

**NATIONAL MENTAL HEALTH and DISABILITY
EMPLOYMENT STRATEGY**

– JUNE 2008 –

**PREPARED for the DEPARTMENT OF
EDUCATION, EMPLOYMENT and
WORKPLACE RELATIONS (DEEWR)**

Jordana Goodman
Policy Officer
Physical Disability Council of NSW
St Helens Community Centre
3/184 Glebe Point Road
Glebe NSW 2037

Freecall: 1800 688 831
Phone: 02 9552 1606
Fax: 02 9552 1606
Fax: 02 9552 4644
Web: www.pdcnsw.org.au
Email: admin@pdcnsw.org.au

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Views expressed by PDCN Inc. are not necessarily endorsed by
the NSW Government.*

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1. EXECUTIVE SUMMARY

The Physical Disability Council of NSW (PDCN) appreciates the opportunity to provide constructive feedback and recommendations to the Commonwealth Government as part of the National Mental Health and Disability Employment Strategy. As a peak disability advocacy organisation, representing the needs of people with physical disabilities, our response does not focus on the needs of people with a mental illness.

Employment strategies that promote social inclusion not only decreases reliance on social welfare, but enhance positive community attitudes, and personal satisfaction. Strategies identified in the Terms of Reference (g) – *‘to engage and encourage individuals with disability and mental illness to pursue paid employment and maximize their opportunities in paid employment’* enhance social participation, and hence supported by PDCN.

Without accurate data from either the Australian Bureau of Statistics or from the Department of Education, Employment and Workplace Relations, it was difficult to determine the number of people with physical disabilities in paid employment. As a consequence data from both the Australian and NSW public service was used as a good measure to assess the number of people with physical disabilities in open employment. PDCN would recommend that future policies and programs adopted by the Department require a minimum 12% participation of people with disabilities in paid employment, similarly to that of the NSW State Government.

2. TERMS OF REFERENCE – proposed by the Department of Education, Employment and Workplace Relations

The National Mental Health and Disability Employment Strategy will outline how policy and programs across portfolios and state, territory and Commonwealth governments can work together to help people with disability and mental illness gain and retain work.

The Strategy will guide the Commonwealth Government's design and implementation of measures concerned with the employment participation of people with disability and mental illness.

The Strategy will provide clear and practical steps that Government can take to:

- (a) overcome barriers that can make it harder for people with disability and mental illness to gain and keep work, in particular:
 - i. resistance from employers in hiring people with disability;*
 - ii. difficulty accessing appropriate transport;*
 - iii. the costs associated with managing a disability; and*
 - iv. the unpredictable nature of some disabilities and illnesses;*
 - v. achieving skills through education and training**
- (b) achieve attitudinal change which will ensure that those with disability and mental illness are given the vocational and employment opportunities they deserve;*
- (c) better facilitate and promote employment opportunities for people with disability and mental illness;*
- (d) consider whether welfare rules could be changed to help people with disability and mental illness gain and retain employment;*
- (e) provide national coordination of the efforts to tackle the many reasons why people with disability and mental illness find participation difficult.*
- (f) engage and encourage employers to employ people with disability and mental illness, including:
 - i. fostering more direct linkages between employers and people with disability and or mental illness; and*
 - ii. advocating social firms as a model for employment of people with disability and mental illness and exploring best practice from these firms;**
- (g) engage and encourage individuals with disability and mental illness to pursue paid employment and maximise their opportunities in paid employment; and*
- (h) explore innovative and creative ways to help people with disability and mental illness gain and retain work.*

It is important that the Strategy be developed in the context of the wider assistance which is provided to people with disability and mental illness, in particular:

- that the community sector plays a key role in supporting people with disability and mental illness and that the sector maintains considerable expertise in assisting people with disability and mental illness*
- employment services which will also form an important element of the Strategy. However, the review of employment services being undertaken by Government will inform this aspect of the strategy.¹*

¹ Department of Education, Employment and Workplace Relations – Terms of Reference
http://www.workplace.gov.au/NR/rdonlyres/49F3871F-6588-49C4-99F1-958F562813CB/0/NMH_TermsOfReference.pdf

3. SUMMARY OF RECOMMENDATIONS SUBMITTED BY PDCN

Recommendation 1: Commonwealth Attorney Generals' Department to endorse the draft Access to Premise Standard to provide guidance to both employers and employees.

