

Submission

to

Senate Employment, Workplace Relations and Education
References Committee

Inquiry into Workplace Agreements

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Submitter: Ms Angela Court
Acting Executive Director

Organisation: Women with Disabilities Australia

Address: PO Box 605
ROSNY PARK TAS 7018

Phone: 03 6244 8288

Fax: 03 6244 8255

Email: wwda@ozemail.com.au



Women
With
Disabilities
(Australia)

Winner Australian Human Rights Award 2001
Winner National Violence Prevention Award 1999

PO Box 605, Rosny Park 7018 TAS
Ph: 03 62448288 Fax: 03 62448255
ABN: 23 627 650 121
Email: wwda@ozemail.com.au
Web: <http://www.wwda.org.au>

Committee Secretary
Senate Employment, Workplace Relations and Education Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

25 August 2005

Dear Committee Secretary

**Re: Women With Disabilities Australia (WWDA)
Submission to the Inquiry into Workplace Agreements**

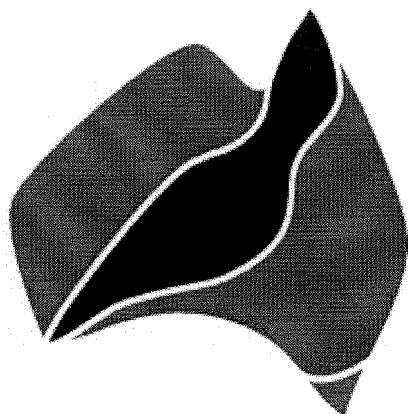
Women With Disabilities Australia (WWDA) Inc. is very pleased to make this Submission to the Inquiry into Workplace Agreements.

Unfortunately, due to the short time frame and limited resources, we have only been able to provide a limited response and so therefore have also enclosed a copy of our recent submission to the Human Rights and Equal Opportunity Commission (HREOC) National Inquiry into Employment and Disability. WWDA's response to this inquiry addresses in more detail, the issue of employment and participation of women with disabilities in the labor market. This submission also addresses the status of women with disabilities in employment, the range of barriers facing women with disabilities in relation to employment and a range of strategies to address the barriers.

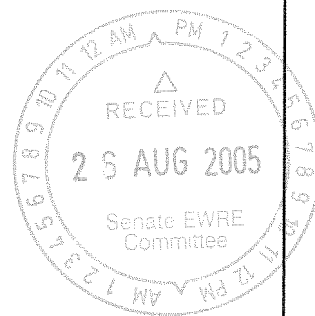
Please contact me if you require any additional information.

Yours sincerely

Angela Court
Acting Executive Director



Women
With
Disabilities
(Australia)



Submission from Women With Disabilities
Australia (WWDA) to the HREOC National
Inquiry into Employment and Disability

April 2005

Women With Disabilities Australia (WWDA)

*Winner Australian Human Rights Award 2001
Winner National Violence Prevention Award 1999
Nominee, French Republics Human Rights Prize 2003
Nominee, UN Millennium Peace Prize for Women 2000*

PO Box 605, Rosny Park 7018 TAS
Ph: 03 62448288 Fax: 03 62448255
Email: wwda@ozemail.com.au
Web: www.wwda.org.au

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I. Introduction

Women With Disabilities Australia (WWDA) is the peak organisation for women with all types of disabilities in Australia. It is a not-for-profit organisation constituted and driven by women with disabilities. It is the only organisation of its kind in Australia and one of only a very small number internationally. WWDA is inclusive and does not discriminate against any disability. WWDA is unique, in that it operates as a national disability organisation; a national women's organisation; and a national human rights organisation (more information about WWDA can be found at the organisation's extensive website: www.wwda.org.au).

Australians with a disability are much less likely to be employed than people without a disability. They have a comparatively lower labour force participation rate (53.2% compared to 80.1%) and a higher unemployment rate (8.6% compared to 5%) than those without a disability (HREOC 2005).

In March 2005, the Human Rights & Equal Opportunity Commission (HREOC) announced that over the course of 2005, it would conduct a public inquiry on the issues that affect equal opportunity in employment for people with disabilities in Australia. The aim of the Inquiry is to identify the reasons for the disadvantages faced by people with disabilities in the open workplace and to work towards practical, achievable solutions.

This document is WWDA's response to the Human Rights & Equal Opportunity Commission (HREOC) request for public submissions to the National Inquiry into Disability & Employment.

2. Recommendations

In order to address the marginalisation and exclusion of women with disabilities from the labour market, Women With Disabilities Australia (WWDA) makes the following recommendations:

