# Vision Australia Submission to AHRC Willing to Work Inquiry

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## Introduction

Vision Australia is the leading national provider of services to people who are blind or have low vision. We provide services to approximately 30,000 Australians each year across 28 offices and outreach locations through a mix of charitable donations and Government funding.

Vision Australia’s mission is that people who are blind or have low vision will increasingly be able to live the life they choose by participating fully in every facet of community life. To help realise this goal, we provide high-quality services to the blindness and low vision community in areas such as:

* early childhood;
* orientation and mobility;
* accessible information (including library services);
* recreation;
* independent living;
* Seeing Eye Dogs; and
* Advocacy.

Vision Australia is also a registered Disability Employment Services (DES) provider, under the name Vision Australia Employment Services. We operate employment programs in 7 locations: Melbourne, Sydney (Caringbah and Enfield), Brisbane, Gosford, Newcastle and Canberra.

We support people who are blind or have low vision to find open employment that matches their interests, skills and needs. Employment is an area of particular importance for Vision Australia, as it enables our clients to participate as valued members of society and maintain their independence in the community.

Vision Australia is pleased to provide this response to the Australian Human Rights Commission’s Willing to Work Inquiry and we would be happy to work with the Commission to improve the participation rates of persons with disabilities in employment.

### What policies, workplace practices, programs or incentives assist with increasing participation of persons with disability? How adequate are these policies, practices and incentives? What is the role of Government, peak business and employee groups, and individual employers?

* 1. **Disability Employment Services**

As a registered Disability Employment Services (DES) provider, Vision Australia has identified a number of ways DES may not meet the needs of persons with disability seeking employment:

* Complex assessments for entry into DES, with lengthy waiting periods and burdensome assessment processes;
* Candidates who are blind or have low vision may be referred to a generalist provider who may not have knowledge of their specific needs nor their goals, strengths and weaknesses;
* A failure by DES to support people who are blind or have low vision across the life course. For example, full time students cannot access DES support to find casual or part-time employment and as such, struggle to attain employment experience, which can negatively impact on them later in life;
* Many working people who are blind or have low vision are underemployed, both in terms of time and skill, yet are unable to access DES support to transition to more appropriate employment. This includes people working for Australian Disability Enterprises;
* Lack of DES support available to candidates over 65 who want and need to continue to work beyond this age; and
* Approximately 50% of clients who access Vision Australia Employment Services have multiple disabilities, which present multiple barriers to employment, and require specialist support.

Vision Australia’s experience as a specialist DES provider tells us that the needs of jobseekers who are blind or have low vision are best met by specialist providers who offer a transdisciplinary approach to job readiness and familiarised to their work environment. As a specialist DES provider, we offer many services that a generalist DES provider cannot, such as orientation and mobility training, orthoptics, specialist occupational therapy and assistive technology assessment and training to maximise an individual’s mobility, functional vision and technology skills. This approach allows for a holistic evaluation of how a person who is blind or has low vision can be supported to find employment and increase their economic participation, while also taking into account their personal and social needs.

* 1. **The Wage Subsidy Scheme**

The Wage Subsidy Scheme, whereby employers may access financial assistance from the government to employ persons with disability, is recognised as a factor which can incentivise employers to hire persons with disability. However, wage subsidies do not have a substantive impact on either individual employment opportunities, particularly for larger businesses, or on the systemic increase in participation of persons with disability in employment.

In our experience, where the Wage Subsidy Scheme has been utilised, it has helped to alleviate some perceived loss in productivity costs associated with initially providing adjustments to a person with disability in a new job role. At times, Vision Australia has referred to the scheme to reduce potential employers’ resistance to hiring DES clients.

Wage subsidies can make a difference in allowing jobseekers to get a ‘foot in the door’ and in easing employer concerns about the costs of employing a person with a disability. If wage subsidies are retained, it is important that they are reviewed periodically to ensure that they keep up with rises in the cost of living.

* 1. **Job Access**

Vision Australia continues to engage positively with the Job Access program and has used the program to enable good outcomes for candidates who are blind or have low vision using the both the Employment Assistance Fund and the Supported Wage System.

* + 1. **Employment Assistance Fund**

Some people who are blind or have low vision will require workplace modifications and services to facilitate their ability to undertake the inherent requirements of job roles. Financial assistance to provide such adjustments and modifications available via the Employment Assistance Fund are essential to their participation in the workplace.

