

DISABILITY ACTION INC.

RIGHTS, EQUALITY AND EMPOWERMENT FOR PEOPLE WITH DISABILITIES

295 Torrens Rd. West Croydon 5008
Phone: 08 8346 8288 / Country 1 800 805 495
Fax: 08 8346 9288 / TTY: 8346 3964
E-mail: monika@disabilityaction.asn.au
Web site: www.disabilityaction.asn.au



Submission to the House of Representatives Employment and Workplace Relations Committee

Submission

Disability Action Inc. is an advocacy and disability rights supporting organisation for people with any kind of disabilities in South Australia.

Our organisation has advocated with and for people with disability since 1987. We receive funding from the Department of Family and Community Services.

This submission has been informed by our member's and staff's experience and we have consulted with our constituency repeatedly in regards to the content of this submission.

Summary of Issues and recommendations

Employment issues for people with disabilities

Without wanting to duplicate previous research reports, and findings from many consultations, the issues for people with disabilities in gaining and maintaining employment can be summarised as follows:

- 1) People with disabilities need adequate support in order to access job search, training and employment opportunities. This includes access to adequate personal assistance and care, to adequate accommodation, transport, and access to buildings and other infrastructure, access to communication technologies, and access to the community to maintain their social relationships, which often enable them to start work.

Currently people with disabilities have:

- High unmet needs in regards to equipment and personal assistance;
- High unmet support needs (in particular in the mental health sector in SA);
- Restricted access to transport;
- Limited access to buildings and infrastructure, in particular within the Job Network and Vocational Training Provider areas, TAFE being an exemption;

- Restricted access to new technologies and other communication aids;
 - And very limited (through lack of income and transport) opportunities to participate in the general community.
- 2) Prejudice, ignorance and consequent exclusion are the main barriers people with disabilities face, once they are ready to apply for a job. While Disability Employment Services in general seem to be helpful and supportive to people with disabilities, they also place people with disabilities in low paying and exploitative jobs.
 - 3) Employer's support programs and incentives, as for example the Prime Minister's Employer of the Year Awards, and the Diversity@work website document the Federal Government's commitment to support employers to employ people with disabilities. Programs, such as the Disability Recruitment Centre SA can only be described as a best quality model for what can be achieved, if people with disabilities become the focus of service delivery. Last year this service created around 1000 new, permanent jobs for people with disabilities, from employers like Woolworth, ColesMyer, IBM and many others. These kind of programs must be extended, and multiplied/duplicated into every community, not just for people with disabilities, **but for all people at risk of being long-term excluded from the employment market.**
 - 4) Overall employment statistics for people with disabilities do not reflect the true level of disability in our society. Unemployment among people with disabilities is between 35% and 45%, and maybe higher, if better equipment and support services would enable those with more profound disabilities to participate in every day life and work.
 - 5) There are no exact statistics available about the (un)employment rate for people with disabilities. The lack of statistics for people with disabilities in employment and those who seek employment, points at a lack of preparation of the many policies released by the Commonwealth to reform the income support system.
 - 6) Discrimination at the workplace is still a regular occurrence, in some cases it is even systemic, such as in the Business Services sector. Discrimination prevents people with disabilities to progress in their careers, to save for their old age, and to upgrade their equipment so they can become

more competitive in the employment market and earn a higher wage.

- 7) Rehabilitation processes can be vastly improved. In particular, any kind of exploitation of the recovering or rehabilitating person must be avoided. Surveillance and legal arguments about compensation during a rehabilitation process must be handled with more consideration for the well being of the person wishing to return to work.
- 8) Access to vocational training opportunities for people with disabilities must be improved.
- 9) Income support payments ought to take into consideration, and remunerate, the costs arising from living with a disability. Job search, employment and volunteering all require resources for people on low incomes, and in particular where people have to use access cabs, or need AUSLAN interpreters, to participate in the community.

Disability Action Inc. makes the following recommendations, which are repeated in the body of this submission linked to the relevant text.

RECOMMENDATIONS

In response to the terms of reference of this inquiry to report on employment issues, in both rural/regional and urban and outer suburban areas, with particular reference to measures that can be implemented to increase the level of participation in paid work in Australia, Disability Action Incorporated recommends that:

Recommendation 1:

Better statistics be kept and research be undertaken about

- a) the level of participation of people with disabilities in the workforce and in Business Services;
- b) the number of job seekers among people with all kinds and levels of disability, including those who do not receive income support payments;
- c) the level of satisfaction of employees with disabilities in different settings and the barriers they face;
- d) the outcomes of various day care programs, which train people with disabilities so that they can become more independent or job ready (some people with disabilities have worked for more than five years in regular jobs, for example in horticulture, yet they only receive a small incentive payment of \$16 – \$40

per fortnight. These 'jobs' are part of a day care program, which prepares people with disabilities for employment. The payment they receive are incentive payments, although the agency providing the day care program receives payment for the work the people with disabilities achieve).

- e) Trainee and apprenticeship participation of people with disabilities and reasons for withdrawals.

Recommendation 2:

The Commonwealth government concentrate its efforts and resources on creating jobs, in particular in the public sector and for people with disabilities, or for people at risk of long-term unemployment. Affirmative action should be introduced and reinforced through out all business sectors in Australia. The Commonwealth government has the unique opportunity to introduce and model best practice in regards to affirmative action for people with disabilities. Disability Action Inc. recommends the implementation of an initial employment quota of 5 – 8 % of people with disabilities in the public sector in all areas.

Recommendation 3:

The Department for Employment and Workplace Relation ensure adequate training provision for job consultants in the Job Network, which includes disability awareness training and a greater focus on how to deal with desperate people, than is the case in the proposed Certificate III and IV for Job Network Consultants and existing induction and training programs.

Recommendation 4:

Access to vocational training and education for people with disabilities must be improved. A thorough review of the reason for non-participation in VET and apprentice- and traineeships should be undertaken and the emerging barriers must be addressed. Without access to vocational education and training people with disabilities have very little chance of gaining satisfying jobs and developing a career path.

Recommendation 5:

The Commonwealth introduce affirmative action for people with disabilities in employment. We recommend the introduction of a 5% quota of people with disabilities in employment for businesses with over 20 employees. After five years the quota should rise to 10%, and another five years later it should reach 15%. Those who do not meet their quota pay a fine, those who meet their quota get part of the salaries for their employees with disabilities reimbursed and access to all other benefits.

Recommendation 6:

That the Commonwealth invest more into employment creation through the development of alternative, sustainable industries and niche markets, the funding and delivery of adequate community services, and the implementation of innovative programs to support the development of cooperative and innovative business ventures.

Recommendation 7:

Family friendly industrial legislation be introduced with the aim to increase participation in employment and a focus to distribute the scarce resource of jobs more evenly. For this purpose the weekly working hours could be reduced to 35 hours, unpaid overtime be outlawed, paid overtime could be restricted. Industrial regulations must be used in tandem with other measures to increase participation of people at risk of long-term unemployment in the workforce.