Recommendation 2: Commonwealth Government agencies to increase recruitment of people with a disability through stronger EEO policies to a minimum benchmark of 12%.

Recommendation 3: Department of Education, Employment and Workplace Relations to fund research to investigate trends in skill shortages to determine employment opportunities for people with physical disabilities.

Recommendation 4: Department of Education, Employment and Workplace Relations to continue the Work Modification Scheme.

Recommendation 5: To allow students with disabilities to use personal care in both educational and vocational settings no matter whom is providing the funding.

Recommendation 6: Extend the availability of occupational and/or vocational services to all appropriate rehabilitation units located within NSW hospitals, including the following suggested strategies:

- A computer skills program already trialed by TAFE with people with spinal cord injuries;²
- Ability to loan appropriate computer hardware from TAFE for educational and/ or vocational programs;
- National Disability Coordination Program (DEEWR) involvement; and
- Occupational therapy assessment that includes relevant information regarding vocational background and future employment goals.

Recommendation 7: Department of Education, Employment and Workplace Relations to introduce non-means rated grants on an annual basis to students with disabilities, to purchase the most effective mix of the following items:

- 1) Transportation to and from training;
- 2) Entry fees;
- 3) Textbooks;
- 4) Mobility aids e.g. wheelchair to use around campus;
- 5) Adaptive technology;
- 6) Personal Assistants for note taking and toileting.

Recommendation 8: Introduce a Disability Allowance based on individual need, unrelated to means, and unaffected by the employment status of either the recipient or the family of the person with a disability.

4. THE PHYSICAL DISABILITY COUNCIL OF NSW (PDCN)

² NSW Board of Vocational Education and Training <http://www.bvet.nsw.gov.au/projects/project01.htm>

PDCN is the peak body representing people with physical disabilities across New South Wales, representing approximately 900,000 residents. PDCN focuses on issues relevant to people with limited mobility, such as access to the built environment, transport and access to aids and equipment.

An inclusive society is achieved when people with limited mobility are involved in every aspect of political, social, economic and cultural life. Access to all modes of public transport is essential to facilitate community inclusion in all aspects of daily living.

PDCN is able to represent the needs and interests of people with limited mobility.

Membership of PDCN includes people with a range of mobility issues, from young children and their carers, to aged people, living across NSW in either Greater Sydney Metropolitan area or rural NSW all from a wide range of socio-economic circumstances. PDCN has the background, knowledge and skills to advocate on all levels of Government regarding the needs of people with limited mobility.

PDCN encourages people with limited mobility to become involved in the decision making process, so that Government and non-Government bodies become familiar with relevant issues.

PDCN effectively networks with other advocacy organisations on common goals and issues. Subsequently PDCN strives to bring about significant, permanent and positive changes to the circumstances of people with limited mobility. The goal is to secure equal civil and human rights for our constituency.

Promotional activities assist to educate and inform all members of the community, most frequently through the media. Publications such as 'Words Matter' produced by PDCN facilitate this educative process.

PDCN is funded by the NSW Department of Ageing, Disability and Home Care, employing four staff members, and based in Glebe.

5. DISCUSSION

Recommendation 1: Commonwealth Attorney Generals' Department to endorse the draft Access to Premise Standard to provide guidance to both employers and employees.

• Legislation

Section 23 of the Disability Discrimination Act makes it unlawful to discriminate on the grounds of disability in providing access to or use of premises that the public can enter or use. Building access issues also arise under other DDA provisions including in relation to employment, access to services, and accommodation. Without endorsement of Standards or Guidelines for either access to premises or employment, the strength of the DDA is reduced, leaving people with disabilities unable to distinguish what is lawful and what is not.

Frequently access to the built environment limits the number of job vacancies a person with a physical disability can apply for. The following access issues are common concerns faced when seeking employment for a person with a physical disability:

- Inaccessible paths of travel, with difficult pathways to negotiate when exiting the mode of transport and arriving at the workplace;

- Limited availability or poor layout of accessible parking facilities;
- Difficulty in using door handles and locks, or the clearance around doorways;
- Stairways rather than providing ramps or lift access;
- Clutter surrounding the workplace;
- Inaccessible bathroom facilities; and
- Lack of emergency exits.

