

Employment of People with Disability

The unemployment rate of people with disability in Australia is double that of the general population (79.4% for people with a disability compared to 39.8% for people without a disability).¹ Compared with other OECD² countries, Australia has one of the lowest employment participation rates for people with disability.³ Only 9% of people with disability report they have the same employment opportunities as other people.⁴ Complaints about discrimination in employment make up a significant proportion of all disability discrimination complaints made to Australian anti-discrimination agencies.⁵

The number of people with disability in the labour force has fallen by 3.0% in the past decade.⁶ At the same time, the number of working age people without disability participating in the labour force has increased by 23%.⁷

Between 2003 and 2015, the number of people with disability working full time dropped by 16%. At the same time, the numbers of those working part time increased by 14%. By comparison, the number of people without disability in full-time and part-time employment increased over this period (by 12% and 33%, respectively).⁸

Employed people with disability are more likely to work part-time (44% - 63%), compared with employed people without disability (32%).⁹

Almost one-third of people with disability (32.4%) who work part-time want to work more hours, compared with just over one-quarter of people without disability (27.1%).¹⁰ The amount of time unemployed people with disability look for work is substantially longer than for people without disability. People with disability are significantly more likely to still be looking for a job 13 weeks or longer after they first started (65.5%) compared with those without disability (56.1%).¹¹

There has been no improvement in labour force participation of women with disability in the past two decades.¹² Men with disability (51.3%) are much more likely to be employed than women with disability (44.4%). Working-age women with disability who are in the labour force have lower incomes from employment; are more concentrated than other women and men in precarious, informal, subsistence and vulnerable employment, and are much more likely to be in lower paid jobs than men with disability.¹³ Women with disability have a much higher rate of part-time employment (56% of women with disability who are employed) than men with disability (22% of men with disability who are employed). There are no policies or programs that address the lack of employment participation of women with disability, including addressing the structural barriers to their workforce participation.

Many young people with disability do not enter the labour force at all over the first seven post-school years (18% compared to 5% of those without a disability) and are much more likely to experience long-term unemployment (13%) than those without a disability (7%).¹⁴

Aboriginal and Torres Strait Islander people aged 15-64 years with disability are much less likely to be in the labour force than those without disability (41.7% compared with 75.7%).¹⁵ Culturally and linguistically diverse (CALD) people with disability, especially refugees and asylum seekers are less likely to secure employment and more likely to face discrimination in the workforce. They often feel obligated to enter numerous certificate courses by job network agencies. There is no data available on the labour force participation of CALD people with disability.

Segregated employment for people with disability through Australian Disability Enterprises (ADEs) continues in Australia, enabling employers to pay people with disability lower wages than other people,¹⁶ and with less than 1% having opportunities to move into mainstream employment. The *Supported Wage System* (SWS)¹⁷ still provides for people with disability to be paid a pro-rata percentage of the minimum wage for their industry according to their assessed capacity.

The *Business Services Wage Assessment Tool* (BSWAT) was developed by the Australian Government for use by ADEs to assess wages of supported employees. However, the Federal Court found in December 2012 that the BSWAT indirectly discriminated against two ADE employees with intellectual disability.¹⁸ After concerted advocacy by people with disability, the Australian Government established the *Business Services Wage Assessment Tool (BSWAT) Payment Scheme*,¹⁹ which delivered a one-off payment of \$100 or more in certain circumstances to eligible ADE employees with an intellectual disability whose wages were assessed and paid using the BSWAT between 2004 and 2014. However, this Scheme ended in 2018, does not apply to all ADE employees and does not address people with disability paid under the BSWAT after 2014. While the *Business Services Wage Assessment Tool (BSWAT)* has been discontinued, there remains a number of similar discriminatory wage assessment tools that are not being addressed.

The *Committee on Economic, Social and Cultural Rights* has specifically addressed segregated employment of people with disability and clarified that segregated employment and wage discrimination is in contravention of the Covenant on Economic, Social and Cultural Rights (ICESCR).²⁰ In its 2013 Concluding Observations, the *Committee on the Rights of Persons with Disabilities* made recommendations for Australia to discontinue use of the BSWAT and to ensure the right assessment of the wages of persons in ADEs.²¹

In 2015, Australia's Attorney-General commissioned the Australian Human Rights Commission to undertake a *National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*. The Inquiry Report '*Willing to Work*',²² released in 2016, recognises numerous systemic barriers to employment for people with disability including lack of practical assistance for employers to support employment of people with disability; negative employer and community attitudes; poor transition to work initiatives for school leavers; negative outcomes from disability employment services which fail to respond to individual needs or deliver long term job retention; segregation of people with disability in 'sheltered workshops' (Australian Disability Enterprises), and financial disincentives of entering the workforce such as increased accessible transport costs.²³

The recommendations from the 2016 *Willing to Work* report have not been implemented.²⁴

The Australian Government has committed to improving employment outcomes for people with disability, including by undertaking a review of the National Employment Framework for People with Disability [the Framework]. However, the review of the National Employment Framework was narrowly reduced to only focus on the Disability Employment Services (DES) program²⁵ and has failed to deliver the comprehensive reform required. DES continues to deliver poor employment outcomes for people with disability, and people with disability would like to access employment services that meet their individualised needs and which are focused on long-term outcomes for them. In addition, DPO's argue that the DES system cannot be viewed in isolation from the need for a comprehensive, gendered *National Employment Strategy* for people with disability, which supports and incentivises people towards long-term open employment, which implements the recommendations from the *Willing to Work* inquiry, and which includes targets, performance indicators and timeframes for increasing the workforce participation of people with disability.²⁶

Recommendations

That Australia:

- Develop a national disability employment strategy that incorporates the recommendations from the Willing to Work Inquiry, and contains targeted gendered measures for increasing workforce participation of people with disability, including addressing structural employment barriers.
- Implement actions for transition away from segregated employment towards genuine work training and skill building opportunities that lead to mainstream employment and equitable remuneration for work.