As well as the obvious benefit of alleviating the costs associated with certain workplace modifications and services, the availability of this funding also helps job seekers with a disability assure potential employers that these costs will not pose an unjustifiable burden on them and alleviate any concerns they may have about employing persons with disability. As such, job seekers who are aware of this program can refer to it as a tool for self-advocacy.

* + 1. **Supported Wage System**

Similar to the Wage Subsidy Scheme, potential perceived barriers of reduced productivity arising from an employee’s disability can be alleviated via the Supported Wage System.

* 1. **Jobs in Jeopardy**

The Jobs In Jeopardy Assistance program offers important support to people who are blind or have low vision who may be at risk of losing their job due to sudden disability, such as vision loss. The program provides assistance with job assessments, workplace assessments, and technology and equipment. This program is essential as in many circumstances it is difficult for employees to maintain their jobs due to a change in, or acquiring, a disability without support.

* 1. **DDA Action Plans**

Some employers, particularly large organisations, have Disability Action Plans in place as a policy to outline how the organisation will prevent discrimination against persons with disabilities.

While these Actions Plans can assist in raising awareness of what organisations need to do to eliminate discrimination against persons with disability in the workplace and indeed, may provide some assurance to candidates with disability that a potential employer is committed to inclusion, Action Plans have not made substantial systemic change in improving outcomes for persons with disability in employment more broadly.

* 1. **Role of government**

As well as continuous review of government funding of employment services and programs and legislation, government has two key roles to play in improving employment outcomes for persons with disability:

1. Increasing the number of persons with disability employed in the public sector; and
2. Ensuring best practice accessible workplaces through the procurement of accessible equipment, technology and infrastructure.

Little will change unless government sets an example by introducing accessible public procurement policies. Failure by the government in following best practices significantly limits the effectiveness of other initiatives both by government and the private sector.

### Are there distinct challenges faced by different sized businesses and organisations, sectors and industries in employing Australians with disability?

Employer attitude appears to be the most significant barrier to employment of persons with disability. Our experience indicates that small businesses in particular perceive the employment of persons with disability as too difficult or costly. It remains that many employers lack awareness of assistance available to them in terms of funding for the provision of adjustments and technology through Job Access, support provided by specialist providers such as Vision Australia, their legal obligations under the *Disability Discrimination Act 1992* and other anti-discrimination and equal opportunity legislation, and the benefits of employing persons with disability.

There is a need for greater resources to be directed to increasing employers awareness of the benefits of employing persons with disability, including those who are blind or have low vision, and the supports available to do so. An education and awareness raising strategy to improve employers’ attitudes towards persons with disability could be created through engagement with peak industry bodies, disability organisations and mainstream employment services.

Across Australia, industries which have traditionally employed low skilled workers are reducing. For candidates with disabilities and low educational attainment, the reduction in size of these industries and roles which were previously suitable for such candidates and roles which were once suitable for persons with a disability no longer exist, which has led to a general decrease in available job opportunities.

Again in small businesses, employers often perceive challenges recruiting people who are blind or have low vision arising from their assumption that they may not be able to fulfil requirements of a job role which are additional to any inherent requirements. Examples of such requirements include driving, passive supervision, and more manual labour style tasks. As such, small businesses are reluctant to recruit people who are blind or have low vision due to the perceived loss in productivity associated with an employee who is not able to fulfil these tasks. At present, there is no systemic way to challenge these assumptions and raise awareness of the benefit of hiring candidates who are blind or have low vision, and individual candidates and services who support these candidates to respond to these circumstances at the individual level.

### What other data or information is available on employment discrimination against Australians with disability?

People who are blind or have low vision are traditionally under-represented in the labour market. Employment in Australia has hovered for decades around 30% for adults with vision impairments. A Vision Australia survey conducted in 2012 found that 58% of respondents were unemployed, and not by choice. It was further found that one-third of those employed would like to work more hours, indicating that under-employment is another issue experienced in the blindness and low vision community.

In this survey, Vision Australia found that the main difficulty people who are blind or have low vision face when looking for employment was ‘employer attitude’ (44% of respondents). Respondents felt that employers had a pre-conceived idea of the abilities (or lack thereof) of people who are blind or have low vision. In Vision Australia’s experience of working with employers, employers often feel intimidated and fearful about supervising people who are blind or have low vision. Furthermore, employers often do not feel they have the requisite knowledge about reasonable accommodations, and have a lack of confidence when it comes to performance management of people who are blind or have low vision.