- 2.1. The Australian Government make explicit recognition of the impact of multiple discriminations caused by the intersection of gender and disability, particularly in relation to employment.
- 2.2. The Australian Government employ focused, gender-specific measures to ensure that disabled women experience maximum participation in the labour market on the basis of equality.
- 2.3. National, social action research be conducted by women with disabilities into the issue of women with disabilities and employment in order to:
 - Ascertain the current employment situation for women with disabilities in Australia;
 - Identify what problems exist and what problems need to be overcome;
 - Identify priority areas for action and resource requirements.
- 2.4. The need for employment and education data to be disaggregated by gender must be recognised and urgently addressed and should be routinely collected, analysed and published.
- 2.5. The obvious disparity in the proportion of men and women with disabilities who are being assisted by Commonwealth Government funded open employment services must be addressed, and the funding of open employment services should be linked to equity in access.
- 2.6. Disability-related supports and services must be de-linked from income support programs in order to make the supports required by disabled women available to those who could not afford to enter the paid labour market otherwise.
- 2.7. Policies and programs in the area of income support must create a 'safe' environment for women with disabilities in order to allow them to move easily from income support into the labour market and back again without any disruption in cash flow and services.
- 2.8. Policies and programs should be developed that help women with disabilities compete more successfully for the kinds of jobs that could provide the relative stability and income level required to survive with a disability in the paid labour market.
- 2.9. The definition of employment supports and accommodations should be extended to the domestic sphere (including childcare).
- 2.10. The lack of portability of disability related programs and service support both within and between jurisdictions and States must be addressed.
- 2.11. Forums developed for information exchange and support groups for women with disabilities trying to enter the labour market should be maintained.

3. Gender, Disability & Employment - The Statistics

The labour force participation rates in Australia indicate that there are many fewer women with disabilities than men with disabilities either employed or looking for work. In 1998, the labour force participation rate of women with disabilities was 45.5%, compared to 60.3% for men with disabilities. In 2003, the rate increased marginally for women with disabilities to 46.9%, and decreased slightly for men with disabilities to 59.3%. However, a stark contrast can be seen in the unemployment rates for the same period. In 1998, 8.6% of women with disabilities were unemployed, compared to 13.5% of men with disabilities. In 2003, the unemployment rate for disabled men dropped significantly to 8.8%, whilst the unemployment rate for disabled women remained virtually the same at 8.3%. The picture becomes even clearer when we consider the unemployment rates for non-disabled men and women over the same period. In 1998, the unemployment rate of non-disabled women was 8.0% compared to 7.7% for non-disabled men. In 2003, the rate dropped significantly for both non-disabled women (5.3%) and men (4.8%) (HREOC 2005; ABS 2003).

When we look at the available data for Commonwealth Government funded open employment services, it is not surprising that the unemployment rate for disabled men has dropped, while the labour force participation rate and unemployment rate for disabled women has remained virtually unchanged. In 1997-98 Commonwealth Government funded open employment services assisted over 31,000 people with disabilities in their efforts to find and maintain jobs on the open labour market. 66.6% of those assisted were men with disabilities. Little appears to have changed. From 1 January to 30 June 2003, Commonwealth Government funded open employment services assisted over 35,000 people with disabilities in their efforts to find and maintain jobs on the open labour market. 65% of those assisted were men with disabilities (AIHW 1999; WWDA 2004).

Overall, 71% of women with disabilities are now completing Year 10 or higher in secondary education, compared to 68% of men with disabilities and 87% of able-bodied students. Similarly their completion rates of post secondary education are now comparable to those of men with disabilities (ABS 2004, DEST 2002). However, the success of women with disabilities in education is clearly not reflected in improved employment prospects, and their participation and remuneration rates are lower than for men with disabilities and for their able-bodied counterparts. Women with disabilities report that they often feel they have been 'parked' in yet another training course (WWDA 2003).

With one of the lowest rates of labour force success and one of the highest rates of poverty, women with disabilities clearly stand out as a group in need of greater opportunities for employment. Yet despite the obvious marginalisation and exclusion of women with disabilities in the labour market, no initiative has been taken to reverse or address this imbalance. There has been little research on women with disabilities and employment in Australia. Data relating to women with disabilities and employment is difficult to access, and in many cases is not routinely collected. Obtaining disaggregated data through the ABS on women with disabilities and employment (where it exists) attracts a fee, and these charges can be prohibitive for organisations like WWDA.

It is clear that there is a need for disaggregated employment and education data by gender, and that such data should be routinely collected, analysed and published.

4. Gender, Disability & Employment – The Barriers

Women's right to the same employment opportunities as men is internationally fostered under the United Nation's Convention for the Elimination of (all forms of) Discrimination Against Women (CEDAW). However the inequities and barriers which exist for women in the workplace are exacerbated for women with disabilities. There are fewer employment openings, and women with disabilities are overrepresented in poorly paid jobs. Disability associated costs further erode already low incomes (Parliamentary Senate Committee in NCOSS and WRANA 2004). Women with disabilities report concern about the lack of funds allocated to the Disability Support Pension (DSP) on which they then have to rely as their only source of income (Ibid.).

Paid employment is a critical component in enabling women with disabilities to support themselves financially and to build self-esteem and achieve social recognition. Although men and women with disabilities are subject to work discrimination because of their disabilities, women with disabilities are at a further disadvantage because of the combined discrimination based on gender and discrimination based on disability. While there is no doubt that men with disabilities have serious employment problems, it is abundantly clear that women with disabilities are significantly worse off, and this seems to be true for all types and levels of disabilities.

Over the past few years, the Federal Government has consistently articulated its position that working-age people on income support need 'incentives' to 'take up jobs' (Commonwealth of Australia 2002). Research undertaken by WWDA, and indeed supported by similar research the world over, has demonstrated that women with disabilities do not need 'incentives' or 'motivation' to take up paid employment. What they do need is the elimination of discrimination and negative stereotypes from both a gender and disability perspective which compound their exclusion from support services, social and economic opportunities and participation in community life (see for example International Labour Office Assisting Disabled Persons In Finding Employment: A Practical Guide 1997).

