

Australia Country Profile

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Employment of People with Disabilities: The Impact of Legislation (Asia and the Pacific)

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Skills, Knowledge and Employability
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1. INTRODUCTION

Many countries throughout the world have, in recent years, adopted policies aiming to promote the rights of people with disabilities to full and equal participation in society. This has often been in response to the ILO Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons (1983) policy on employment opportunities for people with disabilities is frequently supported by legislation and implementation strategies as essential tools to promote integration and social inclusion.

Countries in Asia and Pacific have made considerable progress in introducing legislation concerning the equalisation of opportunities for persons with disabilities, particularly during the Asian and Pacific Decade of Disabled Persons 1993-2002. Many of these laws have yet to be effectively implemented, however. The Biwako Millennium Framework for Action toward an Inclusive, Barrier-Free and Rights-Based Society for Persons with Disabilities in Asia and the Pacific refers to this in identifying critical issues to be tackled in the second decade which will span the period 2003 – 2012:

‘The challenge of integrating and including persons with disabilities in the economic mainstream has not been met. Despite international standards and the implementation of exemplary training and employment legislation, policies and practices in some countries, persons with disabilities, and especially women, youth and those in rural areas, remain disproportionately undereducated, untrained, unemployed, underemployed and poor.’

The question of the effectiveness of laws in improving employment opportunities for disabled persons – whether they are vocational rehabilitation laws, quota legislation anti-discrimination or employment equity legislation - is central, not only in terms of the economic rights of disabled people, but also to their broader social and political rights, which are closely linked to economic empowerment.

This country study for Australia is part of the ILO project ‘Employment of People with Disabilities – the Impact of Legislation’ which aims to enhance the capacity of national governments in selected countries of Asia and East Africa to implement effective legislation concerning the employment of people with disabilities. Starting with a systematic examination of laws in place to promote employment and training opportunities for people with disabilities in selected countries of Asia and the Pacific (Australia, Cambodia, China, Fiji, Japan, India, Mongolia, Sri Lanka and Thailand), the project sets out to examine the operation of such legislation, identify the implementation mechanisms in place and suggest improvements. Technical assistance is provided to selected national governments in implementing necessary improvements.

The country study outlines the main provisions of the laws in place in Australia concerning the employment of people with disabilities. A brief review of the implementation of the legislation is also provided, insofar as this was possible, based on a survey of documentary sources, a study by an in-country consultant and feedback from Australian delegates to a Project Consultation held in Bangkok, 17 January 2003. It may be read in conjunction with the regional overview prepared for this Consultation ‘*Employment of People with Disabilities – the Impact of Legislation (Asia and the Pacific). Project Consultation Report, Bangkok 17 January*’, ILO 2003.

2. CONTEXT

Australia, a Commonwealth of the British Empire since 1901, comprises six States and two Federal Territories. It is a Constitutional democracy with a federal system of government. The legislature consists of a federal parliament, comprised of a 76 member Senate and a 150 member House of Representatives. Each of the federation's six states and two territories have their own parliament and local government. Legislative, executive and judicial powers are divided between the Commonwealth and the six States. The Federal Territories (the Northern Territory and the Australian Capital Territory) enjoy, under the legislative power of the Commonwealth, a degree of autonomy comparable to the six States.

With a population of 19,546,792 (July 2002 est.)¹, Australia is ranked 5 out of 173 on the UNDP Human Development Index (HDI)². Four key indicators used to calculate the HDI, longevity, educational attainment, standard of living and adult literacy rate show the following:

- Longevity, measured as life expectancy at birth, was 76 years for men and 82 for women;
- Educational Attainment, measured as gross enrolment ratio was 100 per cent for women and men;
- Standard of Living, measured as annual per capita GDP, was US\$ 25,693;
- Adult Literacy rate was 99 per cent for men and women.

The labour force was estimated to be 9.44 million in December 2002 and the unemployment rate 6.2 per cent³. Recent figures show the majority of the labour force (45 per cent) is employed in the 'Person and knowledge based services' (i.e. Finance, Property and Business, Education, Health and Community Services), with the second highest area of employment being 27 per cent in 'Goods Producing' which includes mining, manufacturing, construction and agriculture. 'Goods related Services' of wholesale and retail trade, and transport and storage employed 24.1 per cent of the labour force population with the remaining 3.9 per cent employed in government administration.⁴

2.1 *People with disabilities*

The Australian Bureau of Statistics 1998 Survey of Disability, Ageing and Carers estimated that 3.6 million people in Australia had a disability (19 per cent of the total population). Of all people participating in the core workforce age group of 15-65, 17 per cent had a disability and 24 per cent had a profound or severe restriction. The survey also identified that people with disabilities were less likely to be participating in the labour force (53 per cent), while for all people it was 76 per cent. Similarly, the 1998 survey identified that for those in the labour

¹ World Fact Book, Country Australia, January, 2002

² UNDP Human Development Report, 2002

³ Australian Bureau of Statistics: 6202.0 Labour Force, Australia, Preliminary

⁴ The changing labour market and its impact on work and employment relations. ASSA Workshop: Melbourne Institute of Applied Economics and Social Research, Melbourne University, Mark Wooden, 2000.

force, the unemployment rate for people with disabilities of working age was higher (12 per cent) compared with all people in the 15-64 age group (8 per cent).

3. LEGISLATIVE FRAMEWORK

The main legal provisions concerning the training and employment of persons with disabilities are contained in two Commonwealth laws specific to disability: the Disability Services Act 1986 and the Disability Discrimination Act 1992. Provisions are also present in a number of other general Commonwealth laws – in particular the Equal Employment Opportunity Act 1987 and also the Safety, Rehabilitation and Compensation Act 1988, the Industrial Relations Act 1993 and the Workplace Relations Act 1996. These are outlined below. It should be noted that these Commonwealth Acts do not exclude or limit the operation of State or Territory laws which may operate concurrently.

