a house and never going to be happy?

It's time to stop playing the blame game and look at supporting educational engagement, career pathways⁵, and jobs creation.

See page 11 for footnotes.



www.youthcoalition.net

Barriers for people with disabilities to secure employment

By Michelle Peruzzi and Fiona May, ADACAS

The Federal Government's proposed budget aims to get more people who are on the disability pension into paid work through a participation plan. It states, 'people under 35 who are assessed as able to work more than 8 hours per week will be required to participate in activities that will help them find and keep a job'¹. Sounds OK in theory but this proposal does not appear to take into the account challenges already faced by people with disabilities looking for work, nor the mutual responsibility that we as a community have to create appropriate employment opportunities. People with disabilities want meaningful jobs where they feel they are contributing, are stimulated and enjoy going to work. More often than not, jobs available for people with disability are mundane or non-stimulating and may be in disability specific employment services rather than integrated in mainstream workplaces.

The elements of a participation plan include work for the dole, job search, work experience, education, and connection to disability employment services. Yet, alone, these will be insufficient to ensure that a person with disabilities can find and keep a job.

The stigma a person with disabilities faces, such as recent media portrayals of them as 'lazy dole bludgers' or 'a waste of taxpayers' money' is difficult for individuals to overcome and acts as a disincentive to employers to consider what they might do to offer supportive workplaces where

people with disability are seen as valued employees.

Take Bob, a man in his early 30s who had a severe motor vehicle accident and as a result lives with an acquired brain injury and physical injuries which continue to impact his daily life. Before his accident Bob worked full time and even ran his own business. Bob still has plenty of skills that could make him a valuable employee. He speaks another language and has helped people in the community with translating; he is good working with computers, and has a vehicle and a driver's license. In the last year Bob has decided he would like to return to work and gain meaningful employment but this has been a huge challenge. Due to his work capacity assessment his options have been very limited. He has applied for various roles working with computers, but not gotten past the interview stage due to his disabilities. Bob feels he is seen as a liability. He has tried to seek employment on his own but has not been successful doing so and faces the challenge of employers not wanting to create a supportive environment where he can work successfully.

Bob is fortunate to be able to drive but many people with disabilities do not have their own transport which is a huge barrier to obtaining employment. Disability accessible buses are limited and cannot be relied upon. The taxi subsidy scheme helps, but it only covers about one trip a week which is not enough for regular work travel and the co-

contribution adds up. Would you go to work or look for work if you knew most or all of your income would go on transport getting to and from work?

In his final address as Disability Discrimination Commissioner², Graham Innes painted the clear picture that, people with disabilities make loyal employees in the long run as they are reliable, enjoy coming to work, and take pride in their jobs. The challenge is to convince employers of this fact. More needs to be done to support employers to make necessary modifications to their workplaces, change employer attitudes towards people with disability and create incentives for employers to recruit people with disabilities. Workplaces need to flexibly respond to the individual needs of a person with disabilities, be they wheelchair accessible spaces, communication aids, sensory supports or other changes.

Many people with disabilities would love to work but finding a job is like navigating a maze full of pitfalls and dead ends. Before too long finding a meaningful job is nothing but a dream or is relegated to the too-hard basket. Sadly, the government's proposed compulsory participation plans will do nothing to change this.

In order to successfully transition someone from the disability support pension to employment, we as a society need to take into consideration all of these challenges and stigmas faced by people with a disability seeking employment. Each person with a disability is unique and may have

different capacities and support needs.

For a person with disabilities to be successful in gaining satisfying employment these barriers need to be addressed. In addition to participation plans which are individually tailored to each person's capacity, skills and abilities, we as a society

need to be more accepting and accommodating of people with disabilities in the workforce. The responsibility for disability employment rests with all of us, employers, educators, peers, support services and government. Only with concerted effort by the whole community will people with disabilities achieve their

dreams of meaningful work, and the government achieve its aim of more people in work.

See page 11 for footnotes.



www.adacas.org.au

Call for action on employment for people with disabilities

By Robert Altamore OAM, Executive Officer, People With Disabilities ACT Inc.