WWDA shares the government's vision of a society where people with disabilities are not excluded, and where they can fully participate as citizens in the economic, social and cultural life of the nation. Thus any strategies which look to the principles of 'mutual obligation, self-reliance and early intervention' require a clear sense of the reality of the situations that women with disabilities face.

A number of barriers stand in the way of women with disabilities increasing independence, capacity building and taking up paid employment. These barriers include:

4.1. Lack of understanding of the complexity and nature of disability

Some disabilities are episodic and/or fluctuating in nature, and this can contribute to unstable work patterns for disabled women. On the one hand, income support programs assume that disabilities are permanent and stable, when this is clearly not the case. On the other hand, one only needs to look at the number of times women with a disability are reviewed, re-assessed, asked to fill in more forms and get certificates of proof of disability from their doctors, for a range of benefits, services and support; to see that bureaucracies are confused by the complexity. Disability can be permanent, temporary, episodic, intermittent, and perceived. Many women with disabilities, especially those with chronic illnesses may be unable to work every day and can't usually predict when they might have energy and/or fitness to work and when not. Instead of pushing themselves, they need to be incredibly attuned to their bodies and decide hour by hour what they need to do to care for themselves that day. However society, as reflected in the workplace, is not currently structured to accommodate fluctuating capacities to participate. It continues to demand that we either perform or produce in order to be recognized as contributing economically. For the majority of women with disabilities, the time and energy taken to get ready for and travel to work far exceeds that of their colleagues and need this to be understood. Whilst rigid thinking about workplace structures persists, it constitutes a major barrier to employment for many women with disabilities.

4.2. Negative social attitudes & discrimination including employers' and co-workers' attitudes

Negative social attitudes are a major barrier for women with disabilities seeking and securing employment. Much of the discrimination experienced by women with disabilities is based on an implicit notion that they are not the same as other women and so cannot be expected to share the same rights and aspirations. Although

men and women with disabilities are subject to employment discrimination because of their disabilities, women with disabilities are at a further disadvantage because discrimination based on gender is combined with that based on disability. Disabled women who are from a non English speaking background or who are Aboriginal or Torres Strait Islanders, are often subject to a triple disadvantage. Women with disabilities have to deal with abuse, neglect and being deprived of their entitlements. They are often given marginal jobs far below their capacity. They are denied opportunities for further training and job advancement. They are often poorly paid; have few occupational and health standards; and are often unable to enforce industrial rights. Women with disabilities have reported being typically treated like children and not given credit when they had performed well on the job because attitudes in their workplace were such that no one believed that they could have actually done the job on their own (Fawcett 2000). It is not unusual for able-bodied workers to believe that men and women with disability are on the 'other side of the counter', and to isolate women with a disability when they discover they are colleagues on the 'same side of the counter'. Employers often report uncertainty about how to manage staff relations where there is a worker with disability. Employment services are unsure how to 'sell' workers with a disability to employers.

4.3. Poverty

Women with disabilities are among the poorest of all groups in society. Employment is the best defence against poverty, yet poverty is a fact of life for many women with disabilities in Australia. The impact of poverty on the health status and quality of life experienced by women with disabilities is undeniable. It constitutes a major barrier to their being able to be 'work ready'.

4.4. Lack of access to education and training

Women with disabilities have expressed their frustration at their lack of access to education and training programs, voicing a feeling of segregation from the education system (WWDA 2004). Rising education fees coupled with cuts to disability programs, and lack of means to meet disability-related education costs such as specialised transport and carer support, serve to further exclude them from study (NCOSS and WRANA 2004). The disparity between government funding of private education and funding of disability programs in education is also a critical issue for women with disabilities (NSW Department for Women 2004).

4.5. Lack of self confidence, assertiveness, and low self-esteem

Shown from birth, either through neglect or through over-protection, that they have little value or are unable to do much, girls with disabilities grow up with the burden of that stigma and expect little of themselves. This is exacerbated by families and educators having few expectations of girls and women with disability. Even a woman who becomes disabled later in life will have her own sense of self-worth eroded by the prevailing attitude that she has become a useless dependant. Isolation and confinement based on culture and traditions, attitudes and prejudices often affect women with disabilities more than their male counterparts. Language has a role to play; it can be used to either empower and grow confidence, or to denigrate and undermine.

4.6. Poor job design and inflexible work arrangements

Flexible work conditions and environments are critical for women with disabilities. The capacity to vary and/or share hours is vital in gaining and retaining a job. Our current system rewards people who work full-time and penalizes people who work part-time. The more money the disabled woman earns, the more money she loses in income support. Instead of being rewarded for the accomplishment of working when she can, the disabled woman is punished for not working hard enough. Lack of creativity and inflexibility on the part of most employers and an inability to explore beyond the conventional has resulted in a restricted or closed working environment for many disabled women (Hanson 2002).

4.7. Lack of attendant care

Attendant care is virtually non-existent in the workplace. This prevents those women with disabilities who require attendant care at their place of work from even seeking employment. Additionally, research undertaken by WWDA (2001) has shown that many women with disabilities are unable to get the level of attendant care services they require to meet their most basic needs (toileting, showering, dressing, eating). Models are available that can demonstrate the importance and usefulness of providing this type of employment support e.g. Interwork (SA).