In regards to the terms of reference of how a balance of assistance, incentives and obligations can increase participation, for income support recipients, Disability Action Inc. recommends that:

Recommendation 8:

The Commonwealth ensure adequate funding through the Commonwealth State Territory Disability Services Agreement to enable people with disabilities to access job search services, training and employment.

Recommendation 9:

The Department of Employment and Workplace Relations ensure in their next round of contracting with Job Network Providers that the providers adhere to the provisions of the Disability Discrimination Act and develop a Disability Action Plan to ensure access for all people to their premises, their promotional and other printed materials, their services, their employment opportunities; and in addition to ensure that all job consultants are continuously made aware of their obligations under the Disability Discrimination Act.

Recommendation 10:

Commonwealth refer from any moves to introduce compulsory participation requirements to people with disabilities and their carers, regardless of what kind of payment they receive and abolish the harsh and unjustified punitive breaching regime, at least in cases where it can be established that the person could not comply with the requirements due to their disability.

Recommendation 11:

The Commonwealth Government reform its policy of Mutual Obligation to a policy of "Mutual Respect for the Sanctity of Right to Live and Participate"! All changes planned to employment assistance for people with disabilities or the general community should exclude any notion of:

- Compulsory activity requirements
- Breaching
- Punitive measures
- Reduction of income levels
- Reduction of support services.

Instead we recommend the inclusion of policies and obligations by governments to

- Create employment,
- Promote and support employment of people with disabilities in open employment,
- Introduce affirmative action by requiring employers with more than 20 employees to provide 10% of jobs to people with disabilities,
- Create fair employment conditions and wages for people in Business Services,
- Provide adequate funding for support and care services,
- Provide accessible transport at affordable rates,
- And support employers with workplace modification and disability awareness training.

Recommendation 12:

The Commonwealth reform its programs, which force Indigenous people and the unemployed to work without adequate remuneration, such as the 'Work for the Dole' program or the CDEP and that the reforms of the Business Services sector (Work for the DSP) is advanced to achieve equity in payment and working conditions by the end of 2004. Disability Action Incorporated and the wider community of people with disabilities do not support the existing programs and we vehemently oppose the extension of any of these programs to people with disabilities.

1. Introduction:

In response to the terms of reference for this inquiry this submission is divided into four parts:

- a. A summary of the core statements and recommendations
- b. The introduction with some background information and clarification of definitions
- c. The response to the question of what measures can be implemented to increase participation in employment
- d. The response to how a balance can be achieved between assistance, incentives and obligations.

The summary of recommendations has been placed at the beginning of the document, however, every recommendation is repeated throughout the text in its relevant section.

To proceed with some clarity about who is responsible for what kind of service, and why Disability Action is responding at all to an inquiry about employment services provided by the Department of Employment and Workplace Relations, will be explained in the following section.

Further, to explore the employment situation of people with disabilities in Australia some statistics have been provided to demonstrate that people with disabilities are vastly underrepresented in the work force and in vocational education and training participation. For this purpose the situation of people with disabilities in open and sheltered employment, and in the public sector will be more closely explored in the introductory part of this submission.

1.1 Clarifications about eligibility for programs

People with disabilities may be in receipt of a Disability Support Pension (DSP), or in receipt of Newstart or Youth allowance, or other payments. Some of the eligibility criteria for the DSP prevent some people with significant impairments to access the pension. If their disability is not stabilised they are ineligible for the DSP, which can be the case with people who suffer from epilepsy or schizophrenia, and who have not found their right level of medication yet, or who refuse treatment. Other people with disabilities may have assets and income from other sources and therefore not be eligible for the DSP.

Eligibility for the disability employment services is determined by a Work Ability Test (WAT), which gives points wherever a person is limited in their ability to gain employment, i.e., they assess if the person can be on time at work, whether they need a personal assistant, how mobile they are, and other information. If a person gets 50 WAT Scores, they are eligible to attend a disability employment service. However, there are many people with disabilities who do not get 50 WAT scores and yet have significant disabilities or suffer from chronic illness.

Among the long term unemployed people are many who have learning disabilities or mild intellectual disabilities and/or mental health problems. These people are referred to Personal Support Programs, if they are deemed not to be ready for employment. They can also access literacy and numeracy classes, if they are permanent residents of Australia.

Some people with disabilities have held jobs, sometimes full time jobs. When these people lose their jobs, they are unable to get back onto the DSP, because they have shown that they are capable of working more than 30 hours at award rates.

They are eligible for Newstart Allowance and enter the main stream Job Network with sometimes devastating consequences.

This submission is written on behalf of all people with disabilities, regardless whether they are employed, on Newstart Allowance or a DSP, or being cared for in institutions, such as supported residential facilities or whether they have the resources to live independently. All people with disabilities want to have the opportunity to make a contribution to our society and earn their own ways.

1.2 Employment opportunities for people with disabilities

Employment opportunities for people with disabilities exist in every imaginable industry. Different impairments have different effects on the productivity of workers with a disability, some impairments occur in episodes, only some of the time, while others may affect a person's ability to move, or to express themselves.

Disability Action Inc. has initiated Employer and Employee Awards for employees with disabilities who have overcome extraordinary barriers to gain employment, and for employers who have gone beyond their normal duties to enable an employee with a disability to fully participate in their business. Since 1997 we have collected

around twenty case studies per year of employees with disabilities, who have managed to gain and maintain a job.

Our award winners have come from rural and regional areas and from Adelaide, have included large and small employers, public and community services employers, and last year, for the first time, a training provider. These examples show that people with disabilities are able to work in all fields of work, provided they receive adequate support to overcome their physical and psychological barriers.

Unfortunately, it is very hard to find data on employment rates for people with disabilities. The data that can be found it is often incompatible, different sources relying on different definitions and too few sources maintaining data sets over any significant period.

The South Australian Job Placement Network on behalf of the Australian Local Government Association undertook a study to identify the participation rate of people with disabilities in employment. They came to the following conclusion:

Obviously there are a wide range of possible or preferable sets of data which might meaningfully inform the reader about the performance of the public sector in Australia.

Unfortunately very little data exists on rates of employment within the private sector. Unfortunately what data is available even for the public sector, is limited. (found at <http://www.workable.org.au/Resources/Statsjpn.htm>)

Some data is available on people who access disability employment services and those who work in Business Services, through the Snapshot Day statistics collected yearly by the Department of Family and Community Services. Once again, only a particular group of employees is captured on the data sets, and only those, whose status as employees must be questioned under the wages system provided in many Business Services.

This year in February the Disability Employment Advocacy Centre in Melbourne, together with the National Council on Intellectual Disability, intervened in the Safetynet case of the Industrial Relations Commission. Their submission provides some insight into the situation of people with disabilities in employment and will be quoted throughout this submission.