In 2012, the Australian Bureau of Statistics recorded the unemployment rate for 15-64 year olds with disability at 9.4%. During the same period, the national unemployment rate was recorded at 4.9%; almost half the rate as experienced by persons with disability.

Graffam et al (2002) found a number of benefits of employing workers with a disability, including:

* Fewer accidents at work and workers compensation costs, which can be as low as four per cent of the workers compensation costs of other employees;
* Lower absenteeism rates, as persons with disability often take less sick leave than other employees;
* Lower hiring costs for persons with disability, which can be as low as 13 per cent of the cost of other employees; and
* Employing persons with disability can build staff morale, raise management awareness of workplace practices and conditions, and increase customer and staff loyalty[[1]](#footnote-1).

### What lessons and leading practices can we learn from other countries to address employment discrimination and increase workforce participation of Australians with disability?

We defer responses to this question to other respondents to this Inquiry.

### How adequately do existing laws protect Australians with disability from employment discrimination? How effective are the legal remedies for Australians with disability who have experienced employment discrimination? How could existing laws be amended or supplemented?

The DDA is the most prominent law in place to protect Australians with disability from employment discrimination. However, it remains that persons with disability continue to experience discrimination and barriers to employment.

The DDA outlines the obligations of employers, but does not provide an effective mechanism for enforcement. People who experience discrimination in employment, or in any other area of life protected by the DDA are responsible for the enforcement of obligations via complaints to the Australian Human Rights Commission (AHRC), and thereafter to the Courts, at potentially great cost to the candidate or employee. This is an ineffective approach to enforcement, which diverts responsibility from employers to employees.

Candidates who experience discrimination in the job application process and existing employees find it extremely difficult to achieve a timely and equitable outcome for discrimination matters using the DDA complaints process. Candidates are often uncertain whether they have actually experienced disability discrimination, while existing employees feel that they may jeopardise their relationship with their employer if they pursue a DDA complaint with the AHRC. This is complicated by the fact that the employee often must remain working with their employer about whom they have lodged a complaint until a resolution can be found.

Candidates and employees may also not have the time and resources needed to progress a complaint beyond conciliation to the Federal Court of Australia if a resolution cannot be agreed. In such circumstances, they must balance the emotional and psychological impact of a long and potentially bitter fight against their employer with the need to “get on with life” and earn a livelihood.

This Inquiry should give serious consideration to increasing the effectiveness of compliance and enforcement mechanisms to ensure that employment obligations under the DDA are adhered to, and that greater onus for compliance is placed on the employer rather than the candidate or employee.

### What difficulties are there for employers in understanding and complying with legal obligations?

The DDA does not clearly and strongly assert the specific rights of job seekers and employees with disabilities and the obligations of employers to respect those rights, consistent with the language of the United Nations Convention on the Rights of Persons with Disability (UNCRPD). Many employers are simply not aware of their specific obligations under the DDA. Our experience suggests that this is especially true for small businesses.

Developing such awareness should be a key priority. This can only be achieved through the development of mandatory training programs and materials on the DDA and other relevant legislation, such as the UNCRPD and state based anti-discrimination and equal opportunity law, and what they mean for employers and employees alike.

Specifically, the obligations of employers to provide reasonable adjustments to employees are unclear. Accessible workplaces, equipment and technology are essential for the productive participation of people who are blind or have low vision in the workplace. This lack of specificity increases the opportunity for many employers to provide only the bare minimum, if anything at all, in necessary adjustments for employees with disability.

Clear guidance is needed around what “accessible” and “accessibility” means in the context of workplace materials, technology and equipment in order to further inform employers about what constitutes a reasonable adjustment. This may take the form of Guidance Notes or in a separate, more general publication dealing with reasonable adjustments in an employment context.

In our experience, employers have a much greater awareness of their legal obligations under workplace health and safety laws, rules and regulations, and as such place a higher priority on and are better equipped to comply with these obligations. We are aware of many circumstances where a potential or existing employee loses, or is at risk of losing, their role due to perceived or potential workplace health and safety risks, which have not been demonstrated by any real incidents.

