

Advocates Zoom In On... *Barriers to Employment*

Monday 19 October
12:30pm AEDT



Between 19 October and 7 December, Disability Advocacy Network Australia ran the "Advocates Zoom In On..." series of weekly hour-long discussions via Zoom - creating an opportunity for interested advocates to take a closer look at and speak about a number of key topics emerging in the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission or DRC) and its examination of abuse, violence, exploitation and neglect.

Participants were encouraged to share their insights, observations, stories and case studies, and the discussion questions each week included opportunities to share perspectives on what recommendations advocates would like to see being made by the DRC, in relation to the topic in focus.

Identifying details have been removed from the edited transcript below. Participants in each session are identified as advocates from their State and Territory, and are also numbered, where multiple advocates from that jurisdiction took part. Participants were informed that sessions would be recorded to capture their insights and observations. Care has been taken but errors may exist in the transcription.

DANA would like to acknowledge the Traditional Owners of the various lands around Australia from which advocates participated in these virtual meetings and pay our respects to Aboriginal and Torres Strait Islander Elders, past, present, and emerging.

DANA would also like to acknowledge the time and generosity of participating advocates from a diverse range of advocacy organisations around Australia, and the funding of the Australian Government Department of Social Services for DANA to provide DRC systemic advocacy support. Visit www.dss.gov.au for more information.

Transcript of Zoom discussion – 19 October 2020

[DANA Policy Officer, Siobhan]:

The framing of the Royal Commission is looking at good practice and what should be recommended. They are looking broadly at the barriers to employment as well as solutions and reforms that are going to be positive for people. ...Most advocacy organisations are more likely to get involved where things have gone wrong.

[NSW Advocate]:

We have had one submission which related to employment. It was hard to gauge how much of it was sensationalised by the individual due to his disability. It made it difficult to grasp what had happened. With employment it is quite difficult because in some grounds there are people that are suitable for roles in businesses and people that do not fit those roles, so it is hard to write the submission.

[WA Advocate 1]:

I am working on an interesting submission where someone has an accident during their employment and their employer's reaction to them becoming a person with a disability becomes very complicated. The one I have got works a very manual job with a strong union behind them which is not being as strong as I thought they would be. It would be quite interesting to learn a little bit more about when it's not a person with a disability approaching an employer but being within that role and then what that employer's duty is to that person to help them continue to be employed when their baseline has changed due to something like that.

In the bigger picture around barriers to employment a lot of people want to talk to me about Centrelink and job services providers and essentially that is part of that picture although a lot of the time it relates to the specific welfare that they're trying to access or things around that. I have had a lot of negative feedback around the system, the job service providers, and the pathway now, especially for people on NewStart.

[WA Advocate 2]:

I have had a submission in for the Royal Commission around employment where the person was employed under the Government's disability employment scheme working in the disability sector area. Very few accommodations were made for him in the workplace around his disability and he ended up being bullied out of the workplace. His position was terminated because he could not meet his KPIs because no arrangements were made for him around his disability. So even in that scenario somebody employed under the scheme for people with disability, in the disability area, is still having that kind of employment experience.

The way he puts it is that it was personalities in the workplace, but then when he went up the chain to find support and help with that the support was not on his side. People in the workplace who've employed people under certain programs seem either unaware these programs exist or there seems to be a lack of awareness even by people in the workplace, where people have been

employed under a workplace scheme for disability, being unaware of what their responsibilities are in relation to that. He's in a difficult position now because he has had a termination and it is difficult for him to find work in that sector now because people phone for references and things which go back to that employer and that is the sector where his skillset lies and he hasn't been able to find employment again.

[NSW Advocate]:

I wonder how much, especially in our current situation with coronavirus, it's thrown another spanner and may have skewed some of the results, like what is related to the disability and what is a consequence of coronavirus. That is going to make things difficult to sift through the different cases.