The Disability Discrimination Act makes it unlawful to discriminate against people with disabilities in employment, including recruitment, terms and conditions of employment, and dismissal or termination. Division 1 of this Act includes the following Sections relevant to employment and work practices:

- Discrimination in employment
- Discrimination against commission agents
- Discrimination against contract workers
- Partnerships
- Qualifying bodies
- Registered organisations under Schedule 1B to the *Workplace Relations Act 1996*

Examples of discriminatory practices for a person with a physical disability in the workplace may include:

- An inability to work flexible hours to accommodate health needs;
- An inability to have special equipment provided, or to modify the work environment or make special arrangements;
- Changes to furniture, equipment or software; or
- When targeted as needing greater time for ongoing assistance and/ or supervision.

Funds are available through the Commonwealth Government through the Workplace Modification Scheme to modify inaccessible work sites, or to purchase equipment that will assist the person with a disability in the workplace.

- **Employment Trends for Commonwealth and State Government Departments**

- i. Commonwealth Government

Recommendation 2: Commonwealth Government agencies to increase recruitment of people with a disability through stronger EEO policies to a minimum benchmark of 12%.

Recommendation 3: Department of Education, Employment and Workplace Relations to fund research to investigate trends in skill shortages to determine employment opportunities for people with physical disabilities.

Recommendation 4: Department of Education, Employment and Workplace Relations

to continue the Work Modification Scheme.

Data available from the Australian Public Service Commission shows a significant decline in the employment of people with either a physical or mental disability over the past 15 years from 5.7% (8,214) in 1993 to 3.3% (4,717) in 2007.³ This decline does not mirror change in increases population size Australia from approximately 18 million in the early 1990's to the current population of over 20 million. Closer examination indicates that employment of people with disabilities in the Public Service is the only EEO target group to have such a dramatic decline.

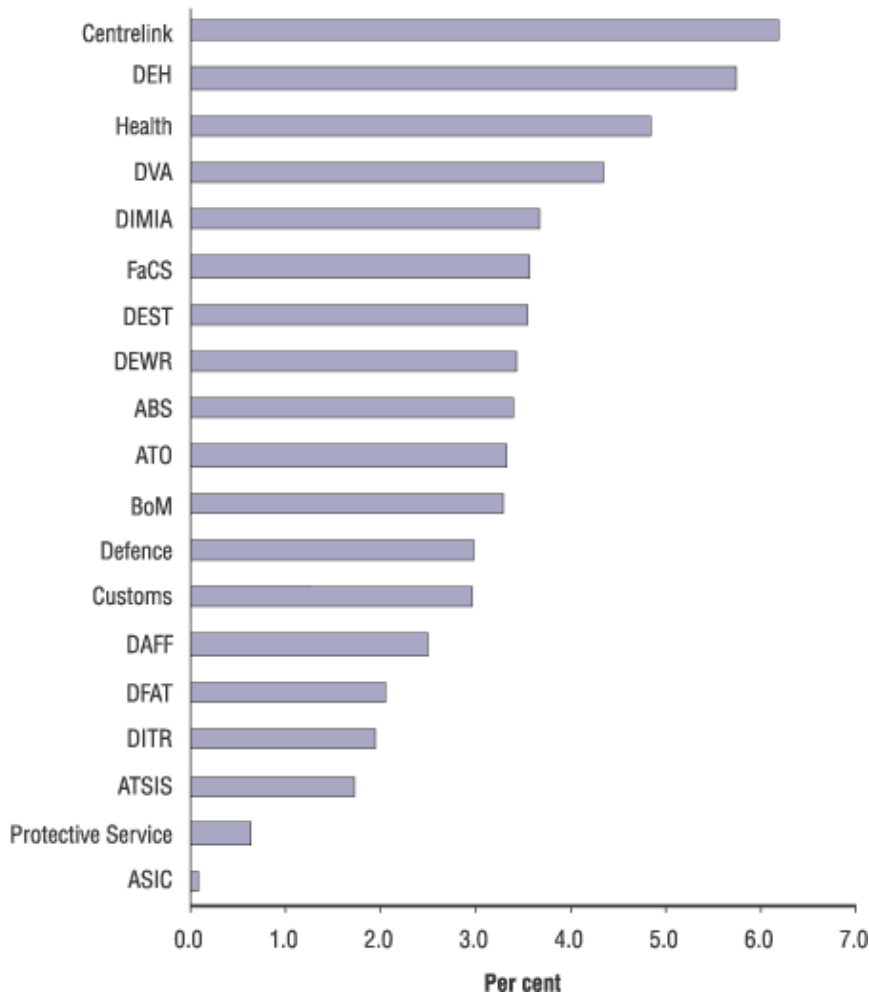
Proportion of people with a disability employed by agencies within the Australian Public Service with more than 1000 ongoing employees. 2004.⁴