1.2.1 WORKERS WITH DISABILITY IN OPEN EMPLOYMENT

As there are no reliable participation rates of people with disabilities in the general workforce, DEAC and NCID used the Disability Census 2000 to illustrate the situation of employees with disabilities in open employment as compared to employees in Business Services.

Their statistics show that employees assisted by open employment service outlets received higher wages than workers assisted by business services, with approximately 82% earning more than \$100 per week compared with 9% of business services.

The following statements are from their submission to the Industrial Relations Commissions, which can be found on the Australian Industrial Commission's website under Safetynet Case, and there under 'Intervenors'.

Workers with disability in the open labour market

Of 13, 955 workers with disability employed in the open labour market;

- 18% earned \$1-\$100 per week;
- 46% earned \$101-\$300 per week;
- 36% earned more than \$300 per week.

5, 522 workers with disability, (38.5% of workers in the open labour market), work over 31 hours per week. Of this group 47% earn more than \$400 per week; 76% earn more than \$300 per week; 90% earn more than \$200 per week.

4, 518 workers with disability, (31% of workers in the open labour market), work between 16 and 30 hours per week. Of this group 61% earn more than \$200 per week; 21% earn more than \$300 per week; and 6% earn more than \$400 per week.

Wages for workers with disability in the open labour market appear to be influenced by award rates of pay, hours of work, and productive capacity. (found on 23/9/2003 at http://www.airc.gov.au/safetynet_review/other/deac_submission_2003.pdf)

1.2.2 EMPLOYMENT OPPORTUNITIES IN BUSINESS SERVICES

Increasingly people with all kind of disabilities are referred to Business Services, previously known as sheltered workshops. Many people with intellectual disabilities work all their lives in these settings. Although they have worked as hard and often as productive as many workers in open employment, they retire after 25 years of service with \$800 superannuation.

The average hourly rate for people with disabilities in Business Services lies between \$1.50 - \$3.50 per hour.

Disability Action Inc. has received numerous anonymous calls and some requests for assistance from employees in Business Services, because people feel exploited, bullied, and unfairly assessed.

We are currently working together with a group of people with mental health problems, who have been asked during the course of their rehabilitation to work in Business Services. One former nurse said it very simply:

"I'm losing my identity in there. I'll never be able to work as a nurse again, once I have worked in a sheltered workshop!"

Several members of this group have shared their experiences of working in Business Services, none was able to maintain the position. Most got very upset about the treatment of people with disabilities in the services, many felt that staff was bullying and manipulating employees with disabilities into submission, trouble makers, who spoke up on behalf of other workers were sacked, injured workers were instructed to take sick leave, and not to visit their own GP, but a company assigned GP, and union membership is banned or frowned upon.

Business Services in their current state can be compared to the Work for the Dole system for unemployed people. They may have similar outcome rates, maybe 30% of those in sheltered employment may find their way into open employment. For the rest of the people, employment in Business Services is their last resort and leaving means being condemned to a life at home.

Anyone in such a situation will try to maintain their position, even if they are deprived of their rights. Therefore it is very difficult to advocate on behalf of employees in Business Services, if management is uncooperative and employees fear retribution.

Unfortunately, unions are not very keen on representing employees in Business Services, as they often also represent the staff of these services. The other problem is that unions receive very little from the few members they have in Business Services and unions have, nowadays, scarce resources.

Disability Action Inc. is aware of recent moves by the National Council of Intellectual Disabilities and the Disability Employment Advocacy Centre in Melbourne to address the situation through the Australian Industrial Commission. We are also aware of the

introduction of the Disability Services Standards, especially section 9 at the end of 2004.

As part of our services we have been invited to represent people with disabilities on Enterprise Bargaining Committees in some Business Services. This experience has left us very worried about the future for employees with disabilities in the sector.

The following statistics demonstrate the reason for our concerns: a huge wage disparity between people with disabilities in Business Services and open employment, which, if parity is to be achieved, will be impossible to finance by the existing Business Services.

In their submission to the Safety Net decision 2003 of the Australian Industrial Commission the National Council of Intellectual Disabilities (NCID) and the Disability Employment Advocacy Centre (DEAC) presented the following findings:

82% of people with disabilities in open employment earned more than \$100 per week compared with 9% of people in business services.

Of 14, 689 workers with disability employed by the business services industry;

- 41% earned \$1-\$40 per week;
- 44% earned \$41-\$80 per week;
- 14% earned \$81-\$300 per week.

The low wages of workers with disability in the business service industry is not relative to less hours of work or part-time status. The typical business service worker is employed on a permanent basis between 31 and 40 hours per week.

The Disability Census 2000 found that 10, 107 (60% of all workers in business services) work more than 31 hours per week of which 8, 364 earn less than \$80 per week.

The following hourly pay rates overestimate the level of hourly pay rates of workers who work between 31 and 40 hours per week. They are, however, indicative of the low wages generally received by workers in business services.

- Eight (8) workers with disability working between 31 and 40 hours work for no wage.
- Nine hundred and seventy seven (977; 5.8%) working between 31 and 40 hours work for 65 cents per hour.

- Two thousand, three hundred and seventy nine (2,379; 14.3%) working between 31 and 40 hours work for \$1.29 per hour.
- Three thousand, four hundred and seventy eight (3,478; 21%) working between 31 and 40 hours work for \$1.94 per hour.
- One thousand five hundred and twenty five (1,525; 9.1%) working between 31 and 40 hours work for \$2.58 per hour.
- Only 17% of those working between 31 and 40 hours earn more than \$2.58 per hour and only 1% earn more than \$400 per week.

The low wages of workers in the business services industry, and the substantial difference in the level of wages when compared to workers with disability in the open labour market, are characteristics consistent with other recent and historical data sources on wages and employment conditions.

The *Evaluation of the Case Based Funding Trial (CBFT), 2002*, found substantial differences in the wage rates of workers with disability between those employed in the open labour market and the business services industry. The report also indicates that these differences are highlighted by the low wages received by employees in the business service industry.

The CBFT report stated that: *"the lower wages rates paid to supported employment workers overall (\$2.01 per hour) compared to open employment workers (\$11.12), is not the result of supported employment workers being classified to relatively higher funding levels. While supported employment workers are classified to marginally higher funding levels than open employment workers ..., the disparity in wage rates exists across all funding levels."*
(SAFETY NET 2003 SUBMISSION, p. 51 – 53)

Despite the introduction of the Disability Services Standards and especially section 9, the working conditions, wages and access to decision making has not improved greatly over recent years.

On the contrary, what has been gained with the introduction of the standards will be eroded with the introduction of the Supported Wage Assessment Tool for Business Services, which is currently under development. First reports from trials give Disability Action Inc. reason for great concern. It leaves us ultimately with the question of when competency and productivity-based assessments

will be introduced to the general workforce on a yearly or six monthly basis to determine their levels of salary?

How many able-bodied people work at 100% productivity? Why don't they get assessed? How many able-bodied people would pass a competency-based assessment every year? They all should be competent in their jobs, but do we keep everything we learned to prepare us for the job in our memory? It would be similar to demanding a driving test every year, how many would pass with 100% competency?

