

FROM WELFARE TO WORK

A DISABILITY PERSPECTIVE

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It is indeed a great pleasure and honour to be here with you in Melbourne at your National Jobs Australia Conference. As we are all acutely aware, there are major changes occurring across Australia from 1 July 2006 in the area of Welfare and Employment Reform and these will impact significantly on the lives of people with disabilities and their families.

The reforms will also have an enormous effect on the roles and function of Job Network agencies across this nation and I believe that it is essential that we, the Federation of Disability Organisations and Job Network agencies both acknowledge the significant responsibilities we have to ensure the best possible outcomes for people with disabilities. In order for this to occur we really do need to open the lines of communication, acknowledge our respective areas of expertise and share concerns and ideas for improving employment opportunities. Today's conference is a great starting point and I'm also here to say that we are willing to help and support your agencies into the future in attempting to improve your customer services to people with disabilities.

In preparing for today I tried to put myself in your shoes and think that if I was a Job Network agency and having a guest speaker from the disability sector, what would I want them to speak about and discuss during their presentation. So I intend to cover the following key points:

- I'll provide you with some information about our Organisation, its role and membership as it is relatively new;
- I'll also speak briefly about the formation of the National Participation Alliance, who's in it and cover some of the major issues being flagged by the Alliance within this welfare to work debate;
- Highlight the implications for people with a disability;

- I would also like to identify and acknowledge many of the common concerns shared by job network staff and the disability sector that I have discovered through reading through Jobs Australia's survey of staff working in Job Networks;
- I also intend to flag issues that need to be considered by employment capacity assessors and touch on aspects of disability discrimination that job network staff will need to be aware of;
- I would then like to propose a strategic planning solution that may assist Job network to systematically address disability access and inclusion; and finally
- Highlight some practical ways in which agencies can improve customer services to people with disabilities via a video.

The Australian Federation of Disability Organisations is the peak national body for organisations of people with disability – that is, organisations that are run by and for people with disability. Our Board is made up of nominees from each of our member organisations and all Board members are people with disability. Member organisations at this stage include the Physical Disability Council of Australia; Blind Citizens Australia and the Australian Association of the Deaf to mention a few– in total there are 11 national organisations of people with a disability.

We are funded by the Commonwealth Government as the national consumer peak and had our formal launch in Parliament House in Canberra in October 2004. Our first CEO, Maryanne Diamond, a Victorian, was appointed in August last year.

This meant that we became fully operational around the time that the Australian Government began proposing the re-introduction of the '**Disability Reform**' Bill that was first tabled in 2002 and subsequently rejected by the Senate. This time however they have a majority in the Senate.

As we all know, the most controversial part of the proposed Bill is to change the work capacity assessment from ability to work 30 hours per week back to 15 hours. In other words, if an individual is assessed at being able to work for 15 hours or more, they are ineligible for the disability support pension and will be placed on Newstart where they will also be subject to a penalty regime.

Just to be clear though on where we are coming from in terms of our constituencies and employment. We represent people with significant or severe disabilities and the vast majority would love to have meaningful and paid employment but there are many barriers which we argue need to be addressed if the Government is serious about increasing participation rates and include:

- A lack of accessible transport and infrastructure;
- The added costs associated with greater participation; and
- Disability discrimination in employment – for example the HREOC receive more complaints of disability discrimination than any other forms of discrimination and over 40% is related to employment.

The Federation supports the Government's objective to increase participation in employment among people with disability and welcomes the expansion of employment programs to that end. The Government's package takes some welcome and important steps in this direction by:

- expanding specialist employment assistance services by around 20,000 places per year;
- approximately 12,000 extra Job Network places per year;
- approximately 3,000 extra vocational education places per year;
- increasing the Mobility Allowance for some people who are unable to use public transport;
- introducing a modest *prevocational assistance account* to address some immediate barriers to employment.

However, we are deeply concerned about proposed reductions in income support for people with disability who apply for payments after July 2005. Based on official estimates, over 60,000 people with disability will go onto Newstart and other Allowances instead of the pension over the first three years after July 2006. Compared with what they would have received on the pension, they will:

- receive \$38 per week less if single or \$19 less if married, if they are jobless;
- \$93 per week less if they have a job for 15 hours a week at the minimum wage;
- up to \$155 per week less if they study full time to improve their job prospects.

These reductions, along with the proposed penalty regime for people who do not meet new work requirements, are likely to cause widespread hardship if implemented.

Reductions in payments are not needed to encourage and support people into employment. On the contrary, they will discourage many people with disability from seeking work or studying.

To just take a step back in time, our member organisations recognised the need for Welfare and Employment Reform and many participated in the national consultations undertaken by the Welfare Reform committee chaired by Patrick McClure. And, on the whole, we were pleased with the final report by that committee as it acknowledged the non-discretionary costs associated with disability and recommended a disability allowance model and an incentive approach to encouraging people into employment. It also acknowledged employment discrimination and the need for a national employment strategy.