People With Disabilities ACT Inc. (PWD ACT Inc.) is a not for profit consumer run systemic advocacy organisation which represents the interests of people with disabilities in the ACT. PWD ACT Inc. works to improve access to all amenities and to all formats of information and activities of the community and seeks to inform the community about disability issues.

People with disabilities have significantly higher rates of unemployment and underemployment than members of the general community. They experience greater difficulty than others in finding a job and keeping a job in workplaces that are increasingly unfriendly to them. In both the ACT and Commonwealth Public Service employment of people with disabilities is at its lowest levels since the 1980s. Statistics on private sector employment of people with disabilities are unavailable. All governments want to increase the participation rates of people with disabilities in the workforce. However, to date, the only measures they have come up with are ineffective Corporate Strategies and Action Plans as positive measures and reductions in incomes and eligibility for benefits and social programs as negative measures.

Clearly new ideas and new policies are needed so that people with disabilities can get and keep jobs and be active citizens in our community. People With Disabilities ACT calls on the ACT Government to work with it and other community organisations in a process to generate and implement these new ideas and policies for the employment of people with disabilities. One option would be an inquiry by the relevant ACT Legislative Assembly Committee. This Committee has recently inquired into the employment of people from an Aboriginal or Torres Strait Islander backgrounds and could draw on that precedent to conduct a similar inquiry into the employment of people with disabilities. In addition, the ACT Government should consider conducting a summit on the employment of people with disabilities to generate both ideas and strategies for the employment of people with disabilities across the government, private and community sectors.



www.pwdact.org.au

ACT Community Sector Awards 2014

Congratulations to the recipients of the ACT Community Sector Awards, presented on 7 August 2014 at the ACTCOSS/UC conference Designing Social Change: Beyond Talk, Taking Action.

HESTA Healthy Workplace Award:
[FITCMC, Canberra Men's Centre](#)

Community Sector Banking Partnership Award:
[Youth Literacy Program, YWCA of Canberra](#)
bankmecu Little Feet, Big Steps Award: [Menslink](#)

Minor Miracle Award:

[Cath Warren, DUO Services Australia](#)

Minor Miracle Award, Highly Commended:
[Monique Sutherland, Melrose High School](#)

RSM Bird Cameron Embracing Change Award:
[Carers ACT](#)

Community Services Directorate Choice and Control Award: [Marymead's Urban Land Community Harvest](#)

IGPA Student Access and Equity Award: [Sarah Powles](#)

Find out more: www.actcoss.org.au

From employment to employed man: A reflection of a former refugee in Canberra

By Hongsar Channaibanya, Project Leader, Companion House

There are jobs advertised in local newspaper, online media and other printed matter in Canberra each week. Many of the jobs require both formal qualifications and skills according to Australian workplace standards. Young men and women from refugee backgrounds who missed out on formal education and tertiary qualifications either at country of origin or in second settlement countries are unable to compete with skilled job seekers. The disadvantage is real but the opportunity still does not stop them from finding a job they could do. This is a reflection of my past and current journey of seeking employment as a refugee man in Canberra. This piece is a solely personal view. It does not represent my role at Companion House but it rather reflects my understanding of the bigger picture of employment for refugee background job seekers.

Access to employment is one of the key issues in the context of successful settlement of refugees in Australia. After the initial phase of settlement, refugees seek to find employment and to become independent from state support. Finding employment is not only important for economic reasons. Becoming financially self-reliant is often a key to overall recovery of refugees and their ability to reach their goal of becoming active citizens contributing to Australian society.

There are three core jobs that most refugee job seekers have been gaining entry to in the past ten years. I have named them as 'Four C's' jobs; Care, Cooking, Cleaning and Construction jobs in the city. Childcare and aged care has been in demand in the job market and

many refugees fill the gap. Cooking in small and take-away restaurants is also taken up by refugee job seekers in recent years. Finally, both cleaning and construction jobs are in demand for early or late hours work and they are also filled by many refugee job seekers.

After six to twelve months of settlement, most refugee job seekers are prepared to find just a job that will support family here and also enable them to send remittances home for either aging parents or siblings with urgent needs for survival. After three to five years of settlement, a few refugee men and women are able to secure car or home loans, as a bridge to the mainstream Australian life style.