Once again, the balance of fairness is shifted towards one side, the individual with a disability working in these "Work for the DSP" jobs carry the burden, while businesses are protecting their interests and government hides behind the accountability to the taxpayer.

As available statistics are limited tho employees in open employment who were supported by FACS funded disability employment services, the true state of affairs of the employment rates, wages and working conditions of people with disabilities remain in the dark.

Therefore Disability Action Inc. recommends that:

Recommendation 1:

Better statistics be kept and research be undertaken about

- a) the level of participation of people with disabilities in the workforce and in Business Services;
- b) the number of job seekers among people with all kinds and levels of disability, including those who do not receive income support payments;
- c) the level of satisfaction of employees with disabilities in different settings and the barriers they face;
- d) the outcomes of various day care programs, which train people with disabilities so that they can become more independent or job ready (some people with disabilities have worked for more than five years in regular jobs, for example in horticulture, yet they only receive a small incentive payment of \$16 – \$40 per fortnight. These 'jobs' are part of a day care program, which prepares people with disabilities for employment. The payment they receive are incentive payments, although the agency providing the day care program receives payment for the work the people with disabilities achieve).
- e) Trainee and apprenticeship participation of people with disabilities, their success rates, barriers and reasons for withdrawal.

1.3 Employment in rural and regional areas

Disability Employment services in rural and regional areas seem to be as effective as in Adelaide and its suburban areas. However, employment opportunities may be more limited.

In regards to people with disabilities in rural and regional areas the problem of accessing services can be huge. Apart from individual barriers of transport and access, the issue of gaining employment in locations where unemployment is already high, forces many people with disabilities to abandon their search for employment.

The problems arising from unemployment in rural and regional areas also force some people with disabilities into unsuitable employment, such as fruit picking or harvesting and packing.

Living permanently on the current level of income support in rural and regional areas prevents many people with disabilities from active participation in their communities and nearest regional centres. The cost of disability is generally higher in those areas, while the payments and concessions remain the same. Service provision is limited, access to adequate care and support services is harder to find, hence people may simply not be employable because they cannot get a carer to assist them to get out of bed in the morning. The journey to work may pose huge problems from a farm in the outback. Many people cannot drive, public transport is non-existent and access cabs may not be available either.

Case studies:

William aggravated his epilepsy because he got stressed working as fruit picker in a strawberry plantation. The requirements to pick certain amounts in a certain time put him under pressure and the, for him unusual, position of his head and neck triggered seizures.

William needed the additional money to pay the school fees for his two children and to enable them to go on a school holiday camp they wanted to attend. It took William six months to regain his balance and reduce his seizures to a controllable level.

1.4 Public Service employment opportunities for people with disabilities

On all levels of government the employment rate of people with disabilities needs to be improved. Over the last year we have seen news releases circulated which stated that the public sector employment rate in NSW had sunk from 4.6% five years ago to

around 3% in 2002. Our attempt to retrieve this news release was unsuccessful. Likewise other 'rumours' indicated that the employment rate for people with disabilities had gone down in Queensland and South Australia.

The abolishment of 500 trainee positions in SA's public sector has further reduced the chances of young people with disabilities to enter the public sector.

Therefore Disability Incorporated recommends that:

Recommendation 2:

The Commonwealth government concentrate its efforts and resources on creating jobs, in particular in the public sector and for people with disabilities, or for people at risk of long-term unemployment. Affirmative action should be introduced and re-inforced through out all business sectors in Australia. The Commonwealth government has the unique opportunity to introduce and model best practice in regards to affirmative action for people with disabilities. Disability Action Inc. recommends the implementation of an initial employment quota of 5 – 8 % of people with disabilities in the public sector in all areas.

2. Measures to be implemented to increase participation in employment

The previous section demonstrates that participation in employment cannot be the only goal, but it has to be **participation in employment at award conditions and salaries.**

People with disabilities work in Business Services, for example, because the government has not created enough jobs. The same reasons d'être exist for the Community Development and Employment Program (CDEP) for Indigenous people, and for the Work for the Dole program. There are not enough jobs for all those who want to work. However, there seems to be enough work that needs to be done, otherwise where does all the work for the before mentioned programs come from?

There seems to be a need for community development investment in Indigenous communities, so why are Indigenous job seekers not paid a decent wage, instead of their income support benefits, which are withdrawn, if the person does not appear at work?

The terms of reference for this point obviously refer to measures, which can increase participation in paid employment at award rates and conditions. Further, this point of reference refers to measures for job seekers, presumably, not necessarily to other measures, which could be implemented in portfolio areas outside of the responsibilities of the Department for Employment and Workplace Relations (DEWR).

Disability Action believes that most measures that can be put in place for people with disabilities to increase their employability, have been put into place already. The issues arising from these programs are issues of quality service provision and quantity of available services and places. Both aspects can be improved. However, no amount of increase in the employability of people with disabilities can address the fact that there are not enough jobs out there for all job seekers. There are huge barriers people with disabilities face when it comes to participation and access at workplaces, and prejudice towards people with disabilities is widespread.

Even if all job seekers were well trained and job ready, as so many are, there are not enough jobs for all those job ready employment seekers. Unless the government concentrates its efforts in regards to employment creation, no progress will be made.

Therefore, Disability Action Inc. believes that no single measure or policy will increase participation in employment for people with disabilities.

Without adequate access to care, support and personal assistance services, transport, the environment, and appropriate equipment, people with disabilities will have no chance of gaining and maintaining a job. Once enabling conditions prevail, people are ready to look for a job.

People with disabilities want to work, they want to enjoy the simple pleasure of inviting their friends without having to think, where they can cut corners to afford it.

Therefore, apart from providing adequate access to services and infrastructure, pathways for people with disabilities have to be created to move from school to work, from business service to open employment, and from unemployment to employment.

Job creation clearly falls under the responsibility of the government, even if it is not the government which actually provides the jobs, but the private sector.

The development of new technologies and sustainable industries must be supported and encouraged by government, assistance and incentives programs can be implemented to encourage employers to increase the skill levels of their staff, and finally, and equally important, industrial regulations can significantly increase a more equal distribution of work. Last, but not least, the tax system can be used to encourage employment provision for business and assist people to move from unemployment to employment through reducing the high marginal tax rate, especially for people on allowances. The income support system needs to be linked more comprehensively to the tax system.

2.1 Increase Employability

Some services, which provide services under this heading are very helpful and supportive, others openly or inadvertently discriminate against people with disabilities. Therefore quality outcomes are dependant on the quality of services provided.

In a competitive, for profit business environment, customers/clients have a choice, unsatisfying treatment of customers will inevitably lead to not having any. Not so in the Job Network as job seekers are now assigned to one provider for the duration of their

unemployment. This will pose extra problems for people with disabilities who are unable to access specialist employment services, for example, due to them having been able to gain a job, where they were working more than 30 hours at award rates. The power to choose a provider is also limited for users of disability employment services, who are often referred to their nearest located service. Disability Action Inc. has dealt with two cases, where clients wanted to change providers and had to bring an advocate in to be heard.