4.8. Inadequate or expensive transport

For many women with disabilities, access to transport may mean the difference between paid work or staying at home. Many women with disabilities need assistance to use public transport or cannot use it at all. Taxis or private cars are therefore the only alternative. These are very expensive forms of transport, and beyond the reach of many women with disabilities. The high costs of transport varies across the nation with some states providing greater levels of financial assistance (e.g. SA Journey To Work Scheme and the 75% vouchers for those who are unable to use public transport and rely exclusively on accessible taxis). The high costs of transport also erodes the economic gains made through having a job. The unreliability of disability transport in remote, rural, and regional Australia as well as in capital cities further adds to the need for flexibility in workplace arrangements.

4.9. Lack of, inaccessible & inflexible childcare

Women with disabilities who have children face an added dimension in seeking employment or getting to work – getting the children to child care. For women with disabilities, the need for accessible, available, affordable and convenient child care is as great, if not greater, than for women without disabilities. Inaccessible child care sites can further complicate this situation, particularly for single mothers with disabilities and mothers reliant on public or disability transport. Mothers with disabilities require child care that can respond flexibly to diverse patterns of working, and other forms of participation (including evenings, nights and weekends). Women with disabilities may also have children with disabilities who require access to mainstream childcare.

4.10. Responsibility for domestic and parenting duties

Women with disabilities experience the demands of family responsibilities and child care along with their disability. The often fatiguing nature of disability, coupled with child care, can result in women with disabilities being even less likely than women without disabilities to work for pay while their children are very young (Fawcett 2000). Women with disabilities are clearly more likely than any other group to spend more time on unpaid household tasks, regardless of their living arrangements, leaving them with less time and energy to pursue paid employment. Those who try to do both increase their risk of becoming ill, which may result in their needing time off work or even losing their job entirely. Research has shown that men living with disabilities are more likely to ask for help for basic activities (eg: cooking, cleaning, bathing etc) whereas women are expected to take care of themselves (and often others as well). Women with disabilities are expected to keep up the regular demands of women's unpaid work despite their disability (UNPAC).

4.11. Experience of abuse, violence and harassment

Violence against women with disabilities has been identified as not only more extensive than amongst the general population but also more diverse in nature than for women in general. Often, women with disabilities are reluctant to report being abused and/or sexually harassed, either because they are unaware that it is illegal or are afraid of the consequences if they do report it, such as allegedly making a difficult situation worse, or being branded a 'troublemaker'. Women with disabilities who are abused and/or sexually harassed in the workplace may not have adequate information about their right to a safe and secure workplace and may be seen by other workers or the employer as 'an easy target' and therefore perceived as less likely to report being harassed. Some women with disabilities may feel that their job security would be threatened if they were to take action. Women with disabilities who do take action and report being sexually abused and harassed are often not believed, and can be sacked for making complaints while the offender goes unpunished. Women with disabilities are also at greater risk of all forms of domestic violence. The ramifications of this are that self esteem is lowered and disability conditions exacerbated, along with increased incidence of mental and physical ill health. Lack of a supportive domestic environment diminishes their ability to enter the workforce.

4.12. Inaccessible and unresponsive employment services

Overall, women with disabilities face a barrier of lack of information about employment services available to them and their right to use these services. Data shows that Commonwealth Government funded open employment services are more likely to assist men with disabilities (than women with disabilities) in finding employment, and the percentage of women with disabilities being assisted by these services continues to decline. Research has also shown that the outcomes for women with disabilities assisted through employment services are different to the outcomes for men with disabilities – women with disabilities are steered towards the traditional areas of female employment, such as clerical and keyboarding positions. Employment services are often unskilled and lacking awareness about the many and complex issues relating to employment for women with disabilities e.g. how to assist a person using a wheelchair, how to guide a person with vision loss/blindness;

knowing what information technologies might be beneficial to women with disability moving into the workforce.

4.13. Restricted access to information & communication technologies

New technology is changing the nature of the workplace and work itself (Roulstone 1998). Employers may hold the misinformed view that expensive technology effectively eliminates impairment whereas simple adaptation or assistance may be far more useful (French 1994). Technology should not be introduced in order to avoid addressing many other basic workplace culture and attitude issues.

Many women with disabilities are restricted in their access to information and communication technologies (ICT) due to cost, poor design and lack of connectivity of ICT equipment, lack of responsibility in addressing disability issues on the part of telecommunications service providers, and lack of appropriate information about telecommunications equipment and services (VWDA 1999, 2004).

4.14. Insecure housing & accommodation

Housing situations are precarious for many women with disabilities. In fact, women with disabilities who are not able to maintain stable housing independently and who need supportive services and accommodations to meet their needs - are considered to be of the highest risk for homelessness. Access to decent accommodation is at crisis point for many women with disabilities. Secure and appropriate accommodation is critical to being able to focus on job seeking. There is a shortage of appropriate housing stock for women with physical disabilities in state based housing, in the private rental market and in real estate. Stability and lease longevity is needed so that work can be found in a logistically feasible location.