Many refugees often come to Australia with skills and years of work experience. However, due to the lack of confidence, understanding of the Australian employment system, generic work skills and lack of contacts in relevant industries, they may either stay out of the workforce or seek low skilled employment.

Over the years of working with refugees we have identified a lack of understanding amongst employment agencies of complex issues that refugees face in their transition towards Australian society and work culture. Through the consultations with refugees and their communities we have learnt that in most cases they find employment through their own networks and mutual support.

Some adults have been struggling on career pathways because of the employment system in this country where employers require a good and strong resume or CV for a job

interview. Many adults who come under the refugee and humanitarian program could not prove that they have been doing jobs such as construction and building services in the second host country. They are employed as casual general labourers in those host countries like Thailand, Malaysia, and India, while waiting to have humanitarian claims assessed or waiting for resettlement in Australia. Adult women who have a strong motivation to enter employment in the hospitality industry have even found it difficult to prove that they have relevant skills although they used to work in restaurants, motels and in housekeeping in those countries.

After 16 years of post-settlement in Canberra, I have learnt from the hard road. Preparation for employment is the foundation skill, but a commitment to improve both work and communication skills in the context of Australian work culture is critical in order to gain entry to even a low skills job in the first place. I have been working with young men and adults in this area for close to ten years as a community development worker but I am confident that most of these refugee young men and adults are resilient.

Job Services Australia (JSA) and other Registered Training Organisations (RTOs) have been in contact with me for some time, that they are also seeking the best way to help refugee background job seekers. However, there is a lack of cultural competency on both sides that enable better access to reach out to each other. It is my own assertion that JSA members and the community sector could improve better understanding on the core issues of employment and family

dynamics. The ACT Government also has been investing funding and building new pathways under the Priority Support Programs (PSP) in the 2013-2014 financial year, in order to tackle these issues for unemployed people in the ACT.

It is my own experiences that after 600-800 hours of English lessons, a young man or woman could start looking for a job for at least 10 to 20 hours per week that enable health and social wellbeing. If a young man or woman gained real work and life experiences with local people in all fields, they would be looking for further job security while they are improving skills in either trade

or professional qualifications. After three to five years of post-settlement, most young and adult men and women from refugee backgrounds could attain relevant skills at work that pave the way to further secure employment. After reflecting on my past 16 years of settlement in Canberra, I am confident that anyone who comes under the refugee program could reach a goal either to be educated or to be an employed man after three to five years of hard work, determination and commitment to rebuild a new life. Regardless of the job, it is time that I value by learning and doing every day. Finally, set a goal from year one of settlement, but

persistence to the task is critical for the next opportunity in town.

Hongsar migrated to Australia in 1997 under the Special Humanitarian Program from Thailand. He has completed Certificate III in English and Diploma of Media at CIT, 1997 – 2004. He currently works at Companion House as a Project Leader. He is also completing an undergraduate degree in Community Development (Major) at the University of Canberra. This view is solely his own.

Acting beyond myths and lies



By Alexa McLaughlin, ACTCOSS Committee member

Many of the decisions which affect jobs are beyond the control of ACTCOSS members, being dependent on government

policies, Australian economic growth and international economic viability. Nevertheless, we aim to be at the forefront of improving employment outcomes for the disadvantaged in our communities: as employers, volunteer managers and advocates. We seek to bring compassion and constructive perspectives to our employment practices. Yet we are surrounded by many myths and lies which can get in the way. We should resist them in working with disadvantaged people in order to give them a fairer go.

I don't need to tell other ACTCOSS members that there are very few jobs for very many jobseekers. There are not enough real, life sustaining jobs to go around. Therefore, requiring young people to either go without income and/or apply pointlessly for jobs is abuse, as I see it. I also consider that requiring people to voluntarily do real work for low pay is exploitation.