For example, one person suffering from depression and an anxiety disorder was breached three times: firstly, because they refused to attend the Job Search Training, because they felt unable to face the continuous rejection cold canvassing would bring and had already attended two previous Job Search Training courses.

Secondly, the person refused to attend a training course for carers for people with disabilities, because s/he believed it would not be fair on the person s/he would have to care for. S/he did not want to work as a carer.

Thirdly, the person refused to continue with the assigned job network provider, because they had shown such contempt for his/her disability. They had actually drawn the person into an internal conflict at the office of the provider, and despite having requested to be kept out of the conflict, s/he was asked by the office manager to sign a statement containing accusations against one of the staff members, so that this staff member could be sacked.

S/he had refused, and s/he had had enough. The stress had caused depression and anxiety levels to be out of balance and it took the person a few months to recover. Yet when this person had asked to be transferred to another job network provider, the Centrelink Officer had refused the request.

All three breaches were overturned by the Social Security Appeals Tribunal, but only after three months of no income! This stressful process demanded high support from family and friends and some savings to maintain his/her home. The person survived it, but only just, the risk of suicide throughout this process was very high.

For these reasons Disability Action Incorporated recommends that

Recommendation 3:

The Department for Employment and Workplace Relation ensure adequate training provision for job consultants in the Job Network, which includes disability awareness training and a greater focus on how to deal with desperate people, than is the case in the proposed Certificate III and IV for Job Network Consultants and existing induction and training programs.

2.1.1 Access to vocational training and education

Another aspect of increasing the employability of individuals is access to training and further skills development. Again, statistics for people with disabilities in vocational education show that people with disabilities are underrepresented. People with disabilities participate at a rate of 5% of all students attending vocational education, (NCVER, Student Outcome Survey 2002, p. 154) while they constitute around 15 – 20 % of the population if mental health problems are included in the definition of disabilities. There are specific problems and issues in vocational training people with disabilities face.

The National Centre for Vocational Education Research publishes statistics about all vocational education programs and courses. Their report about participation in Vocational Education and Training (VET) for the year 2000 showed disappointingly, that although the number of people with disabilities participating in VET had risen overall, the percentage of students reporting a disability had decreased from 5.1% in 1996 to 4.5% in 2000. The report states further that:

- VET students who reported a disability in 2000 tended to be older than other VET students, and were also more likely to have lower levels of schooling.
- In 2000, VET students who reported a disability were more likely to be studying enabling courses than all VET students.
- VET students reporting a disability achieved a smaller proportion of successful subject outcomes in 2000 than VET students overall.
- Graduating from a TAFE course in 2000 did not appear to have much effect on employment outcomes for those who reported a disability.
- TAFE graduates reporting a disability who did manage to secure employment, did not achieve the same level of income as Australians as a whole. (found at

<http://www.ncver.edu.au/statistics/aag/disab00/disab00.pdf>

This is a very negative result, and Disability Action's investigations and consultations with students with disabilities in VET in South

Australia have identified many problems. Some of the issues have been taken up by the Bridging Pathways program, a national program to address access and equity issues for people with disabilities in VET.

In summary, our investigations have found that there is a high level of prejudice towards people with disabilities in the VET system. Often people with disabilities are not even accepted into courses, because it is thought, they would not be able to get a job afterwards anyway. This kind of 'gate keeping' can be seen as systemic discrimination.

If they are accepted they experience difficulties gaining access to adequate alternative learning and assessment resources, AUSLAN interpreters, technology aids, etc. People with mental health problems experience problems with field placements, assessments, and compulsive attendance rates. People with intellectual disabilities are prevented into going into courses beyond AQF level 2 because 'by definition of their disabilities, they do not have higher order thinking skills'. (Statement of a disability liaison officer within TAFE) This statement is reflected in the statistics from the NCVET:

In 2000, VET students who reported having a disability were mostly studying a similar mix of qualifications to all VET students. However, a smaller proportion of VET students reporting a disability were studying at the AQF Certificate III level (16% compared with 20% of all VET students), and a larger proportion were studying at the AQF Certificate I level (12% compared with 5% of all VET students). (found at <http://www.ncver.edu.au/statistics/aag/disab00/disab00.pdf> p. 6)

Students who report having a disability have been less likely to achieve successful module outcomes than other VET students. As indicated before, this may well have to do with a lack of adequate support, because where students with a disability finalized their course work, they did perform almost as well as able-bodied students.

Over half of the unsuccessful outcomes for VET students reporting a disability in 2000 resulted from withdrawals (13% compared with 9% for all VET students). The proportion failing to successfully complete assessed subjects was only marginally higher than for all VET students (12% compared with 11% for all VET students). (found at <http://www.ncver.edu.au/statistics/aag/disab00/disab00.pdf> p. 7)

The NCVET Student Outcome Statistic report stated:

- SA had 5 081 students with a disability in VET, or 4.2% of students indicated they lived with a disability. This is 0.7% less than the participation rate was in 1996: 4.9%. While 20% of the population will have a disability at one stage or another in their life, a 4.2% participation rate is nothing to be proud of. (found at

<http://www.ncver.edu.au/statistics/aag/disab00/disab00.pdf> p. 2)

2.1.2 Apprentice- and Traineeships

Access to apprentice- and traineeships would further increase the ability of people with disabilities to gain paid employment.

However, as the NCVET report shows, people with disabilities are again underrepresented in taking up the opportunity to enter an apprentice or traineeship.

At 31 December 2002, the total number of apprentices and trainees in-training was 373 200 representing 3.9% of the number of employed persons in Australia. Of all apprentices and trainees in-training as at 31 December 2002 in Australia:

- _ 31.1% were in the "Traditional Apprenticeships proxy" category ^(b)
- _ 82.0% undertook training in AQF level III and above, with 18.0% in AQF level II
- _ 9.1% spoke a language other than English at home
- _ 12.2% were born outside of Australia
- _ 1.9% were of Aboriginal and/or Torres Strait Islander origin
- _ 1.5% reported a disability.

<http://www.ncver.edu.au/statistics/aats/ann02/aatann02.pdf> , p. 12

Annual apprentice and trainee statistics 2002, NCVET

A quota of 1.5% participation rate for people with disabilities is unacceptable and a great shame! These are the pathways that lead directly from school to employment, yet people with disabilities are more or less excluded from this pathway.

It is evident, that people with disabilities need to have access to training and skills development if they want to enter the workforce. Vocational training is as important as assistance in regards to finding a job.

Therefore Disability Action Incorporated recommends that:

Recommendation 4:

Access to vocational training and education for people with disabilities must be improved. A thorough review of the reason for

non-participation in VET and apprentice- and traineeships should be undertaken and the emerging barriers must be addressed. Without access to vocational education and training people with disabilities have very little chance of gaining satisfying jobs and developing a career path.