4.15. Lack of awareness about rights

The ability to assert one's right to say no to unreasonable requests or to demand access to relevant information is an essential component of the job seeking process. It empowers those who are seeking education, training or employment opportunities both to make informed choices and to act on those choices. Women with disabilities face the double disadvantage of contending with service providers and others in the community who see women with disabilities as incapable of self-determination. This problem is compounded if these women are dependent on others for personal care, accommodation or economic security. Learning how to be assertive (and develop a positive self-image) is a crucial prerequisite for women with disabilities to become economically independent.

4.16. Cost of equipment & assistive devices

Many women with disabilities require equipment to enable them to live independently. Mobility aids such as wheelchairs and crutches, as well as specialised computer equipment are needed to enable women with disabilities to obtain jobs or undertake education or training courses. The government subsidies which are available are usually not adequate to meet the needs of many women with disabilities, who therefore must pay for this equipment themselves. Some disabled women require specialised or expensive equipment to enable them to do the housework or care for children. Some 'labour-saving' devices such as microwaves, automatic washing machines and dryers can be essential items for women with disabilities yet they are expensive because they are considered to be luxury goods and are heavily taxed. This equipment is consequently beyond the reach of many women with disabilities.

4.17. Inaccessible built environment

The built environment remains inaccessible to many people with disabilities. Many workplaces, businesses, community gathering places, and service providing organisations are inaccessible to people with disabilities, making this an obvious barrier to women with disabilities increasing independence, capacity building and taking up paid employment. This can obviously narrow the choice of workplaces available to them. The majority of workplaces do not have accessible sanitary facilities or staff/meal areas, resulting in longer trips to the toilet at break times, and requiring assistance from colleagues/co-workers e.g. with getting a cup of coffee. The current consideration by the Federal Government to allow an exemption to the lift requirements in two and three storey buildings (in the proposed Disability Standards on Access to Premises) is clearly just one example of policy decisions 'adding' to the barriers that people with disabilities already face. Potentially restricting workers with a disability to 'ground floor workplaces' will put an unreasonable and inequitable restriction on their right to apply for any employment that they are qualified to perform.

4.18. Cost of disability

Women with disabilities face a multitude of costs relating to their disability. In order to be truly self-sufficient, both women and men with disabilities know that they need to earn a premium above what others earn in order to meet the costs of their disability. These costs include for example: transport/travel; personal care; medical & health costs; consumables; housing related costs; home tasks (including domestic cleaning and maintenance); aids & equipment; and so on. The prohibitive costs of disability can make it virtually impossible for some women with disabilities to take up employment and/or to remain in employment. For example, women with disabilities who take up paid employment lose eligibility for any entitlements (such as Health Care Card, Pharmaceutical Benefits etc) after one year. For many women with disabilities, remaining on income support is the most rational response to the reality of their situation.

4.19. Lack of portability of state funded programs

Disabled people who require support through funded programs (such as home help; personal care) can be severely restricted in terms of being able to move from State to State due to the fact that the funded programs may not be portable between the various States and Territories. A person with a disability moving from one State to another could receive a significant decrease in service unrelated to needs but simply because of that particular State's eligibility criteria or resource constraints.

5. Strategies to Address the Barriers

For women with disabilities, barriers to employment can take on unique characteristics as they interact with daily life. Among these are factors such as their greater tendency to live alone or as a lone parent; their surprisingly high degree of financial responsibility; their more limited opportunities for stable and high-paying jobs; much more limited opportunities for assistance with household tasks; the costs associated with their disability; and prevailing social attitudes toward disabled women (Fawcett 2000, WWDA 2004).

Clearly, when looking at the barriers facing women with disabilities in seeking, finding and maintaining employment, there are a number of strategies which need to be considered.

5.1. Discriminations caused by the intersection of gender and disability

It is unlikely that the un/employment and labour force participation rates for women with disabilities will ever change unless there is explicit recognition of the impact of multiple discriminations caused by the intersection of gender and disability, particularly in relation to employment. Clearly, before we can 'identify the reasons for the disadvantages faced by people with disabilities in the open workplace' and 'work towards practical, achievable solutions' (HREOC 2005), we must recognise, acknowledge and name the problem, and that is: in relation to employment, women and girls with disabilities suffer particular disadvantages compared to men with disabilities and their able bodied counterparts.

5.2. Targeted, focused, gender-specific measures

It is clear from the Government's own statistics that women with disabilities continue to be marginalised and excluded from the labour market. There has been virtually no improvement in the unemployment rate and/or labour participation rate of women with disabilities since 1997, in stark contrast to the improvements made for disabled men, non-disabled men and non-disabled women in the same period. If the situation for disabled women is ever to change, the Australian Government must employ focused, gender-specific measures to ensure that disabled women experience full participation in the labour market on the basis of equality. The Disability Services Act has Standards which will allow Affirmative Action in employment for disabled people and this could be particularly appropriate across the disability, advocacy and other sectors of which women with disabilities are service users.

5.3. Research

There is an overwhelming and obvious need for research into the issue of women with disabilities and employment. We know, for example, that 71% of women with disabilities are now completing Year 10 or higher in secondary education and their completion rates of post secondary education are now comparable to those of men with disabilities. However, the success of women with disabilities in education is clearly not reflected in improved employment prospects, and their participation and remuneration rates are lower than for men with disabilities and for their able-bodied counterparts. There is an obvious need for research into why this is the case and development of pro-active remedies to address it.

