



# AUSTRALIAN FEDERATION OF DEAF SOCIETIES

Secretariat address:  
37 Pearl Street  
Newtown NSW 2042  
Phone: 02 9550 2029  
Mob: 0439 376 475

Email: executiveofficerafds@bigpond.com

The Secretary of the Committee  
Standing Committee on Employment  
and Workplace Relations

Dear Sir/Madam

## **Inquiry into employment: increasing participation in paid work**

The Australian Federation of Deaf Societies (AFDS) wishes to make the following submission for the consideration of the inquiry into increasing participation in paid work.

It is the view of AFDS that Deaf people continue to experience barriers to full economic participation, as a result of:

- gaps in access to education and training
- limited awareness by employers of deafness and reasonable adjustment options
  - » inadequate funding for Australian Sign Language (Auslan) interpreting for employment related activities
- employment agencies not providing Auslan interpreters for Deaf clients

Case studies based on actual experience have been used throughout this submission to highlight these issues.

The Committee may also be aware that in recognition of such concerns, the Prime Minister requested that an independent consultant be commissioned by the Department of Family and Community Services to undertake a study to examine the supply, demand and funding of Auslan interpreting services. This three-month research project was conducted in 2003 and included issues relating to paid work. We understand that a report has now been finalised for ministerial consideration.

Although AFDS has only had access to the preliminary data circulated to the reference group for the study, we feel that the study confirms the concerns raised in this submission and would therefore be of tremendous assistance to the Committee in considering our submission and the following recommendations.

AFDS recommends that there be:

- « a more stringent obligation on educational institutions to provide disability access services such as notetaking and Auslan interpreting
- « adequate budget allocations to educational institutions specifically for the purposes of disability access services
- « funding for Deafness awareness and Auslan in the workplace focusing in particular on smaller, private sector employers
- funding for employment related interpreting situations, especially for smaller, private sector employers
- review of the FAGS Workplace Modification Scheme to include financial assistance for costs associated with Auslan interpreting
- « review of the employment assistance classifications used for case based and block funding agreements in relation to Deaf clients
- enhanced funding and clearer obligations for funded employment services to provide Auslan interpreters for Deaf clients

These recommendations apply equally to the open employment market and the income support aspect of the Terms of Reference for the inquiry.

We would of course be pleased to provide the Committee with any further information or to expand on our submission in due course.

Yours sincerely

Joe Sabolcec  
Executive Officer  
9 January 2004

## **The Australian Federation of Deaf Societies**

AFDS is the peak body representing the interests of organisations providing services to the Australian Deaf community. Consisting of the state Deaf Societies of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia, the Federation was formed in 1966 with the principle objective of improving Commonwealth and State government awareness of issues relating to the sector. As Deaf Societies provide a broad range of services to the Deaf community including employment, welfare and sign language interpreting, Deaf Societies are well placed to provide advice on issues relating to the delivery of these services.

Deaf Societies also work closely with other service providers in the sector, and in particular with the Australian Association of the Deaf (AAD) and the Australian Sign Language Interpreters Association (ASLIA).

information about the signing Deaf community and Australian Sign Language (Auslan) can be found in Attachment 1.

## **Employment and the Deaf community**

It is the experience of Deaf Societies that many Deaf people are skilled and valued employees in public, private and community based organisations and that individuals have attained qualifications and employment in a range of fields including management, law, human resources, accounting and information technology.

It is also our view that Deaf people who are unemployed and use our services are generally highly motivated and very active in gaining and developing employment related skills. Last year in NSW, for example, 3 221 hearing impaired students were enrolled by TAPE colleges working towards employment related qualifications.

Unfortunately it must also be said that unemployment, underemployment and restricted opportunities outside of the short-term, casual employment market are also common in the Deaf community. Deaf people are also more likely to be employed in the public/community sector as opposed to private/corporate sector for reasons that will become obvious below.

The Committee may be interested to know that this overview of Deaf employment was recently confirmed in a study examining the provision of Auslan interpreting services commissioned by the Department of Family and Community Services. We understand that a report has now been finalised for ministerial consideration and we expect that the issues relating to employment and education levels in the Deaf community will be included in this report.

AFDS therefore believes that the current level of unemployment and underemployment in the Deaf community would be greatly reduced through the implementation of the recommendations outlined below.