2.2 Employment Creation

Even if we had well working, client centred and supportive job search services to increase employability of individual job seekers, and access to vocational training and education for people with disabilities, **it will not solve the problem of a lack of available job openings.** Although the unemployment rate has sunk to its lowest levels for the last ten years in September 2003, these statistics are not telling the full truth.

There are still five job seekers for every job opening, and many more potential applicants who want to increase their part time workload. There are many who no longer register as unemployed, and yet are looking for employment. When people with disabilities are added to the other job seekers it is likely that 10 – 12 people are available for every job opening.

Unemployment cannot be addressed alone by increasing employability, the creation of jobs must be a priority for all governments.

Adjustments in the way Australians' share the precious resource of work must be made. Family friendly workplaces, parental leave, restrictions on overtime, and reduction of the weekly working hours would create increased demand in the employment market.

There are many examples of how the business sector can make a contribution to the creation of employment and how governments can assist business to increase their profitability while at the same time providing more employment and better access to skills and professional development.

2.2.1 Incentives and affirmative action

Support and incentives to employers of people with disabilities should be linked to affirmative action for those at risk of long-term unemployment.

Germany has an affirmative action plan in place for people with profound disabilities. Every employer who employs more than 20

employees has to employ currently 4% of their workforce from a pool of people with profound disabilities. Employers who do not fill their quota have to pay a fine. On the other hand, those who employ people with profound disabilities are receiving workplace support and adjustment/equipment costs and a part of the employee's salary as incentive payment. Despite these measures the number of people with disabilities in the workforce has dropped and many employers prefer to pay the fine, rather than employ people, therefore the quota has been raised to 5%, or is currently in the process of being raised (see attachment 1 for more information).

Denmark eradicated unemployment through a mix of supporting employers to enable their staff to study for a year on paid leave, while employing a long-term unemployed person instead of the person on leave (not necessarily in the position of the person on leave), and by developing the windmill industry to create an alternative source of electricity.

The program worked so well, with employers being able to expand their businesses due to the increased productivity of well trained staff and the addition of extra staff (long-term unemployed), who was also trained and mostly kept on even when the employee returned from study leave, that it came to a halt when no long term unemployed people could be found to step in as relief for those on study leave.

The reports of this and other innovative measures and incentives to employers can be found on the web site of the European Union. The EU has a program which addresses the problem of unemployment in all European countries and which provides funding to groups and initiatives to develop solutions to the problem.

The annual reports of the countries involved give a good indication about the success of programs implemented over the last six years in a variety of European countries. It is from these reports that Disability Action Inc. has become convinced that only a comprehensive, cross portfolio approach will eradicate or even diminish unemployment.

Therefore Disability Action Incorporated recommends that:

Recommendation 5:

The Commonwealth introduce affirmative action for people with disabilities in employment. We recommend the introduction of a 5% quota of people with disabilities in employment for businesses with over 20 employees. After five years the quota should rise to

10%, and another five years later it should reach 15%. Those who do not meet their quota pay a fine, those who meet their quota get part of the salaries for their employees with disabilities reimbursed and access to all other benefits.

2.2.2 Science and technology developments

New technologies and industries can be developed, which are sustainable, provide alternative energy sources, or develop niche markets.

Research and Development into new, sustainable, maybe alternative energy producing industries, plus the development of a specialised industry such as manufacturing windmills, which produce electricity, has almost eradicated unemployment in Denmark. Denmark's windmills dot the northern German landscape, surrounded by grazing Frisian cows. Two Northern German States produce up to 10% of their energy needs from the gentle giants. Business is still booming for Denmark. Individual States or regions in Australia could take up a similar challenge in any kind of industry.

This investment into the development of electricity producing windmills and their ability to feed into existing electricity grids, has increased Denmark's exports, GDP, and job opportunities.

While Denmark cannot be compared to Australia, some States in Australia can be compared. There is no doubt that States such as Tasmania and South Australia have the capacity to develop industries around projects such as the building of windmills and wind farms, or develop niche markets, for example in agri- or aqua culture industries.

Although some of the measures suggested in this section fall outside of the Department for Employment and Workplace Relation's portfolio, and outside of the Commonwealth's responsibility, Disability Action Inc. believes, that unless policies are put in place to create more jobs, and access to education and training is provided to people with disabilities, any attempts to increase employability will lead to dissolution, added stress and loss of financial resources for job seekers.

Recommendation 6:

That the Commonwealth invest more into employment creation through the development of alternative, sustainable industries and niche markets, the funding and delivery of adequate community

services, and the implementation of innovative programs to support the development of cooperative and innovative business ventures.

2.3 Industrial Relations

The first area of policy instrumental to eliminating unemployment and sharing the jobs around is industrial relations. The introduction of the 35 hour working week in several European countries bears witness that a reduction of the working hours and the elimination of excessive and unpaid overtime has an affect on job availability.

The introduction of family friendly flexible working practices and parental/maternity leave provisions, combined the elimination of unpaid overtime and excessive working hours will make a difference to job availability in Australia.

France's example also demonstrates that one approach to reducing unemployment is not enough. Employment creation has stagnated, the workers are not happy with their frozen salaries, and employers do more with less workers and hours.

Therefore Disability Action Incorporated recommends that:

Recommendation 7:

Family friendly industrial legislation be introduced with the aim to increase participation in employment and a focus to distribute the scarce resource of jobs more evenly. For this purpose the weekly working hours could be reduced to 35 hours, unpaid overtime be outlawed, paid overtime could be restricted. Industrial regulations must be used in tandem with other measures to increase participation of people at risk of long-term unemployment in the workforce.

2.5 Income Support and Tax System

One other important element contributes to the decision whether people look for employment or not: their financial position.

DEWR and FACS last year released a discussion paper about a new income support system and Disability Action Inc. responded to the questions raised in that submission. The interplay between industrial relations, income support and the tax system was clearly identified in the paper.

Rather than repeating what has been said in our submission, we want to highlight a few key points:

- The cost of accessing work, maintaining work and accessing professional development and training must be considered in the transition to work.
 - The employment entry payment does not cover the cost of new clothes, hair dresser, motor car repairs, etc., nor does it cover the gap which can occur between payment of first wages and cancellation of income support payments.
 - The cost of disability can be higher, once employment has commenced, for example, new equipment may have to be purchased, computers may need to be upgraded, transport costs are higher, etc.
 - Living costs in general go up, once employment has commenced;
- High marginal tax rates, caused by the reduction rates of income support combined with tax rates and the loss of other concessions and benefits can lead to more poverty for the worker with a disability on low wages, in particular if the person has high costs in relation to his/her disability and loses access to the Disability Support Pension (DSP), due to working more than 30 hours.
- Some people with disabilities are not eligible for the DSP and are on Newstart/Youth Allowances. They have an even higher marginal tax rate, than those on a DSP, going up to 90% of their earnings. These people are losing income due to higher costs, when they find employment.