5.4. Data collection & disaggregation

As WWDA has pointed out earlier in this submission, data relating to women with disabilities and employment is difficult to access, and in many cases is not routinely collected. Obtaining disaggregated data through the ABS on women with disabilities and employment (where it exists) attracts a fee, and these charges can be prohibitive. It will be difficult to begin addressing the issues relating to women with disabilities and employment unless there is specific, appropriate and accessible data on which to draw. There is a need for disaggregated employment and education data by gender, and such data should be routinely collected, analysed and published.

5.5. Commonwealth Government funded open employment services

There is a consistent difference in the proportion of men and women with disabilities who are being assisted by Commonwealth Government funded open employment services. Despite the fact that the unemployment rate for disabled men has dropped (down from 13.5% in 1997 to 8.8% in 2003), Commonwealth Government funded open employment services continue to assist significantly more men with disabilities than women with disabilities. This inequity in access must be addressed. One of the principle goals of funding open employment services should be to increase the level of equity in access to the services they provide.

5.6. Separation of income support programs and disability-related supports and services

Disability-related supports and services must be de-linked from income support programs in order to make the supports required by disabled women available to those who could not afford to enter the paid labour market otherwise. The importance of this strategy cannot be stressed enough. As long as women with disabilities are required to pay for their own supports when they leave the relative safety of income support, the reality of their lives will create a huge barrier to labour force participation. Because of their greater likelihood of living alone or as a lone parent with almost total financial responsibility for themselves and their children, as well as their much lower likelihood of earning a high wage if they were to find a job, women with disabilities are often those most adversely affected by the present system of linked disability-related supports and income support. In addition, supports must be adequate to meet the real life needs of women with disabilities. Disabled women have long highlighted the fact that disability-related supports and services are not adequate to meet their needs (Fawcett 2000; WWDA 2004).

5.7. Moving between paid employment and income support

Policies and programs in the area of income support must create a 'safe' environment for women with disabilities in order to allow them to move easily from income support into the labour market and back again without any disruption in cash flow or services. It is important that trial periods in the labour market are long enough to reflect the changes that can occur in the state of cyclical, fluctuating and/or degenerative disabilities but which do not always occur within a short period of time. As well, labour market instability for disabled women might be tied to more global economic factors that bring about change only very slowly. The labour market instability experienced by people with disabilities – particularly women – coupled with the fluctuating and/or cyclical nature of some disabilities must be recognised and provided for by income support programs in order to reduce the risk involved in leaving the 'stable poverty' of an income support program (Fawcett 2000).

5.8. Improving opportunities for better-paying jobs

There is a need for policies and programs that help women with disabilities compete more successfully for the kinds of jobs that could provide the relative stability and income level required to survive with a disability in the paid labour market. Women with disabilities need access to good jobs. This means breaking down some of the stereotypes about the abilities of persons with disabilities and the proper role for women. It also means improving accessibility on the job and to and from the job. Research suggests that women with disabilities who are employed are overrepresented in poorly paid jobs; are steered towards traditional areas of female employment (such as clerical and keyboarding positions); are given marginal jobs far below their capacity; and are denied opportunities for further training and job advancement (WWDA 2004, Fawcett 2000).

5.9. Extending the definition of employment supports and accommodations to the domestic sphere (including childcare)

Whilst there is an obvious need for supports and accommodations for disabled women at the job site, what happens at home is just as important. For many women with disabilities, household tasks often require more time and effort – leaving less time and energy for work, sleep and health care. In an effort to perform all these necessary functions and still find time to work, many women with disabilities rob themselves of sleep and health care, which often results in a worsening health condition and more severe disability. Research has shown that men with disabilities have more options available to secure assistance with these tasks. Research has also shown that women with disabilities spend more time on domestic tasks and have higher levels of stress than any other group (Fawcett 2000).

Most employment related policies and programs, however, are predicated on the assumption that an individual can join the work force and continue to perform all household tasks. For many women with disabilities this is not the case and the latter can absorb all available energy. Supports at home in the form of labour saving devices and paid domestic assistance may be needed to ensure that women with disabilities have the time and energy to participate in the labour market. Programs and policies therefore, must extend the definition of employment supports to include the domestic sphere (Fawcett 2000).

Closely related to domestic tasks is the issue of child care options. Women with disabilities who have young children often face unique barriers in obtaining child care. While it must be said that improved child care options would increase the employability of any woman in our society, it would have an even more profound affect on the employability of women with disabilities. For women with disabilities, child care options are often

more limited by the lack of accessible child care sites, and inadequate transportation between home, child care sites and work. This is further complicated by the much lower levels of earnings obtained by working women with disabilities.

5.10. Portability of disability-related supports and services

Women with disabilities who require support through funded programs (such as home help; personal care) can be severely restricted in terms of being able to move from State to State due to the fact that the funded programs may not be portable between the various States and Territories. This can also be the case even within a State/Territory, where the eligibility for service support can differ between local regions. There is therefore a need for portability of programs and service support both within and between jurisdictions and States.