New Zealand has adopted much of the recommendations of the McClure report and we were disappointed that our own Government did not embrace many of these key recommendations.

Anyhow, to return to the newly formed Federation and the Government's open commitment to address the growth in the DSP. We knew that we needed to build alliances with other key national organisations in order to raise the profile of our concerns.

The Disability and Participation Alliance was formed in Melbourne in February. It is a loose alliance of 24 national disability, employment and welfare organisations that are working together to improve the participation of people with disabilities in employment and community life. There is a steering group of organisations that includes ACE, ACOSS, National Welfare Rights, ACROD and the Federation.

Working with the Alliance, particularly the Steering Committee members, has been vital to AFDO because it has given us ready access to a level of expert knowledge that we would not otherwise have. AFDO's expertise is in knowing what people with disability want and need from the systems and services they interact with. We can tell you the challenges people face, and the kinds of things that can make it easier or harder for people with disability. But we do not have in-depth knowledge of the employment system and we are not social security experts.

This is the power of the Alliance. By bringing together organisations that each have specialised knowledge, we have become far more powerful than we could have been individually. We have learnt from each other and by coming together, we have been able to identify gaps in services, unintended flow on effects, and better ways of providing services.

The Alliance has been recognised by Government and they have been willing to engage with us at two national forums, one in February and another in July plus a number of meetings with Ministers and opposition parties. The Alliance agreed to a set of **principles on welfare reform** to guide its representation which includes the following:

1. The main objective of reform of disability payments and services should be to open up opportunities for the full participation of people with disabilities in Australia's economic and community life.
2. A crucial goal is to improve the job prospects and capacities of people with disabilities. This, rather than diverting people with disabilities from one social security payment to another, is the fairest and most effective way to reduce the overall level of reliance on social security.
3. This requires a substantial new investment in employment assistance, to increase the number of places available and to improve the level of help for each jobseeker.
4. This requires a national strategy to encourage employers (including government) to remove work practices and other barriers that shut people with disabilities out of employment, and to overcome discrimination.

More recently, in addition to meeting with the relevant Ministers and government officers on details of the legislation and associated schedules, the Alliance has written to key Federal Members of Parliament outlining our concerns and called for MPs to urge the government to:

- Remove cuts to payments;
- Introduce flexible activity requirements and legislative protection against unreasonable breaches;
- Develop a fairer procedure for suspending payments and a reduction in the '8 week' suspension;
- Maintain full access to Social Security review and appeal rights.

- Expand the specialist employment assistance and vocational education places, especially for existing DSP recipients, and raise 'per capita' investment in the Job Network; and,
- Commit to a disability supplement as proposed in the McClure Report.

To view the full document or find more information on the work of the Alliance, please visit the AFDO web site at www.afdo.org.au

Leading up to the Federal budget, the Alliance and the Federation made a number of submissions to Government about key considerations that were needed if they really wanted to address welfare reform and encourage more people with disabilities into greater workforce participation. On budget night and directly after, we expressed our disappointment at what appears to us to be a very simple approach of just moving people from one benefit to another to recognise a short term saving.

We argue that this does nothing to encourage greater participation, just creates even greater poverty amongst the most impoverished and disadvantaged of Australians. I said on budget night and I say here again today, that I think most Australians would think it unfair and un-Australian to target savings by reducing the meagre incomes of people with disabilities on one hand and provide tax breaks to wealthy Australians earning greater than \$100,000. But this is precisely what the budget outlined.

As I said at the beginning of this speech, the world changes on 1 July 2006 and to be prepared for it, job network agencies clearly need to identify the gaps in their current service provision, their training and up-skilling and undertake some thoughtful planning and implementation. I'm sure that the vast majority of staff in job network agencies want to do the right thing and provide a valuable customer service and accurate work capacity assessment but I suggest there is much to do between now and July 1 to better enable staff and agencies to achieve this. I'm pleased to see that Jobs Australia are well down the path of that training and capacity analysis through their recent survey.

Mutual concerns

I found it reassuring to read the report commissioned by Jobs Australia and find that the concerns of Job Network staff are the same that our members hold in terms of their ability

to accommodate and assess customers with disabilities . By way of example, the following points are raised within the survey report:

- The majority of current Job Network staff have no training or qualifications to work with people with disabilities.
- There needs to be a program that is specific, & aimed at people with disabilities.
- Need education of employers that people with disabilities make suitable employees.
- Need trained disability support personnel in Job Network especially for dealing with clients with mental illness and other episodic illnesses.
- Advertising/marketing and "education" aimed specifically at employers so that they are more flexible and realistic in their expectations of these jobseekers.
- More disability accessible locations.