The chart below illustrates that the following agencies employ less than 2% of employees with a disability:

- Australian Securities and Investment Commission (ASIC)
- Protective Services
- Aboriginal and Torres Strait Islander Services (ATSIS)

³ Australian Government, Australian Public Service Commission Statistical Bulletin 2006/07
<http://www.apsc.gov.au/stateoftheservice/0607/statistics/table46.htm>

⁴ Australian Government Australian Public Service. Workplace Diversity, State of Service Report 2003-4.



ii. NSW State Government

In response to the NSW Internal Government Red Tape Review, the Minister, Joe Tripoli recently announced the endorsement of recommendations relevant to EEO policy. Following this Review, all State Government agencies covered by the *Disability Services Act* must review and develop Disability Action Plans with a target of employing 12% with a disability. A further requirement is that 7% of the 12% target, be people with a disability who require work place adjustments. Further to the benchmarks, data relevant to EEO targets now needs to be reported in agency Annual Reports.

• **Skill shortages**

'Workforce Tomorrow – Adapting to a more diverse Australian labour market'⁵ identifies a number of skill shortages as the Australian population ages, with the most significant shortfall in workers in NSW. Skill shortages were identified in the following industries across Australia:

⁵ Workforce Tomorrow – Adapting to a more diverse Australian labour market' (2005). <http://www.workplace.gov.au/workplace/Publications/WorkforceTomorrow-AdaptingtoamorediverseAustralianlabourmarket.htm>

- Health sector – Registered Nurses and Health Specialists (such as Physiotherapists);
- Accountants;
- Child Care Workers;
- Civil Engineers;
- Most trades particularly in Construction; and
- Particularly NSW, Information and Communication Technology.

A number of strategies are identified in this report to either gain or recruit skilled labour, but fails to include people with disabilities as a potential source of labour.

- **Availability of Personal Care in Educational and Vocational Settings**

Recommendation 5: To allow students with disabilities to use personal care in both educational and vocational settings no matter whom is providing the funding.

Due to the limited number of places on the Attendant Care Program, most people with physical disabilities receive personal care from the NSW Home Care Service. Recipients of the NSW Home Care Service do not have the same flexibility, and personal care can only be used in the residential home. These people often rely on workmates for personal hygiene and/or meal assistance in the workplace, or other students when studying.

- **Rehabilitation Programs**

Recommendation 6: Extend the availability of occupational and/or vocational services to all appropriate rehabilitation units located within NSW hospitals, including the following suggested strategies:

- A computer skills program already trialed by TAFE with people with spinal cord injuries;⁶
- Ability to loan appropriate computer hardware from TAFE for educational and/or vocational programs;
- National Disability Coordination Program (DEEWR) involvement; and
- Occupational therapy assessment that includes relevant information regarding vocational background and future employment goals.

Vocational rehabilitation is currently available within the hospital system for people who have had a traumatic injury. For people not receiving the rehabilitation in either of Spinal Injury or Acquired Brain Injury Units, vocational rehabilitation is either insufficient or totally unavailable. In these settings therapy staff tend to focus on recreational interests, rather than advising on how to best gain or retain employment.