These issues need to be urgently addressed.

Summary:

While there has been a tendency to limit the focus of attention on the job seekers, the Department of Employment and workplace Relations is equally responsible for the development of policies which would create employment, encourage the development of industries in certain areas, and encourage the public service to increase and not decrease, employment opportunities.

Measures to be implemented to increase participation in employment must include measures and policies in the area of tax regulations, income support payments, vocational training and education, and most importantly: job creation.

People will scramble for jobs, if they are available, pay fair wages and, in the case of people with disabilities, accommodate them at the work place.

People with disabilities, provided with well trained job consultants and support workers in disability employment services, and access to adequate care and support and transport services, will gladly work and make their contributions to society.

Many studies have shown that people with disabilities are more reliable, less sick, more loyal and therefore often more productive than their able-bodied colleagues.

It is the environment and the community, which disables, not the person with the impairment. Hence the problem will not be solved by getting more people with disabilities 'job ready'.

From the perspective of the employment seeking person with a disability, a balance of assistance and obligations is achieved, when the barriers to access to employment, training, transport and community are removed. Then the job seeker will do whatever is appropriate to find employment and develop a career.

3. Striking a balance of assistance, incentives and obligations

Views from people with disabilities were recently collected in regards to the balance between assistance, incentives and obligations. These views informed our response to the discussion paper about a new simpler income support system.

In all our consultations people with disabilities expressed strongly their view that once barriers to access to employment, training, transport, and the community are removed, job seekers with a disability will be eager to participate pro-actively in job search, PROVIDED THERE ARE JOBS AVAILABLE.

3.1 The Right Balance Regarding Assistance

In all consultations there was consensus about the fact that unmet needs in regards to care and support service are very high, waiting lists for equipment and repairs for essential equipment are long (between 18 months and 3 years), access to public transport is limited, access cabs are always late and unreliable, and many Job Network Offices do not provide access to people with mobility impairments.

Therefore Disability Action Incorporated recommends that:

Recommendation 8:

The Commonwealth ensure adequate funding for care and support services through the Commonwealth State Territory Disability Services Agreement to enable people with disabilities to access job search services, training and employment.

Regarding matters of concern to DEWR, there is a potential threat to Job Network Providers who do not adhere to the provisions of the Disability Discrimination Act. A superficial survey of ten agencies in Adelaide and surrounding suburbs revealed that only five of them provide access for people with mobility impairments, of those five who did not, four were conducting job search training courses in inaccessible venues.

A profoundly deaf person was breached by Centrelink three times, because s/he had refused to participate in a job search training course (no AUSLAN interpreters were provided), refused to enrol in a telemarketing training course (s/he could not hear on the phone),

and finally refused to return to interviews with the job consultant, who had caused so much grief. This person could have used the provision of the Disability Discrimination Act to claim compensation for the pain and stress, humiliation, and financial loss suffered as a result of the repeatedly thoughtless actions of the consultant.

In a third example a person suffering from an anxiety disorder and from depression was involved in internal conflicts of the Job Network Provider's office against her will. Although she had disclosed her disability to her consultant, to the manager of the office and to the person delivering the job search training, she was used by staff as a 'go between', had to carry messages between staff, who did not speak to each other, and was forced to listen to hours of grievances staff members 'shared' with her over cups of coffee. Despite her repeated request to keep her out of the conflict, she still felt unable to simply walk away, when her consultant, on whom she was depending to find a job for her, brought these issues up during interviews.

When the manager found out that she knew so much, because she had approached him to let staff know, that she could no longer cope, the manager began to vilify her, describing her as 'unstable and hypersensitive' in front of other job seekers and staff. She got finally so distressed, that she had a nervous breakdown, had to leave her volunteer job and was unable to continue to look for work.

In this case the Job Network Provider, apart of not having followed codes of conducts and ethics of service delivery, indirectly discriminated against the job seeker, because they did not accommodate her disability. Despite repeated requests, staff did not stop bothering her, on the contrary, the manager responded with direct discrimination by informing other job seekers, that she should be viewed as unstable and hypersensitive. Clearly staff of this office showed neither common sense, nor any compassion and certainly not any knowledge of the Disability Discrimination Act.

Therefore Disability Action Incorporated recommends that:

Recommendation 9:

The Department of Employment and Workplace Relations ensure in their next round of contracting with Job Network Providers that the providers adhere to the provisions of the Disability Discrimination Act and develop a Disability Action Plan to ensure access for all people to their premises, their promotional and other printed materials, their services, their employment opportunities; and in addition to ensure that all job consultants are continuously made aware of their obligations under the Disability Discrimination Act.

3.2 Balance of Assistance, Incentives and Obligations for Job Seekers

Provided all conditions are met to ensure adequate access and support, job seekers with disabilities are ready to meet their obligation to do all they can do to find a job.

Some New Start, Youth Allowance recipients live with disabilities. They are referred to the Job Network for assistance and are exposed to the same rigorous regime able-bodied people have a hard time complying with. They compete against better trained, more experienced, able-bodied job seekers and miss out over and over again.

Disability Action Incorporate believes that the current regime of Mutual Obligation is discriminating against people with disabilities. Mutual Obligation programs and agreements are inflexible and do not accommodate the needs of people with disabilities.

People with disabilities have expressed their views strongly in community consultations and a survey to which 80 people responded. Our response is based on these consultations and the feedback from the survey forms.

The following two recommendations were made in response to the discussion paper about a simpler income support system, however they are as relevant here:

Recommendation 10:

Commonwealth refer from any moves to introduce compulsory participation requirements to people with disabilities and their carers, regardless of what kind of payment they receive and abolish the harsh and unjustified punitive breaching regime, at least in cases where it can be established that the person could not comply with the requirements due to their disability.

Recommendation 11:

The Commonwealth Government reform its policy of Mutual Obligation to a policy of "Mutual Respect for the Sanctity of Right to Live and Participate"! All changes planned to employment assistance for people with disabilities or the general community should exclude any notion of:

- Compulsory activity requirements
- Breaching
- Punitive measures
- Reduction of income levels
- Reduction of support services.

Instead we recommend the inclusion of policies and obligations by governments to

- Create employment,
- Promote and support employment of people with disabilities in open employment,
- Introduce affirmative action by requiring employers with more than 20 employees to provide 10% of jobs to people with disabilities,
- Create fair employment conditions and wages for people in Business Services,
- Provide adequate funding for support and care services,
- Provide accessible transport at affordable rates,
- And support employers with workplace modification and disability awareness training.

Disability Action Inc. asked some specific questions in the consultations and the survey in regards to the balance of assistance, incentives and obligations.

One question in our consultations and survey was whether additional assistance for participation should be provided to help people become more self-reliant, for example, should there be an incentive payment to assist with the costs of volunteering or unpaid work experience?

- Respondents preferred overwhelmingly (**93%**) that all extra activities such as training, education, volunteering, and work experience **should attract an extra payment.**
- Only two people (3%) believed that people who do not participate should have their basic income support payment reduced, and that there should be no extra incentive payments.
- Three respondents (4%) were undecided.