Under current Coalition policies, work-like activities would increase for disadvantaged people but, for many of them, incomes would go down and their expenditures would go up. These creeping financial measures were excluded from discussion before the election and they have been drip feeding them to us since. I believe their intention is to strip from disadvantaged people the safety nets of barely liveable incomes and affordable expenditures to return our

community to the destitution and charity reliance of the 19th century. All this has been dished up with lies about sharing the pain and better targeting benefits to those who really need them. And we can only wonder what is still to come. Let's hope the Australian community realises all that is happening and persuades the government to stop these plans.

Based on my own lived experiences, I suggest that we should use more of the following strategies for the benefit of governments, owners, bosses and workers alike, despite these gloomy realities.

Judging periods of unemployment and underemployment

Now there are many employees losing their work because jobs have gone for reasons beyond their control. However, there has long been a community feeling that people who are or have been out of work are somehow less worthy and attractive than those with a history of complete employment. I hope that when they present for new jobs that ACTCOSS members will not hold being jobless against them.

In the community sector, there seems to be an increasing adoption of for-profit, big business practices. One strategy is to look most keenly at recent roles held and skills developed and assume that earlier experiences are no longer relevant. This may be true in some cases, if skills and knowledge have been lost to time. However, many people are able to carry

knowledge and experience with them over time in a developing and building way. Those capacities would not be lost by a jobless period. I encourage you not to deny for such people the value they could add from their past experiences.

Understanding workplace culture

I have seen a welcome increase in public concern about the way we treat each other in family and community life. There are now laws against domestic violence, bullying and harassment. However, such behaviours can be entrenched and insidious. Persevere against them.

By all means, seek to work with people you feel comfortable with, who 'fit in'. But reflect on what qualities that encompasses. At least outside the defence forces, the most effective teams are ones where everybody is able to contribute; not those where a few dominate and get their way. Frank and fearless advice can enhance outcomes. Well considered complaints can lead to needed improvements. A genuine interest in others can harmonise differences in experience and outlooks. I encourage you to open up to people outside of your comfort zone.

Questioning bad things you hear about people

Be aware that your informant may want to get rid of them so praise them up. Or may want to cause them

harm, so talk them down, which can be a bullying strategy. Their judgement may not be good or they may have been influenced by others with hidden agendas of competition or revenge. Misjudgements may ripple through friends and colleagues, multiple roles and over long periods of time. To counter these risks, staff selection and work practices are done most effectively when we seek multiple sources of evidence and test them ourselves. The ultimate fairness test is that negative judgements are shared with the 'accused' and they are given the opportunity to offer alternative evidence and perspectives.

Take-home message

There may now be so many possible staff that we don't have to seek too widely when choosing which individuals to work with. There are huge pressures on us all to just survive so that it is a challenge to be fair, to value the people around us and treat them well. But we would all be better off if we did.

Alexa McLaughlin is a writer, an editor, a student, an activist, a worker and a volunteer. She is President of AIRA Inc (Allergies and Intolerant Reactions Association of the ACT) and a member of the ACTCOSS Committee. She can be contacted at alexa@pcug.org.au.

Working with Vulnerable People Background Checking Scheme and ACT Government NGO funding agreements

By Carrie Fowlie, Executive Officer,
Alcohol Tobaccos and Other Drug Association ACT (ATODA)

Since the *Working with Vulnerable People (Background Checking) Act 2011* (WWVP Act) commenced in November 2012, some services have been required to undertake background checks on all workers who have contact with vulnerable people.

More recently, funding agreements between the ACT Government and health, community and other services appear to impose more onerous requirements, including clauses that are broader than the

WWVP Act, and gives rise to several problems.

The funding agreement is broader than the Act and could be understood to cover employees of a service who have minimal 'contact' with vulnerable people

The funding agreement is much broader than the WWVP Act, and potentially covers many more people. The WWVP Act's limits include the fact that only people who are engaging in a regulated

activity are required to be registered. 'Regulated activities' are listed in Schedule 1 of the Act, and Section 12 of the Act sets out some activities that are not considered to be 'regulated activities'. Section 15 allows people who are unregistered to engage in regulated activities under supervision.

The funding agreement, on the other hand, seeks to apply to anyone who 'is likely to have contact with vulnerable persons in performing any services.' 'Contact' is a broad concept,

and 'any services' is undefined, and likely to have a broader interpretation than 'regulated activities' under the Act. 'Vulnerable persons' is also undefined in the agreement.