[WA Advocate 1]:

With the shortness of jobs and opportunities in employment there is a power shift for employers to feel stronger and feel like employees owe them something: you should be lucky to have this job and just quieten down with your special requirements because you're lucky to have this job. Some employers always have the view that if you don't want your job someone else will take your job, then that's more power than is comfortable for that employer when they have special requirements related to disability. It is never good if the system is not set up well for those people and it is ultimately going to lead to situations like [WA Advocate 2's]. I think we are going to see more and more of that sadly.

If you are a person that is strong at advocating for yourself in that situation you get labelled and in a lot of smaller communities that is it, you are snookered. If you are trying to make it possible to do your job and the employer sees it as you are just being awkward, then word will spread and that is a huge barrier to employment. I think that happens not just within disability, but I would imagine for someone in that situation again it is that kind of view that you should just get on with it and be quiet because you're fortunate to be here. You might not be able to get references and negative feedback about that person may spread amongst the community and then what do you do?

I don't know if it is the same here as in the UK, but people are reluctant to access trade unions because of negative stereotypes around that process and seeing you are anti your employer if you are accessing your union. This submission seems very much like that and unions should have a lot to do with people with disabilities that need extra support in employment. I think that is possibly something the commission can investigate because as much as they are not as prominent as they used to be, they still have an important role to play in this. Especially in more kind of manual working areas because people do get injured. If you work in a career as a rigger for example, probably at some point something is going to happen when you need to be off work or the way you can work is going to change because they're dangerous jobs.

What existing (or potential) role is there for access to independent advocacy in the achievement of better employment outcomes for people with disability?

[WA Advocate 1]:

We have a team of five advocates and usually have a couple of cases involving employers. If we are talking about people's access to employment and job service providers then a few more, but specifically employee disputes around conditions or extra requirements we probably do between 5-10 issues per year with people.

A lot of clients I do submissions with might be talking about a more specific issue around a job service provider but what they actually want to discuss is systemic problems with that system and what they've experienced over the years. It is relevant, especially when people are engaged with them for a long time and there are signs that the provider has had their patience tried and communicated differently with that person because they are frustrated in the situation and being stuck with what they are doing with that person. That is around the way people with disability are communicated with and that is relevant. The welfare system, there could be a Royal Commission into that alone. It is difficult getting to the root of the problem and not just talking about the problems with poverty and the issues around the welfare system here.

[NSW Advocate]:

It's like a flow on from employment because if they can't get a job because of their disability then they have to use welfare and if there are issues with the welfare you would have the root cause is the employment. You could have your own hearing on welfare alone. Some of the issues I have with my clients at Centrelink can be with some of the more aggressive clients. If the person on the other end of the phone doesn't know they have a disability they can feel like they are getting abused and they can't get any further: this person is not listening to me and there are barriers there. So maybe if there was a way to identify the disability earlier in the conversation or some way of flagging that, so the person on the other side of the phone can be a bit more considerate, or if there was another whole process or a channel that provided easier access.

Do you have any ideas for improving employment participation for people with disability? Do you have examples of good practice? ...

[WA Advocate 1]:

Just negative stuff from me... I think a lot of the things with employment services that I deal with - people are often down to individual employees and in my role, you only hear about the bad ones. I'm sure there are people who are able to work what is a system that doesn't seem to be working particularly well - bend it a bit to work a little better for people, as good professionals do. But we do not hear much about those ones.

We have got a negative echo chamber. Hopefully with the NDIS support around employment becoming a little more prominent we will be able to see through issues to where we can see that engagement in our roles with our advocacy. Personally, I have not been involved in that yet, but hopefully.

Especially in WA, we are behind regarding the NDIS. There are a lot of people still working out how it works for them. That is the kind of thing people might do in their second phase of that planning.

[NSW Advocate]:

One of the NDIS requirements is that their disability impairs their ability to be involved economically in the community, so being able to get a job. Being unable to get a job is one of the requirements of the NDIS, to be able to get on the NDIS. To then get someone whose disability prevents them from getting a job into the NDIS and then find them a job is a difficult situation. There are also people who would be capable of getting a job in terms of the NDIS, but for whatever reason slip through the cracks. Then they are not able to get on the NDIS or get a job and are stuck in this middle area.