### **1. Education and training**

As the Australian economy moves further from an emphasis on primary and manufacturing industries towards service and 'white collar' employment, education and training gain increasing importance. As already mentioned, Deaf people are accessing education and training opportunities, this participation having been greatly assisted by the various measures introduced to support students with a disability. For Deaf students this includes the provision

of notetakers and Auslan interpreters. Over zealous cost-reduction strategies by universities and Colleges of TAPE are resulting in many services either being withdrawn or requiring students to provide increasing levels of justification. As with individuals in any community, Deaf people will vary in their level of assertiveness and so many students will not receive important support services to which they are entitled. Even when an Auslan interpreter or a notetaker is provided, it is rare for a student to be provided with both services even though it is simply not possible to watch an interpreter and take detailed notes at the same time. Students are therefore forced into making a choice between participating in class activities via an Auslan interpreter, or receiving a written summary of discussions from a notetaker, and they are thus disadvantaged in comparison to their hearing peers.

Recommendation:

- Clearer obligations on educational institutions to provide disability access services such as notetaking and Auslan interpreting.
- » Adequate budget allocations to educational institutions specifically for disability access services.

## **2. Employer awareness of Deafness and reasonable adjustment**

In spite of such educational barriers, many Deaf people have attained qualifications in a variety of fields only to then face their next challenge - employer ignorance and bias. Communication with a Deaf or hearing impaired employee is generally perceived to be difficult or problematic. The fact that a Deaf person may not be able to use a telephone, for example, would generally result in the rejection of a job application as the applicant will be perceived to be unable to meet the communication criteria automatically required of most positions.

In reality, Deaf people are able to use a range of strategies for communicating with fellow workers and clients and this can be greatly assisted if access is provided to technological adaptations such as the free national TTY relay service, email, fax or SMS. These and other reasonable adjustments can often be made without great expense. The employer may even be able to apply for financial assistance under the Workplace Modifications Scheme provided by the Department of Family and Community Services. However the lack of awareness of these options is the biggest obstacle.

Although most Deaf Societies provide Deafness awareness training and Auslan classes for the workplace, the general lack of any funding for such programs means that they are only able to do so on a fee for service basis. As a result, those workplaces most in need of such training are least likely to take up the opportunity. The Australian Capital Territory government has recognised this issue by providing the ACT Deafness Resource Centre (ACTDRC) with \$9,000 in annual funding specifically for the purpose of providing deafness awareness training to organisations employing Deaf workers. Although ACTDRC have reported positive results from employers using this program, this remains the only example of such funding in Australia.

Recommendation:

- funding be provided for Deafness awareness and Auslan in the workplace focusing in particular on private sector employers.

### 3. Auslan interpreting as a reasonable adjustment

Although Deaf people will have a range of communication skills and strategies, situations such as job interviews obviously require a very high level of interpersonal communication. Many Deaf job applicants would therefore request an Auslan interpreter for job interviews in order to ensure they are able to participate fully and present themselves to the best of their abilities.

Unfortunately, Auslan interpreting services are generally provided on a fee for service basis as most Deaf Societies do not receive funding to provide a free interpreting service. Even where Deaf Societies do receive funding from the relevant state government under the Commonwealth States and Territories Disability Agreement (refer Attachment 3), the level of funding is generally inadequate to meet even basic levels of demand and employment related appointments must compete for priority with medical, dental and legal appointments.

Even where free interpreting services do exist, their future is in jeopardy due to worsening financial constraints. In 1994, the Victorian Deaf Society ceased providing interpreting services for which a fee could not be charged. The Deaf Society of South Australia was forced to do likewise in July 2003. Although other Deaf Societies have continued to provide interpreting for many employment related appointments, requests for adequate funding have so far failed and other services may therefore also be withdrawn if this funding situation is not resolved. As already mentioned, although the Department of Family and Community Services has recently completed a study into the supply, demand and funding of Auslan interpreting services, the Commonwealth has made no commitment beyond this project.

Until such funding is resolved, this situation means that where ever possible, Deaf Societies must seek a fee of approximately \$160 for a minimum two hour interpreting appointment. Some employers understand their obligation and agree to pay for an accredited Auslan interpreter. This is generally true of Commonwealth and state public sector organisations as a result of clearly documented EEO requirements and practices, although even in this sector, increased focus on cost cutting does result in the need for some level of negotiation.

**Case Study 1.** An administrator in a large government department called the state Deaf Society to book an Auslan interpreter for a job interview. On being told the fee, the administrator advised they had to refer the matter to a senior manager for approval. The manager at first balked at the cost but agreed once reminded of their obligation to applicants with a disability.

Although the interpreter was provided in this instance, this case study unfortunately demonstrates the negative financial associations that are made with a Deaf applicant before an interview has even been conducted. Similarly, due to the shortage of Auslan interpreters, 1-2 weeks notice may be required. Current HR practices, where as little as 1-3 days notice may be given for a job interview therefore makes it much more difficult for Deaf applicants to be interviewed. This again creates frustration and may leave a lasting negative impression.

It has also been the experience of Deaf Societies that private sector organisations, especially small businesses, are even less willing to cover interpreting costs for job interviews.