The broadness of these terms means that the funding agreement could be interpreted to mean that virtually anyone who works in a service—from the cleaner to the accountant—needs to voluntarily comply with the WWVP Act or obtain an 'AFP clearance'.

It is unclear what an 'AFP clearance' is, and this could be understood as requiring all employees to have an unblemished criminal record

The WWVP Act has been carefully drafted to attempt to strike a balance between the need to protect vulnerable people, and the rights of people who have criminal records to work. It seeks to strike this balance by having a risk assessment as part of the registration process. In the risk assessment, the risk of harm to a vulnerable person is weighed up against the worker's history, with consideration given to the type of offence, its gravity, how long ago it happened, mitigating circumstances, references, the worker's explanation, and so on. There is information in the Act about what should be considered in this process. For example, the Act limits consideration of criminal history and non-conviction information to a list of 'relevant offences' (section 24-26). There are also extensive guidelines for the Office of Regulatory Services employees about how to undertake a risk assessment, and this is a complex process. It is yet to be seen whether the WWVP Act strikes this balance in the right place, and no doubt this will be discussed when the operation of the WWVP Act is reviewed in 2015.

The terms of the funding agreement on the other hand are not clear. It is not clear what a 'clearance from the Australian Federal Police' constitutes. The AFP website does not use the term 'clearance', but the term 'National Police Check'. There is a danger that

'clearance' will be misunderstood to mean that employees must have an unblemished criminal record, without any unspent convictions. Again, the funding agreement is much broader than the WWVP Act. The new funding agreements potentially bypass all the complexity of a risk assessment process by requiring an 'AFP clearance', and putting the decision about whether someone has a 'clearance' solely in the hands of an employer. Employers are not required to have a process to assess risk, and strike a balance between the risk to vulnerable people and the rights of the worker. There is a very real danger that people who have a criminal record will be discriminated against by their employer.

Workers at some agencies are exempt from the requirement to register until up to 2017; terms in funding agreements should not be used to compromise this timeframe

The ACT Government committed to a staged implementation of the WWVP Act, after acknowledging that the Act may have detrimental effects on workers at some services who have a criminal history as a result of past experiences of alcohol and drug problems, homelessness, mental health problems, etc. The staging process enables the ACT Government (and the community) to review the operation of the risk assessment process, and the impact on vulnerable people who are workers.

If funding agreements are used to circumvent this staging process by requiring different processes for workers in mental health services, drug treatment services, homelessness services, etc., then the Act will effectively be applied without any of the reviews which the government has planned to undertake. Vulnerable workers could lose their employment in some of the services that provide support

for some of the most complex clients. In many cases, employees with 'lived experience' are the best caseworkers, support workers, and educators. Once these workers are lost to services, it will be very difficult to rebuild the knowledge and credibility that they bring to organisations, sectors and the community.

ATODA is aware of at least one worker who has lost her job as a direct consequence of the terms of a new funding agreement, even though she does not work with vulnerable people as defined in the Act, and is not required to have a Working with Vulnerable People Card for that work. Her story is provided below.

Case study

Jenny had been working at HelpingHand Inc for four years. She provided an outreach service to at-risk people to educate them about safer health practices, how to reduce risk of disease transmission, and how to improve their health outcomes.

Jenny's own background gave her credibility with the people she was helping; she had been a drug user, had been convicted of several crimes almost ten years ago, and had been homeless. But after she was convicted, she'd accessed support and was working fulltime, about to buy her first home.

Jenny had told HelpingHand Inc about her criminal record when she'd first started working with them, and it hadn't been an issue. But when the Working with Vulnerable People Act commenced, HelpingHand Inc told her she'd have to get registered.

The Office of Regulatory Services told Jenny that her criminal record would prevent her from getting a 'general registration' but she would be able to get a 'conditional registration' allowing her to work

at HelpingHand Inc. The Office of Regulatory Services also told Jenny that she didn't work with 'vulnerable people' because the people she provided outreach to were not included as 'vulnerable people' under the new law.