5.11. Forums for information exchange and support groups

Research from overseas has found that forums for information exchange and support groups provide a valuable resource for women with disabilities trying to enter the labour market. Disabled women have cited the difficulties they encounter in finding information about opportunities for training, the availability of various employment-related programs, and job opportunities (Canadian Council on Social Development 2000). Having a forum for discussion of these opportunities and the exchange of information has been found to be a valuable resource. Disabled women have also identified the importance of being able to get together with other disabled women for support – this support is seen by disabled women as an important element in helping to build their self-esteem which is fundamental to obtaining and keeping a job.

6. Conclusion

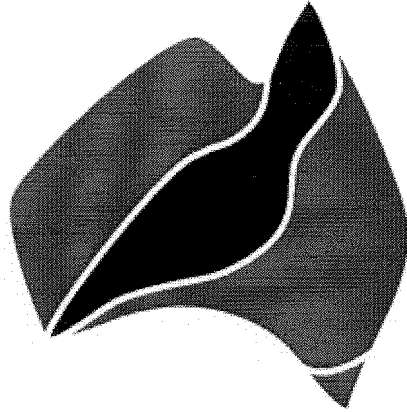
Paid employment is a critical component in enabling women with disabilities to support themselves financially and to build self-esteem and achieve social recognition. Employment is the best defence against poverty, and it is well recognised that women with disabilities are among the poorest of all groups in society.

Although men and women with disabilities are subject to employment discrimination because of their disabilities, women with disabilities are at a further disadvantage because discrimination based on gender is combined with that based on disability. This is yet further exacerbated for disabled women who are from a non English speaking background or who are Aboriginal or Torres Strait Islanders.

WWDA shares the government's vision of a society where people with disabilities are not excluded, and where they can fully participate as citizens in the economic, social and cultural life of the nation. Thus any strategies which look to the principles of 'mutual obligation, self-reliance and early intervention' require a clear sense of the reality of the situations that women with disabilities face, and a commitment to addressing the barriers that stand in the way of them participating in the labour market

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Women
With
Disabilities
(Australia)

Submission from Women With Disabilities
Australia (WWDA) to the Inquiry into
Workplace Agreements

August 2005

Women With Disabilities Australia (WWDA)

*Winner Australian Human Rights Award 2001
Winner National Violence Prevention Award 1999
Nominee, French Republics Human Rights Prize 2003
Nominee, UN Millennium Peace Prize for Women 2000*

PO Box 605, Rosny Park 7018 TAS
Ph: 03 62448288 Fax: 03 62448255
Email: wwda@ozemail.com.au
Web: www.wwda.org.au

Introduction

Women With Disabilities Australia (WWDA) is the peak organisation for women with all types of disabilities in Australia. It is a not-for-profit organisation constituted and driven by women with disabilities. It is the only organisation of its kind in Australia and one of only a very small number internationally. WWDA is inclusive and does not discriminate against any disability. WWDA is unique, in that it operates as a national disability organisation; a national women's organisation; and a national human rights organisation (more information about WWDA can be found at the organisation's extensive website: www.wwda.org.au).

Synopsis

To encourage more Australian Workplace Agreements (AWA's), the Federal Government is to legislate for a more limited range of conditions than the current Australian Workplace Agreements now meet.

No Disadvantage Test

One problematic aspect of the proposed new Industrial Relations Legislation is in relation to the "No Disadvantage Test" that all AWA's will be required to incorporate. AWA's must ensure that the employee will be no worse off than if they were working under a Federal Award. It is expected that the number of work conditions covered by any award will be reduced to approximately 16 as against the 20+ conditions presently prescribed of which the most important are the regulation of wages, working hours, allowances, most forms of leave, the nature of work responsibilities and under some awards, work locations.

These changes would make AWA's differ considerably from the present award system.

It is a fact that there are those on AWA's who are on high wages with over award conditions brought about through having a strong bargaining power. On the other side of the ledger are those on AWA's who have little or no bargaining power and receive few wage increases, or increases that are of small purchasing power and are not paid immediately, but spread over a number of years. (CCH/ACIRRT:1999)

The majority of women with disabilities, if they can indeed obtain employment fall into the second category.

One of the conditions which the Government says is imperative in any workplace agreement is the 'No Disadvantage Test'. In the new Industrial Relations regulations it is proposed that this test is overseen by the Employment Advocate and not be referred onto the Industrial Relation Commission for the ultimate test. Transparency can only be achieved through public scrutiny and without the input of the Commission this may well not occur. It is proposed that the Employment Advocate will have the power to approve an AWA even if it does not satisfy the 'No Disadvantage Test', if he feels it is not contrary to the public interest. (*Section 170 VCB 1-8 and Section 170VCC*).

Women with disabilities enter the workforce with two disadvantages – their gender and their disability. The 'No Disadvantage Test' is therefore unenforceable immediately. The need is for the elimination of discrimination and negative stereotypes from both a gender and disability perspective in the any AWA's. (See for example 'International Labour Office Assisting Disabled Persons In Finding Employment: A Practical Guide 1997').

Paid employment is a critical component in enabling women with disabilities to support themselves financially and to build self-esteem and achieve social recognition. Although men and women with disabilities are subject to work discrimination because of their disabilities, women with disabilities are at a further disadvantage because of the combined discrimination based on gender and discrimination based on disability. While there is no doubt that men with disabilities have serious employment problems, it is abundantly clear that women with disabilities are significantly worse off, and this seems to be true for all types and levels of disabilities.