**Case Study 2.** A small business called a Deaf Society to request an interpreter in order to interview a young Deaf woman for a position. On being advised of the interpreting fee, the person making the booking advised they were unable to meet this cost and would interview the person by email.

No other job seeker would accept a 'solution' as outlined above for a job interview. Pre-interview research or discussions between a Deaf applicant and an employer would also

almost certainly only be in electronic/written form as few employers would cover the cost of an interpreter for such situations.

Even once employed, Deaf employees are rarely provided with Auslan interpreters for work workplace activities such as orientation, training courses or meetings due to the costs involved. This obviously reduces the ability of the Deaf employee to be involved in workplace activities, and to maintain or improve work related skills. Not having equal access to information relating to first aid, evacuation procedures and other OH&S related training could also have serious safety consequences for the Deaf employee and potential legal consequences for the employer.

The situation also has serious implications for casual or contract workers, who must continually compete with other workers for short term positions, or for employees in organisations undergoing downsizing.

**Case Study 3.** A private sector organisation with a Deaf employee initiated a series of union and management meetings on restructuring and enterprise bargaining. An interpreter was not provided for any of these meetings resulting in the Deaf employee being unaware of even the possibility of redundancies until he received his termination notice.

Positive exceptions to situations outlined above are also worth noting.

**Case Study 4.** IBM employs 11 Deaf staff in the Sydney and Melbourne offices. Auslan interpreters are booked on a casual basis for meetings, training courses and other workplace activities as required. A Deaf manager is also provided with an interpreter one day each week due to the high level of communication required of her senior position in the company. IBM is also examining technologies to facilitate communication in the workplace between all employees.

Unfortunately, little research appears to have been conducted in Australia on the issue of reasonable adjustment for Deaf employees. In the United States, a study by Cornell University in March 2000 found that only 36 percent of private sector employers in the US responded to a request for a sign language interpreter, compared with 79 percent of public sector employers. This is despite the fact that incentives exist in the form of tax credits for the cost of eligible access expenditure.

In the United Kingdom, a program similar to the FACS Workplace Modification Program provides assistance to private sector organisations with the costs associated with sign language interpreting. Unfortunately the FACS Workplace Modification Scheme does not. In fact, Auslan interpreting is specifically excluded in the guidelines:

**"5. Purposes for which Assistance is NOT available**

- 5.1 Workplace Modification Assistance is not available for:
  - 5.1.1. non-disability specific modifications or equipment
  - 5.1.2. educating co-workers (e.g. interpreters to facilitate communication between a worker and other staff); or
  - 5.1.3 domestic modifications."

(p. 6, The Workplace Modifications Scheme, Revised Guidelines, Family and Community Services, February 2001)

Although confusingly referred to as 'educating co-workers' in the guidelines, direct contact with the FACS Workplace Modification Unit has confirmed that assistance with Auslan interpreting is not within the scope of the Scheme in its current form.

Recommendations:

- Funding for employment related interpreting situations, especially for smaller, private sector businesses.
- « Review of the FACS Workplace Modification Scheme to include financial assistance for costs associated with Auslan interpreting.

#### **4. Employment services and employment service funding arrangements**

A final area of concern for AFDS relates to the inadequate arrangements between FACS and the Department of Employment and Work Relations and the employment agencies they fund. Deaf Societies are aware of specialist disability employment agencies and JobNet services refusing to pay for Auslan interpreters for Deaf clients or providing an interpreter only if the client is assertive and persistent.

**Case Study 5.** An employment service refused to pay for an interpreter for a job interview for a Deaf client. Being unaware of their rights, the Deaf client did not press the issue and instead the client's mother was used as a notetaker during the job interview.

Again, other clients would not be expected to accept such a compromise. These potential breaches of the Disability Discrimination Act appear to result from the fact that case based and block funding for employment agencies fails to adequately account for the interpreting costs associated with Deaf clients. As a result, Deaf clients generally continue to use the specialist employment services offered by Deaf Societies (in those states where they are available) as they know their need for an Auslan interpreter will be respected. Whilst this may seem a suitable arrangement, it unfortunately leaves Deaf Societies burdened with costs for which they have also not been adequately funded. This situation also limits the options available to Deaf job seekers and there is little incentive for other employment agencies to become more accessible to Deaf clients.

Recommendations

- \* a review of case based and block funding arrangements in relation to Deaf clients so as to better reflect the need for Auslan interpreting
- clearer obligation on funded employment agencies to provide Auslan interpreters for Deaf clients

## **ATTACHMENT 1: What is the Deaf community, Ausian and Auslan/Engiish interpreting?**

### **The Australian Deaf community**

The Australian Deaf community is a community which identifies itself through the use of a common language (Australian Sign Language, or Ausian), a shared culture and strong tradition of social and political networks at state, national and international levels.