But a manager at HelpingHand Inc told Jenny that the organisation had created new conditions of employment which required all employees to attain general registration. The Manager told Jenny in a letter that the new conditions of employment had been created to reflect requirements in HelpingHand Inc's funding agreement with the ACT Government.

HelpingHand Inc then dismissed Jenny on the basis that she did not

have and could not get a general Working with Vulnerable People registration. Jenny considered getting legal advice about whether this dismissal was unlawful, but said she 'didn't want to make waves' and has not pursued the matter.

Jenny's dismissal can be attributed directly to new conditions created by her employer in an attempt to comply with the new funding agreements from ACT Government. Jenny is a person with a criminal history and a history of drug use, who has spent time sleeping rough and time in emergency housing. She has a history as a 'vulnerable person'. The employment policy created under the funding agreement has resulted in her losing her job.

The funding agreement clearly constitutes a barrier to people like Jenny retaining their jobs, and will also be a barrier to people like Jenny seeking work in the sector.

ATODA, ACTCOSS and the Mental Health Community Coalition have been liaising with the Office of Regulatory Services and the Community Services Directorate to discuss opportunities to strengthen the scheme for 'vulnerable workers' and NGOs.



www.atoda.org.au

Article footnotes

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Services, 14 May 2014, visited 3 September 2014 <<http://www.humanservices.gov.au/corporate/publications-and-resources/budget/1415/asures/disability-and-carers/52-000738>>.

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ACTCOSS staff news

Welcome...



Rhiannon Thompson Administration Officer

Rhiannon joined ACTCOSS in July 2014 after her administrative internship with the organisation. With a long-term interest in the community sector Rhiannon is very

proud to have landed a position with ACTCOSS who provides a voice for the community.

Rhiannon completed her Diploma of Business Administration in June 2014.

Rhiannon enjoys attending sporting events, social occasions with friends and having a laugh with family.

Congratulations!

A big congratulations to Nadia McGuire (Policy and Development Officer) and her partner on having a healthy baby boy! We wish them all the best and look forward to seeing Nadia again after she returns from maternity leave in mid 2015.

Next issue:

Update Issue 70, Summer 2014-15 edition

Continuity and change in the ACT community sector

Members are welcome to contribute articles on the theme.

Copy deadline: 10 Nov 2014

Space is limited! To guarantee your spot, let Suzanne know as soon as possible.

Email: suzanne.richardson@actcoss.org.au

Ph: 02 6202 7235

Issue 70 will be distributed in December 2014.

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Dates for your diary

ACTCOSS learning and development

Thu 16 Oct 2014

Productivity, Planning & Resilience

Wed 22 Oct 2014

Building Better Boards: Board Governance & Strategy; Financial Management

Wed 29 Oct 2014

Effective Communication & Interpersonal Skills

Fri 31 Oct 2014

Understanding Aboriginal & Torres Strait Islander Peoples, Cultures & Communities

Thu 6 Nov 2014

Organisational Culture, Values & Staff Retention

Thu 13 Nov 2014

Raising the Standard

Events

Mon 13 Oct 2014

ACT Budget 2015-16 submissions close

Mon 17 Nov 2014

ACTCOSS AGM

For more information on ACTCOSS training and events, please call us on 02 6202 7200, email actcoss@actcoss.org.au, or visit us at our website:

www.actcoss.org.au



The ACT Council of Social Service Inc. (ACTCOSS) is the peak representative body for people living with low incomes or disadvantage, and not-for-profit community organisations in the Australian Capital Territory.

ACTCOSS acknowledges Canberra has been built on the land of the Ngunnawal people. We pay respects to their Elders and recognise the strength and resilience of Aboriginal and Torres Strait Islander peoples. We celebrate Aboriginal and Torres Strait Islander cultures and ongoing contributions to the ACT community.

ACTCOSS

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ACTCOSS welcomes feedback. Please visit the 'Contact' page on our website for our feedback form, or contact us using the details above.

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Julie Butler

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Kim Peters

Update is a quarterly newsletter that provides an opportunity for issues relevant to ACTCOSS' membership to be discussed and for information to be shared. Views expressed are those of individual authors and do not necessarily reflect the policy views of ACTCOSS.