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Disability Employment Services Branch
2012 and Service Delivery Team
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Delivered by email 2012Taskforce@deewr.gov.au

Thursday, January 27, 2011

Dear 2012 and Service Delivery Team,

RE: Employment Services 2012 Consultation: issues for people from non English speaking background with disability

The National Ethnic Disability Alliance (NEDA) appreciates the opportunity to have met you earlier this month to discuss some of the issues of the Employment Services 2012 Consultation.

NEDA is the national peak organisation representing the rights and interests of people from non-English speaking background (NESB) with disability, their families and carers throughout Australia.

NEDA is funded by the Commonwealth Department of Families, Housing, Community Services, and Indigenous Affairs (FaHCSIA) to provide policy advice to the Australian Government and other agencies on national issues affecting people from NESB with disability, their families and carers.

NEDA actively promotes the equal participation of people from NESB with disability in all aspects of Australian society.

In 2008, Australia ratified the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD). Article 27 (1)(j) of the Convention states that parties to the Convention shall 'Promote the acquisition by persons with disabilities of work experience in the open labour market'.

Article 5 (2) UN CRPD states that parties 'Prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.'

Article 30 (4) UN CRPD states that 'Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.'

NEDA's recommendations to this consultation are framed by the CRPD.

In this submission, NEDA concentrates on issues of the Disability Employment Services (DES) identified as being imperative to the Employment Services 2012 Consultation. However it is believed that the issues raised are equally relevant for the Job Services Australia (JSA).

This submission is addressing three sets of issues;

1. Access & Equity of the DES for people from NESB
2. Overarching Issues
3. Broader issues outside DES/JSA impacting on the aim to maximise opportunities for all Australians with capacity to work to participate in employment and to contribute to the nation's economic productivity

1. Access & Equity of the DES for people from NESB

People from NESB with disability demonstrate a lower participation rate in employment services, 4.1 service users per 10,000 compared to 6.7 service users per 1,000 of people born in an English speaking countryⁱ. However, NEDA notes at this point that the available data is highly unsatisfactory as it is based on Country of Birth alone.

People from NESB may be defined as any of the following:

- born overseas and whose language or culture is not English or Anglo-Celtic / Saxon
- born here in Australia and the first language or culture of at least one parent is not English or Anglo-Celtic / Saxon
- born in Australia with linguistic or cultural background other than English or Anglo-Celtic / Saxon who wish to be identified as such

This means that people may fall into the category of Non English Speaking Background, even if their family has lived in Australia for several generations. People in such circumstances may still be practising their traditional culture, speaking their traditional language and have poorly developed English skills. Due to issues of isolation and false or negative concepts of disability, people with disability are more likely to be in this situation but their needs may not be recognised because they are not recorded as being from an NESB.

Useful indicators of NESB include:

- Proficiency in other languages;
- Ethnic group;
- Language spoken at home by mother;
- Language spoken at home by father;
- Ancestry

The ABS Census acknowledges the importance of such data collection in understanding ethnic peopleⁱⁱ, it notes the following on ancestry;

A person's ancestry, when used in conjunction with the person's birthplace and whether the person's parents were born in Australia or overseas, provides a good indication of the ethnic background of first and second generation Australians. Ancestry data also helps to identify distinct ethnic or cultural groups within a country such as Maori or Australian South Sea Islander, and groups which are spread across countries such as Kurdish or Indian. Country of birth data alone cannot identify these groups. Identification of these groups is essential for planning and the effective delivery of services to particular ethnic communities.

RECOMMENDATIONS

- a) That employment services are immediately requested to collect data on people from NESB, including those with disability. That the data collected at a minimum include:
 - Country of birth
 - Ancestry
 - Language/s spoken at home
- b) That the Department of Education, Employment and Workplace Relations (DEEWR) improve reporting on service users from NESB and do so regularly.

- c) That employment services are immediately required to demonstrate strategies to ensure an equitable usage of service users from NESB, that employment services are measured against targets and benchmarks for service users from NESB, that outcomes for service users from NESB are at least equivalent to those from English speaking backgrounds (ESB).