I'd now like to turn to the Comprehensive Work Capacity Assessment

Importantly, we are all very concerned about the so-called Comprehensive Work Capacity Assessment or CWCA (pronounced "Quacka") as it has become known.

A lot is at stake for the individual with the disability, the assessment will be used to determine a person's income support payment and to stream them into employment assistance. Because of this, many will come to the interview feeling apprehensive and anxious, especially those who have existing anxiety related illnesses.

Assessments should be carried out by people who offer a broad range of expertise, including:

- Expertise in interviewing techniques and have excellent communication skills knowing that the people they are communicating with may have a disability which effects their communication;
- understanding and knowledge of a range of disabilities and possible implications this could have for functional working capacity;
- An understanding of available employment support services that individuals with disabilities are entitled to to increase their functional capacity; and
- A general understanding of the Social Construction of Disability which, in basic terms means that if I'm able to use accessible transport, work in an accessible building, with an accessible work station than I am an effective – efficient employee. Take away any of that access, I become more disabled by my environment

Assessors will need to be sensitive and empathetic to the individual needs of people with disabilities and not make assumptions about what they can and cannot do. It is important to remember for instance that although I am classified as a C5/6 quadriplegic, another person with that same level of spinal injury may have a completely different level of function and ability.

The assessment should remain focussed on the abilities of the individual rather than a negative focus on inabilities or limitations that a person has due to their disability. They should also demonstrate respect for the individual and always act in a professional manner even if this is not reciprocated by the individual being assessed. Assessors should take into account what the individuals want for themselves, after all, most people expect to have some choice about their careers and there is no reason why people with a disability should not have equal career choice.

And of course there should be full access to appropriate appeal processes.

I would just like to revisit the concerns raised by staff within the job network survey. Mainly because these are the very same concerns that I hear about in mainstream services such as transport and education where there is no previous experience of working with and along side of people with various disabilities. Since the practice of integrating people with disabilities in the 80's and 90's there has been a growing expectation that people with disabilities should be able to receive the same mainstream services as everyone else rather than separate or special services.

What's more, this has the backing of the Federal *Disability Discrimination Act 1992* which under section 24, the provision of goods, services and facilities makes it illegal to discriminate against a person on the ground of disability. The test is whether a person with a disability has been treated 'less favourably' than a person without a disability and it can be either direct or indirect discrimination which makes it even more complicated.

Direct discrimination may mean that there is no access into your building or it could be that a staff member acted or spoke inappropriately to a person. An example of indirect discrimination is where you may require all your customers to do something or risk a penalty and a person with a disability cannot comply with that requirement due to their disability.

To treat a person with a disability equitably, you may also have to make an accommodation e.g. they be given more time to complete an exercise or be able to respond verbally rather than in writing to a questionnaire.

In the vast majority of situations people working in such services want to do the right thing and want to be inclusive but are not always quite sure of what that might be and how to go about doing that. They are also concerned that they may do or say the wrong thing and either offend and/or discriminate against a customer with a disability.

The key to all of this is disability awareness and discrimination training and we would argue that any such training should directly involve not only skilled trainers but trainers with direct experience of disability. Research in this area informs us that in order to really effect and change attitudes in relation to disability, people need to have a range of opportunities to relate directly to people with disabilities and to 'try on a disability'.

I would also suggest that Job Network agencies need to develop Disability Action Plans which are described under section 61 of the DDA. This will enable agencies to progressively and systematically make their services accessible and inclusive while at the same time reduce the risk of a complaint of disability discrimination. Disability Action Plans are a strategic planning tool to:

1. Audit your agencies, its services and facilities;
2. To identify barriers and/or discriminatory practices that prevent equal and full participation of customers and staff with disabilities;
3. To identify solutions/strategies to overcome barriers and nominate responsible people to manage this within a reasonable timeframe.

The Human Rights and Equal Opportunity Commission (HREOC) produce guidelines for agencies on how to develop an Action Plan and importantly take Action Plans into consideration if a complaint is lodged against an agency. Visit their web site at www.hreoc.gov.au . There are also a number of consultancies across Australia who specialise in assisting organisations develop and implement Disability Action Plans and associated training analysis and training programs.

There are also accredited access auditors who can audit your buildings and facilities and provide a detailed report and costings for any building modifications. There are a range of disability organisations including the AFDO who would be willing to assist job network

agencies move forward with this most difficult and complex work and I would encourage you to build and strengthen your alliances with them and draw on their disability expertise to expand and refine your own.

So in summary, I would like to acknowledge the complex path you have ahead but urge you not to travel it alone. Continue with your own scoping and analysis of this expanded function and role, acknowledge the great diversity and complexity of disability and build your own alliances with organisations within the disability sector and draw on the expertise that is around to systematically improve your agencies' capacity to successfully work in this area.