- Employ measures to ensure that people with disability can access employment services that meet their individualised needs, and which are focused on long-term outcomes.

Endnotes

- ¹ See: Price Waterhouse Coopers (2011) *Disability Expectations: Investing in a better life, a stronger Australia*. See also: Australian Institute of Health and Welfare 2017. *Australia's welfare 2017*. Australia's welfare series no. 13. AUS 214. Canberra: AIHW. See: Australian Human Rights Commission (2016) *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*, AHRC, Sydney.
- ² The Organisation for Economic Co-operation and Development (OECD), <http://www.oecd.org/>
- ³ See for eg: Price Waterhouse Coopers (2011) *Disability Expectations: Investing in a better life, a stronger Australia*.
- ⁴ National CRPD Survey (2019) Findings.
- ⁵ Australian Human Rights Commission (2016) *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*, AHRC, Sydney.
- ⁶ Australian Institute of Health and Welfare 2017. *Australia's welfare 2017*. Australia's welfare series no. 13. AUS 214. Canberra: AIHW.
- ⁷ Australian Institute of Health and Welfare 2017. *Australia's welfare 2017*. Australia's welfare series no. 13. AUS 214. Canberra: AIHW.
- ⁸ Australian Institute of Health and Welfare 2017. *Australia's welfare 2017*. Australia's welfare series no. 13. AUS 214. Canberra: AIHW.
- ⁹ Australian Institute of Health and Welfare 2017. *Australia's welfare 2017*. Australia's welfare series no. 13. AUS 214. Canberra: AIHW.
- ¹⁰ Cited in: Women with Disabilities Australia (WWDA) (2017) Position Statement 5: The Right to Work and to Social Protection. (forthcoming).
- ¹¹ Ibid.
- ¹² Productivity Commission (July 2018) National Disability Agreement Review, *Issues Paper*.
- ¹³ See: Women with Disabilities Australia (WWDA), (2014) '*Gender Blind, Gender Neutral: The effectiveness of the National Disability Strategy in improving the lives of women and girls with disabilities*'. WWDA, Hobart, Tasmania, ISBN: 978-0-9585268-2-1.
- ¹⁴ See for eg: Price Waterhouse Coopers (2011) *Disability Expectations: Investing in a better life, a stronger Australia*. See also: Australian Bureau of Statistics (ABS), 4433.0.55.006, *Disability and Labour Force Participation, 2012*. See also: Australian Human Rights Commission (2016) *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*, AHRC, Sydney. See also: Frohmader, C. (2014) '*Gender Blind, Gender Neutral: The effectiveness of the National Disability Strategy in improving the lives of women and girls with disabilities*'. Prepared for Women with Disabilities Australia (WWDA), Hobart, Tasmania. ISBN: 978-0-9585268-2-1.
- ¹⁵ Australian Bureau of Statistics, 4430.0 - *Disability, Ageing and Carers, Australia: Summary of Findings, 2015*: Aboriginal and Torres Strait Islander people with disability.
- ¹⁶ The Committee on Economic, Social and Cultural Rights has specifically addressed segregated employment of people with disability and clarified that segregated employment and wage discrimination is in contravention of the Covenant on Economic, Social and Cultural Rights (ICESCR).
- ¹⁷ The *Supported Wage System* is a process that allows employers to pay a productivity-based wage for people with disability that matches an independently assessed productivity rate.
- ¹⁸ See: The *Business Services Wage Assessment Tool (BSWAT) Payment Scheme*.
- ¹⁹ See: The *Business Services Wage Assessment Tool (BSWAT) Payment Scheme*.
- ²⁰ Through ICESCR General Comment 23, the CESCR Committee has clarified that: "At times, workers with disabilities require specific measures to enjoy the right to just and favourable conditions of work on an equal basis with others. Workers with disabilities should not be segregated in sheltered workshops. They should benefit from an accessible work environment and must not be denied reasonable accommodation, like workplace adjustments or flexible working arrangements. They should also enjoy equal remuneration for work of equal value and must not suffer wage discrimination due to a perceived reduced capacity for work."
- ²¹ Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Australia, adopted by the Committee at its tenth session (2-13 September 2013), UN Doc CRPD/C/AUS/CO/1, paras 49-50.
- ²² Australian Human Rights Commission (2016) *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*, AHRC, Sydney.
- ²³ Australian Cross Disability Alliance, '*Election Policy Platform: Building a Disability Inclusive Australia*', June 2016, p.8.
- ²⁴ Department of Social Services (DSS) *National Disability Strategy, Second Implementation Plan: Driving Action 2015–2018*.
- ²⁵ Australian Government, *Disability Employment Services*. Department of Social Services.
- ²⁶ Disabled People's Organisations Australia, '*Submission to the Department of the Treasury – Priorities for the 2017/2018 Federal Budget*', January 2017, p. 10.