Strategies ought to consider the following;

- Application of a strength-based employment model; utilising skills such as language skills
 - Dedicated outreach approaches, making use of ethnic printed and radio media
 - Information on how to find work, services and programs, is provided in languages other than English; including audio formats in other languages
- d) That DEEWR include in any future purchasing contracts:
- Dedicated funding to standardise the practice, including training, of effective use of interpreting and translation services
 - Dedicated funding for Cultural Competency Training requiring all staff at employment services to be trained
 - Purchasing contracts to include equitable outcomes for people from NESB, including those with disability and monitored accordingly
 - To identify people from NESB with disability as a priority group and to allocate a percentage of the funding pool for employment services to support service users from NESB with disabilities; including dedicated NESB employment services

2. Overarching Issues

NEDA promotes the following

RECOMMENDATIONS

- a) While NEDA supports the concept of convincing employers, public and private, to be proactive and inclusive in their recruitment processes, the reality is that the employment of people with disability in the public sector has declined.

There needs to be a transitioning phase in order to address the widening gap:

- Public sector quotas and/or affirmative action practices for employment of workers with disability; same for private sector over a certain size or profit.
- b) The competitive nature between Disability Employment Services is counterproductive to job seekers as the motivation is not what is in the best interest of the job seeker but that of the DES.
- Facilitate process of shared data bases for DES as part of standard practice
 - Facilitate process of increased resources sharing and cooperation among DES
- c) There needs to be a new definition of meaningful and sustainable employment, including:
- The compatibility of a job seeker including their qualifications and experience with the job requirements and tasks
 - The current application of 13 or 26 weeks for a successful job placement needs to be increased to 24 months; everything else should be considered mere work experience
 - The issues of distance to work place needs to be included. In particular in regional/rural areas and also as it relates to Aboriginal and Torres Strait Islander people. The benefit of employment needs to be weighed up with the cost of leaving culture or community behind, and any indirect supports networks associated with such distance.
- d) DES need to include a requirement to employ staff with disability as part of their purchasing contract.

- e) There is an urgent need to engage in a mapping exercise to identify areas currently not supported by any DES, these areas need to be targeted for any DES expansion and be matched to the population of people with disability in the respective areas. Access and equity considerations need to be included as they related to people from NESB and also Aboriginal and Torres Strait Islander people.

3. Broader issues outside DES/JSA impacting on the aim to maximise opportunities for all Australians with capacity to work to participate in employment and to contribute to the nation's economic productivity

NEDA appreciates that the Employment Services 2012 Consultation does not directly address broader issues, however as they directly impact on the aim of Employment Services, NEDA wishes to note the following;

RECOMMENDATIONS

- a) The current criteria as they apply to the Disability Support Pension and employment are counterproductive. This needs to be addressed as a matter of urgency. It is illogical to punish people with disability in full time work and consequently leaving them financially worse off as they lose concessions and access to support, services and equipment. Working full time needs to be an incentive not a disincentive.
- b) NEDA is opposed to the Supported wage System (SWS) in open and supported employment; SWS allows wages being cut on the basis of productivity as assessed by DEEWR assessors – e.g. an employee assessed at 10% capacity can be paid at 10% of the relevant classification wage specified in the award. This situation is open to exploitation of people with disability and is not linked to a potential profit made by the employing business/organisation. The minimum wage should be applied – either fully by the employer or with subsidy from the Government

In all cases superannuation should be paid at the minimum wage to counter long term poverty for people with disability.

- c) Specific training opportunities for people with disability need to be offered. Some people with disability may lack the confidence to participate in mainstream courses due to factors such as lack of information in appropriate formats, their comprehension skills, discrimination. This relates to working people and those looking for work.

We hope that you will find the recommendations included in this submission useful and NEDA is happy to discuss any of the above identified issues further.

We look forward to hearing from you.

Yours sincerely



Sibylle Kaczorek
Executive Officer

ⁱ Productivity Commission, 2010, *Report on Government Services 2010, Volume 2: Health; Community Services; Housing*, Commonwealth of Australia;
http://www.pc.gov.au/data/assets/pdf_file/0006/93903/rogs-2010-volume2.pdf, accessed 27 January 2011

ⁱⁱ Australian Bureau of Statistics,
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/EDC05EB95F4A752FCA25720A000688B5>,
accessed 27 January 2011