Responses in our consultations showed that there was a lot of anxiety and stress related to this topic. Participants raised the question, how programs such as Work for the Dole, or regulations such as breaching, can be allowed in view of the International Convention on Economic, Social and Cultural Rights. Others were very concerned about the effect policies of enforced or compulsive activities would have on people with a variety of disabilities, but in particular people with acquired brain injuries, mental health

problems and intellectual disabilities. Many carers are already overwhelmed with keeping up their own appointments with Centrelink, and in addition, they may have to cope with those of their loved ones.

All participants agreed that there should be no compulsory, enforced activity on people with disabilities. All activities and participation support should be offered on a voluntary basis. **However, no one should be stopped from accessing assistance to participate in employment, recreation or volunteering activities.**

We asked in the survey and in consultations whether there should be an incentive payment for working? The survey response was as followed:

- People who work should get extra incentive payments so it is clearly better to work than to sit at home, (36%)
- People who work do not need extra incentives to increase their work load or make working more attractive, they are already getting more money than those who are unable to work (6%)
- People should get an once-off payment to cover the cost of starting a job, such as clothes, relevant literature, transport, etc. (56%)
- Undecided (2%)

Several respondents indicated two responses, and this happened in the majority for the two most selected responses. Where that happened the votes were equally distributed, for example, where two respondents indicated the first and the third answer together, one response was counted to the first and the other to the third response.

However, respondents who responded in such way wanted to indicate that they believed both should be provided, extra incentive payments and a once-off payment at the start of employment.

Response from consultations:

Most participants supported the current arrangement where newly employed people receive a payment when they begin their employment. Some people indicated that people who are in a job already have more money than those not in a job. In the consultations, more people were opposed to incentive payments to stay in a job. What people thought ought to remain in place in regards to payment was the Cost of Disability Allowance, which should be paid throughout the lifetime of a person with a disability provided their income stays below \$80000 per annum.

Disability Action Inc. asked several questions in the survey and in the consultations regarding the introduction of compulsory activities (obligations) when people are looking for employment, or in exchange for their income support payments.

Do you think that participation requirements should be introduced for all other people with disabilities [not including those with profound disabilities] as a condition for the continuation of their income support payments?

Responses from the survey showed that of all respondents 23% responded in the affirmative, while 66% returned a clear NO vote. 5% of the respondents ticked the 'don't know' box, and 6% were undecided.

In response to the question whether respondents think people should be forced into activities in exchange for the Disability Support Pension, there was an even stronger view than in the first response, perhaps because the first response excluded the option of compulsory activities for people with profound disabilities, and this question did not differentiate.

Of all respondents, 10% responded with: Yes, people should be required to work or volunteer if they want to receive income support; **84% responded with ' No, people should not be forced to undertake activities in order to remain on the Disability Support Pension'**; while 6% where undecided or did not respond at all.

If the government introduces compulsory activity for people on Disability Support Pensions should there be exemptions or should all people be required to contribute in some way in exchange for their income support?

This question caused many people to write extra comments, most of them were directed at the implications that compulsory activities were a given factor, or in some way already accepted as a necessity. These comments showed passion and great concern for the future of Australia's social security system, not just for recipients of the DSP, but also the for unemployed and other people forced to live on social security income.

Several respondents created an extra box to our questionnaire: There should be no compulsory activities for anyone. (7%)

However, many of those had also ticked the answer that participation should be a matter of personal choice and hence they were mostly counted under that response.

Of the respondents:

- 14% believed, there should be exemptions for people with severe disabilities
- **28% believed, there should be exemptions for all people with disabilities**
- 4% believed that everyone should participate in some way
- **50% believed that participation should be a personal choice**
- and 4% were undecided.

According to these responses it is unclear where the government gets the idea that the concept of Mutual Obligation is widely supported by the community.

Response from Consultations:

The vast and absolute majority of people in our consultations was totally opposed to the concept of Mutual Obligation as presented by the current government and as understood from the case studies of many unemployed people with disabilities who are not eligible for the DSP.

The Job Network and services (other than the Disability Services) offered by Centrelink are not adequately equipped to consider the situation of people with disabilities, partially because of lack of training in disability awareness and partially because of a lack of resources.

The idea that people, who suffer from epilepsy and miss an appointment because of memory loss after a seizure, may have their income support payments reduced, is appalling and even unbelievable to many people with disabilities. However, Disability Action Inc. has come across such cases, in one case the person was not only breached once, but three times within a fortnight and lost his income over a period of three months. He appealed the decisions and won in the Social Security Appeals Tribunal, but he lived for three months on NO INCOME with a disability, Centrelink did not deem his disability severe enough to grant a DSP.

People with disabilities, their carers and families, strongly urged the government to reverse the existing breaching provisions for people on New Start Allowance and Single Parenting Payments. Breaching has brought endless harm to individuals, families, communities and

welfare organisations, and even the State Budgets. It is counterproductive and does not save any money as it costs taxpayers more to repair the damage, than what has been saved by the Commonwealth.

In summarising the findings from our consultations Disability Action Incorporated recommends that:

Recommendation 12:

The Commonwealth reform its programs, which force Indigenous people and the unemployed to work without adequate remuneration, such as the 'Work for the Dole' program or the CDEP and that the reforms of the Business Services sector (Work for the DSP) is advanced to achieve equity in payment and working conditions by the end of 2004. Disability Action Incorporated and the wider community of people with disabilities do not support the existing programs and we vehemently oppose the extension of any of these programs to people with disabilities.

Summary:

The right balance between assistance, incentives and obligations is different from person to person, especially where people with disabilities are concerned. It may even be different for the same person at different times.

A balance of assistance must be achieved before a person with a disability is even able to contemplate employment. Once they are ready to look for employment, accessible assistance must be guaranteed and best practice service models must set the standards for all other service providers.

Once adequate assistance is provided, incentives should only be provided to cover costs arising from extra activities due to employment search or attendance at vocational training and education, basic adult education courses or other, employability increasing, programs.

The obligations of the employment seeker should be limited to, in essence, doing his/her best to gain employment. However, flexibility in the development of Activity Agreements must be provided for all people with disabilities and their carers, as should be too, for parents and all other employment seekers. People's motivation to find a job will be as great as the chances they perceive to be successful. No one can oblige anyone to 100%

perseverance and diligence in a task that has to be performed three to ten times per fortnight without success. This is the current situation of long-term unemployed people. No amount of fines, punitive measures, not even incentives will achieve such a goal.

Yet the current Commonwealth government believes that it is possible to do so. Disability Action's members believe that it is the obligation of all citizens to pay tax, so that citizens at risk of exclusion can be included in education, employment and into the general community. It is the government's obligation to facilitate the process through the provision of adequate income support, creation of employment opportunities and provision of funding and other support to increase the inclusion of vulnerable citizens.