The issues which affect women with disabilities are manifold, for example:

- In its Review of the Disability Discrimination Act (1992) the Productivity Commission found that: *'The proportion of people with a disability in the workforce is lower than the workforce population overall. The number of complaints under the Disability Discrimination Act (1992) and participants' views indicate that disability discrimination in employment remains a significant issue. Overall, the Act appears to have been least effective in reducing discrimination in employment.'*
- Australians with a disability are much less likely to be employed than people without a disability. They have a comparatively lower labour force participation rate (53.2% compared to 80.1%) and a higher unemployment rate (8.6% compared to 5%) than those without a disability (HREOC 2005).
- At the present time the *Disability Discrimination Act (1992)* (DDA) covers discrimination in the workplace with regard to access to the workplace itself. A possible and looming major disadvantage to women with disabilities seeking employment is the likelihood that the Federal Attorney General will approve the proposed new 'Disability Standard for Access to Premises' that limits the accessibility to the workplace itself. This Standard proposes that smaller buildings will not have to provide lift access to the second and third storeys. It may well be that a company operating in an area other than in a capital city would have premises in buildings other than multi-story work places. Should this eventuate it gives a blanket exemption for employers to discriminate against women with disabilities, whereas under the DDA every claim of discrimination in the workplace with regard to access is assessed on a case-by-case basis. An employer with a 2-3 storey building would satisfy the requirements for access for people with disabilities under the proposed Standard any claim of discrimination would fail, which is not the case at the present time.
- **Lack of understanding of the complexity and nature of disability**
Some disabilities are episodic and/or fluctuating in nature and this can contribute to unstable work patterns for disabled women. On the one hand, income support programs assume that disabilities are permanent and stable, when this is clearly not the case. On the other hand, one only needs to look at the number of times women with a disability are reviewed, re-assessed, asked to fill in more forms and get certificates of proof of disability from their doctors, for a range of benefits, services and support; to see that bureaucracies are confused by the complexity. Disability can be permanent, temporary, episodic, intermittent, and perceived. Many women with disabilities, especially those with chronic illnesses may be unable to work every day and can't usually predict when they might have energy and/or fitness to work and when not. Instead of pushing themselves, they need to be incredibly attuned to their bodies and decide hour by hour what they need to do to care for themselves that day. However society, as reflected in the workplace, is not currently structured to accommodate fluctuating capacities to participate. It continues to demand that we either perform or produce in order to be recognized as contributing economically. For the majority of women with disabilities, the time and energy taken to get ready for and travel to work far exceeds that of their colleagues and need this to be understood. Whilst rigid thinking about workplace structures persists, it constitutes a major barrier to employment for many women with disabilities.

- Negative social attitudes and discrimination including employers' and co-workers' attitudes

Negative social attitudes are a major barrier for women with disabilities seeking and securing employment. Much of the discrimination experienced by women with disabilities is based on an implicit notion that they are not the same as other women and so cannot be expected to share the same rights and aspirations. Although men and women with disabilities are subject to employment discrimination because of their disabilities, women with disabilities are at a further disadvantage because discrimination based on gender is combined with that based on disability.

- Poor job design and inflexible work arrangements

Flexible work conditions and environments are critical for women with disabilities. The capacity to vary and/or share hours is vital in gaining and retaining a job. Our current system rewards people who work full-time and penalizes people who work part-time. The more money the disabled woman earns, the more money she loses in income support. Instead of being rewarded for the accomplishment of working when she can, the disabled woman is punished for not working hard enough. Lack of creativity and inflexibility on the part of most employers and an inability to explore beyond the conventional has resulted in a restricted or closed working environment for many disabled women (Hanson 2002).

Recommendations

Women With Disabilities Australia (WWDA) makes the following recommendations:

- That The Australian Industrial Relations Commission retains its role in respect of the overseeing of the "No Disadvantage Test,
- That an inexpensive and ready access to data and contents of AWA's is formulated setting out the contents of AWA's to allow for better impact of the gender and disability impact of them.
- That the Employment Advocate allows public scrutiny of all AWA's which are approved without them meeting the "No Disadvantage Test".
- It is recommended that the Senate Employment Workplace Relations & Education Committee seek confirmation from the Federal Attorney General that the restrictions for employment for women with disabilities to access any opportunities available in 2/3 story buildings be addressed prior to the Standard being enacted.
- Unfair Dismissals

Despite unfair dismissal and anti-discrimination laws, we know that women with disabilities are still regularly subjected to unfair and unlawful dismissals (such as on grounds of perceived inability to carry out their work because of their disability). Many women with disabilities are employed by companies with a small workforce. Unfortunately it is known that many employers are already using casual employment as a device to avoid unfair dismissal provisions. We fear that the proposed amendment to allow companies with up to 100 employees will only encourage this practice further.

That the *Workplace Relations Amendment (Unfair Dismissals) Bill 1998* that denies casual workers in small workplaces and workers with less than 6 months' service with an employer access to unfair dismissal procedures be abandoned.

'Work/life balance is not just an issue for women with young children; nor is it solely a family issue. It is about considering the whole person – acknowledging the many roles each person plays at work and at home. It is about building trust and encouraging work practices that are sustainable and create an environment where every individual has an opportunity to achieve work/life harmony, regardless of salary or seniority.' (Phillip Bullock, CEO IBM Australia).