### What are the distinct challenges faced by certain groups of persons with disability (e.g. women, Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds or LGBTI people) in relation to employment discrimination?

A number of challenges are faced by people who are blind or have low vision in particular which are distinct from those faced by people with other disabilities.

1. One barrier to employment reported by respondents in Vision Australia’s 2012 Employment Survey is a lack of driver’s license or access to reliable, affordable and accessible transportation. People who are blind or have low vision are often limited to getting around using public transport, which can be especially difficult for people to access who live in regional and remote areas. This disadvantages people who are blind or have low vision when compared to other candidates. However, where reasonable public transport options are available, employers must be open to employing people who are blind or have low vision, which can be fostered through employer awareness campaigns. This will give candidates a greater chance of obtaining employment and attending work activities.
2. Matching skill sets to appropriate job placements was also identified as a significant barrier to gaining employment by respondents to the Survey. Some generalist DES providers match people who are blind or have low vision with whatever placement they can find, rather than matching candidates to jobs that take their individual interests, strengths and weaknesses into account. This often acts as a disincentive for both employers and people who are blind or have low vision to continue exploring disability employment options. Poor placements could be reduced by ensuring that generalist DES staff are trained in the needs of people with different disabilities in matching their individual strengths and weaknesses to a particular job placement.

Currently there is no specific training for generalist DES or Job Capacity assessors in the needs of people who are blind or have low vision, or funding for professional development opportunities. Vision Australia could be engaged as a trainer, or assist with developing a training package, to increase the knowledge of DES providers on the needs of people who are blind or have low vision.

Poor job placements resulting in unsuccessful or short term employment are also due, in part, to the job placement and outcome fees that can be claimed by DES providers. It is common for people who are blind or have low vision to be supported to stay in a job that does not meet their needs through the DES Employment Support Service.

1. Paid, open employment is critical to a person’s independence and prosperity. There should be better employment pathways for persons with disability, as part of recognising the benefits of a vibrant and diverse workforce and the impact of employment on individuals and families. Social inclusion reduces disadvantage, isolation and discrimination, having far-reaching positive impacts across all aspects of life. Research confirms that employment provides the chance of financial independence, a better overall standard of living, improved physical and mental health, and higher levels of self confidence.
2. People who are blind or have low vision experience greater difficulty in accessing information about job opportunities and the associated recruitment processes. They face attitudinal barriers, held by employers, that they will cost more to employ, require substantial adjustments to the workplace, and increase occupational, health and safety risks. These issues will only be addressed by creating greater workforce participation for persons with disability, in order to dispel the myths.
3. With regard to Vision Australia services more broadly, Aboriginal or Torres Strait Islander persons who are blind or have low vision are not accessing services that would support them to participate in everyday life. Investment should be made in the provision of culturally appropriate services for Aboriginal or Torres Strait Islander persons with disability in order to increase their access to services and participation in employment.
4. Some candidates who are blind or have low vision from culturally and linguistically diverse (CALD) backgrounds experience additional challenges which create barriers to employment participation. Not specific to employment, some people may come from cultures where having a disability is a source of shame. As such, they may not be forthcoming about disclosing their disability, using any aids or equipment that would benefit them, nor advocating for any additional support or adjustments. In employment settings, this may mean that CALD candidates with a disability do not have everything they need to fulfil the inherent requirements of their job roles and are not able to sustain employment.
5. High school students with disability face particular challenges in obtaining meaningful opportunities for work experience and securing casual and part time work whilst studying. Early years of exposure to the workplace are critical in respect of developing the skills necessary to become a competitive candidate and secure further meaningful work in the future in adulthood, including reliability, work ethic, team work, problem solving skills, and responsibility and accountability. A lack of early work experience can mean young adults are less competitive than other candidates who do not have a disability; with fewer real-life examples to draw upon to demonstrate suitability for a role.
6. Finally, people who experience sudden vision loss may not be able to make modifications to their roles and may need to change careers altogether. This Inquiry should recognise the challenges arising from such a change, as such people need to manage both their career and their own personal response to their vision loss.

### END

1. Graffam, Shinkfield, Smith and Polzin. “Employer Benefits and Costs of Employing a Person with a Disability.” Journal of Vocational Rehabilitation 17 (2002): 251-63 [↑](#footnote-ref-1)