⁶ NSW Board of Vocational Education and Training <http://www.bvet.nsw.gov.au/projects/project01.htm>

- **Educational Programs**

Recommendation 7: Department of Education, Employment and Workplace Relations to introduce non-means tested grants on an annual basis to students with disabilities, to purchase the most effective mix of the following items:

- 1) Transportation to and from training;
- 2) Entry fees;
- 3) Textbooks;
- 4) Mobility aids e.g. wheelchair to use around campus;
- 5) Adaptive technology;
- 6) Personal Assistants for note taking and toileting

Prior to legislative changes in the late 1990's the Commonwealth Government funded the *Commonwealth Rehabilitation Service* (CRS). This service employed a range of therapists who all worked as part of a medical team. Funding was available for individuals to enhance educational skills with the aim of obtaining long-term employment, and was available for the following items:

- 1) Transportation to and from training;
- 2) Entry fees;
- 3) Textbooks;
- 4) Mobility aids e.g. wheelchair to use around campus;
- 5) Adaptive technology;
- 6) Personal Assistants for note taking and toileting.

This program was widely used in the 1980's to provide an education and employment opportunity for all people of a working age with a disability, regardless of financial status. The commercialisation of the *Commonwealth Rehabilitation Service* has led to greater use of user-pays principles, with a consequent de-emphasis on providing services to people who have not received injury compensation.

The impact of reducing funding for people without compensation is that acquiring professional or administrative type employment is less likely, and manual type employment which is often impractical for people with severe physical disability. Furthermore this again minimises opportunities of future promotion, and limits the employees earning capacity.

Findings from the *Devlin Discussion Paper* (2000) highlight that tertiary institutions in Australia have experienced increasing demands to provide services to students with disabilities and medical conditions. While trying to meet these needs there has been little or no increase in disability resources or dedicated service funding.⁷

⁷ The Devlin Discussion Paper (2000). *Students with Disabilities in Higher Education: At Whose Cost and What Price?*

Recent trends in policy and service delivery to rehabilitation and educative facilities have had the following impact on our constituency:

- Hospital rehabilitation facilities tend to be short sighted by focussing on recreation, rather than looking holistically at lifelong needs, such as vocational goals;
- People with physical disabilities without a compensation payment are less likely to be accepted into programs previously offered by the Commonwealth Rehabilitation Service; and
- Limited dedicated service funding for transportation and personal care for educational programs, further exacerbates potential employment.

Recommendation 8: Introduce a Disability Allowance based on individual need, unrelated to means, and unaffected by the employment status of either the recipient or the family of the person with a disability.

- **Additional costs of disability**

The additional non-discretionary costs associated with having a disability, need to be recognised, as many people with physical disabilities receive government benefits or minimal wages as opposed to the average national wage of \$1,124.⁸ The maximum rate of the Disability Support Pension per fortnight is \$546.80 for singles and \$456.80 each for couples.

People with physical disabilities who opt to remain employed are often in less senior roles due to reduced promotional opportunities or otherwise work part-time due to their health concerns. People who opt for employment risk losing the following benefit payments and entitlements.

Costs such as those listed below are often essential but are not tax deductible;

- Personal care costs - Attendant/personal care is the assistance received by people with physical disabilities for undertaking the full range of everyday tasks that people without disabilities accomplish without assistance. It includes the full range of daily tasks, including personal hygiene; grooming; housecleaning; gardening; home maintenance; child care; educational support; vocational support; and respite.

Due to different individuals, the total expenditure may vary enormously, but generally regarded as being a large annual expenditure.

- Transport costs - Due to limited accessible public transport, people with physical disabilities who do not have access to a private vehicle are still reliant on taxis and these being very costly.
- Equipment costs such as for scooters, motorised wheelchairs and electric beds cost a lot to purchase and need to be replaced every 5- 10 years. Additionally continence products and pharmaceutical costs (each subsidised to some extent by government) need to be considered.

⁸ Sun Herald (25 May 2008). <http://www.news.com.au/heraldsun/money/story/0,26887,23702350-5015810,00.html>

- Home modifications including substantial changes to the entrance of a house or the installation of an accessible toilet/ shower add significantly to the yearly budget.

CASE STUDY

Member ZZ has a physical disability, uses an electric wheelchair, works approximately 12 kilometres from home, lives independently and travels 4 days per week to work by taxi. Annual expenditure includes the following without including a budget for the replacement of electrical goods:

Personal care costs - \$2,400

Transport costs to work - \$8,000

Medical, continence and pharmaceutical costs - \$5,000

Total - \$15,400