It is also important to note the convention of using a capital 'D' to refer to members of the Deaf community i.e. people who were born deaf and use Ausian as their preferred language, and lower case 'd' for people born with a hearing impairment or losing their hearing later in life, who generally prefer to use spoken English with the possible assistance of lipreading and/or hearing aids.

### **Austan (Australian Sign Language)**

Like other signed languages around the world, Ausian is a visual-spatial language where meaning is perceived visually and conveyed through movement of the hands and body, lip movements and the use of facial expressions.

Although denigrated (along with all other signed languages) until comparatively recently, Ausian has now been recognised as a language in its own right and comparable to spoken languages in its ability to express the most complex and sophisticated of thoughts and emotions. Ausian has therefore also become a serious focus of linguistic research.

Ausian has been recognised as a community language by the Commonwealth government in publications relating to language. This includes:

- « *A National Language Policy* (The Senate Standing Committee on Education and the Arts, 1984)
- « *National Policy on Languages* (Lo Bianco, 1987)
- *The Language of Australia. Discussion Paper on an Australian Literacy and Language Policy for the 1990s* (John Dawkins, 1990)
- *Australia's Language: The Australian Language and Literacy Policy*, (1991)

Numerous lexicography projects have also resulted in Ausian dictionaries in paper and CD-ROM format.

### **Auslan/Engiish interpreting**

Ausian/Engiish interpreting is the process of interpreting Ausian to spoken English and from spoken English into Ausian. Auslan/Engiish interpreters are accredited by the National Accreditation Authority for Translators and Interpreters (NAATI) as with all other community language interpreters in Australia.

Interpreters also receive further training in order to work in specialised fields such as health, law and education. All qualified interpreters are also required to comply with a Code of Ethics including confidentiality and impartiality in their work.



## **ATTACHMENT 2: Why use an accredited Auslan interpreter?**

As noted by the Department of Immigration, Multicultural and Indigenous Affairs in relation to people who do not speak English and for English speakers needing to communicate with them, "a client should have access to an accredited interpreter:

- » to ensure accurate communication between people of different languages while taking into account cultural sensitivities and confidentiality.
- because it is well known that in times of crisis or in traumatic or emotionally-charged situations, second-language competence may decrease dramatically.
- « as effective professional practice is dependent upon the worker's ability to understand the client's situation, through verbal and non-verbal communication.
- because qualified interpreters are bound by the AUSIT (Australian Institute of Interpreters and Translators) Code of Ethics. They understand and practise impartiality, confidentiality and accuracy when interpreting and their conduct is professional.
- » because all Australians have the right to equal access. Interpreters are an important tool in allowing people who do not speak English well to achieve that right." (Department of Immigration and Multicultural and Indigenous Affairs, [www.immi.gov.au/tis#3](http://www.immi.gov.au/tis#3))

The above applies equally to members of the Deaf community and to Auslan interpreting. Alternative communication strategies, such as written notes, lip-reading or the use of unaccredited interpreters, result in a Deaf person receiving less favourable treatment in comparison to other members of the community.

Although many people would assume a Deaf person would be able to communicate effectively in writing in a face to face situation, this can obviously be a frustrating and compromising means of communication for everyone involved.

Assuming that all Deaf people are able to rely on lip-reading in one to one settings is also incorrect. Skills in lip-reading vary greatly from individual to individual and the process relies heavily on familiarity with the speaker and the context. Lip-reading can therefore be difficult and exhausting in prolonged conversation and cannot be relied upon for complex information.

Expecting family members or friends to interpret for a Deaf person causes not only an obvious violation of privacy for the individual, but also the possibility of serious misunderstanding. Most people do not have the required skills in English and in Auslan, and would not be aware of the requirements of the setting in which they are interpreting.

**ATTACHMENT 3: Funding provided to Deaf Societies under CSTDA in 2001-02 and 2002-03.**

Funded Service	Funding Agency	Funding 2001-02	Funding 2002-03
Deaf Society of NSW	-	\$0	\$0
Queensland Deaf Society	-	\$0	\$0
Royal South Australian Deaf Society	Disability Services Office	\$85,732	\$90,696
Tasmanian Deaf Society	Department of Health and Human Services	\$68,950	\$71,372
Vicdeaf	-	\$0	\$0
Western Australian Deaf Society	Disability Services Commission	\$102,477	\$117,508
<b>Total</b>		<b>\$257,159</b>	<b>\$279,576</b>

In addition, it is also worth noting that:

- « ACT Deafness Resources receives \$10,000 in annual, recurring funding from the ACT government. Funding is restricted to Territory services.
- The Deafness Association of the Northern Territory receives support by way of office space and the salary of a part time co-ordinator from the Northern Territory Department of Health. No funding is received for interpreting services not covered by the Northern Territory Interpreters and Translators Services.