3.1 Disability-specific laws

3.1.1 Disability Services Act 1986

The Disability Services Act, 1986 (DSA) provides the context and legal framework in which rehabilitation services, including vocational training and employment support for persons with disabilities, are provided in Australia. The DSA replaced the Handicapped Persons Assistance Act (1974) and thereby marked a new era for supporting Australians with disabilities into broader employment opportunities, as well as presenting increased options for community integration.

The central aims of this Act are to

“...to assist persons with disabilities to receive services necessary to enable them to work towards full participation as members of the community⁵...” and “...to promote services to persons with disabilities that assist persons with a disability to integrate into the community and complement services available generally in the community...”⁶

Thus, “...to assist persons with disabilities to achieve positive outcomes, such as increased independence, employment opportunities and integration in the community...”⁷ and the promotion of a positive image of persons with disabilities in the community...”⁸

Along with its emphasis on integrating people with disabilities into the broader community, the DSA outlines a number of key principles and objectives that specifically relate to the workplace. These include skills development and open employment outcomes, as well as the provision of post-placement support for job maintenance. Finally, the DSA promotes individualised programmes that are designed to accommodate the varying needs and abilities of persons with a disability. The legislation also requires that the provision of such services is community-based and that the delivery of these services is compliant with national standards.

3.1.1.1 Definition of disability

The DSA applies to persons with a disability which is “...attributable to an intellectual, psychiatric, sensory or physical impairment or a combination of such impairments...”, “permanent or likely to be permanent” and “results in a substantially reduced capacity of the

⁵ Disability Services Act 1986, Object 1 b)

⁶ Disability Services Act 1986, Object 1 c) i)

⁷ Disability Services Act 1986, Object 1 c) ii)

⁸ Disability Services Act 1986, Object 1 c) iii)

person for communication, learning or mobility; and the need for continuing support services”⁹.

3.2 Disability Discrimination Act 1992

The Commonwealth Disability Discrimination Act, 1992 (DDA) constitutes the legal basis for the protection and promotion of the rights of people with disabilities and makes it an offence to treat someone less favourably, because of their disability, in a number of areas of public life, including access to places and facilities, employment, education, and the provision of goods and services. The primary objective of the DDA is to

“...eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of...work...education, access to premises...” in the “existing laws” and in the administration of Commonwealth laws and programmes...”¹⁰ in order to “...ensure, as far as practicable, that Persons with Disabilities have the same rights to equality before the law as the rest of the community...” and “...to promote recognition and acceptance within the community of the principle that Persons with Disabilities have the same fundamental rights as the rest of the community.”¹¹

3.2.1.1 Definition of disability

Disability, in relation to a person, is defined in the DDA as:

- total or partial loss of the person's bodily or mental functions; or
- total or partial loss of a part of the body; or
- the presence in the body of organisms causing disease or illness; or
- the presence in the body of organisms capable of causing disease or illness; or
- the malfunction, malformation or disfigurement of a part of the person's body; or
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour

and includes a disability that:

- presently exists; or
- previously existed but no longer exists; or
- may exist in the future; or
- is imputed to a person.

3.2.1.2 Definition of Discrimination

Both disability discrimination and indirect disability discrimination are defined for the purposes of the act.

Disability discrimination occurs when

“...a person (discriminator) discriminates against another person (aggrieved person) on the ground of a disability of the aggrieved person if, because of the aggrieved person's disability, the discriminator treats or proposes to treat the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person without the disability.”

⁹ Disability Services Act 1986 Part II) 8

¹⁰ Disability Discrimination Act 1992, Section 3,3 Objects a)

¹¹ Disability Discrimination Act 1992, Section 3,3 Objects b) and c)

Significantly

“material difference does not include “...the fact that different accommodation or services may be required by the person with a disability”.”¹²

Indirect disability discrimination is defined for the purposes of this Act, as occurring when

“...a person (discriminator) discriminates against another person (aggrieved person) on the ground of a disability if the discriminator requires the aggrieved person to comply with a requirement or condition...” with which either “...a substantially higher proportion of persons without the disability comply or are able to comply; and which is not reasonable having regard to the circumstances of the case; and with which the aggrieved person does not or is not able to comply.”¹³

The Act also provides for situations in which an act may be done for multiple reasons only one of them being because of a disability.

“...if an act is done for 2 or more reasons; and one of the reasons is the disability of a person (whether or not it is the dominant or a substantial reason for doing the act); then, for the purposes of this Act, the act is taken to be done for that reason.”¹⁴

3.2.1.3 Access

The Commonwealth *Disability Discrimination Act, 1992* makes it unlawful, and attempts to eliminate discrimination against people with disabilities, or their associate (e.g: spouse or carer) in accessing places open to the public, or a section of the public, as well as access to commonwealth departments and places operated by the Commonwealth. Exceptions do exist, including unjustifiable hardship if the cost of alteration is prohibitive.

3.2.1.4 Unjustifiable hardship

Unjustifiable hardship is defined for the purposes of this Act. When determining the occurrence of unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account. Relevant circumstances identified by the act include firstly “the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned; secondly, “...the effect of the disability of a person concerned...” and thirdly, the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship.”¹⁵

3.2.1.5 Employment-related provisions

Discrimination in employment is specifically mentioned in the DDA, which deems it

“...unlawful for an employer or a person acting or purporting to act on behalf of an employer to discriminate against a person on the ground of the other person's disability or a disability of any of that other person's associates...”.

The act clarifies the circumstances when discrimination may be unlawful “...in the arrangements made for the purpose of determining who should be offered employment; or in determining who should be offered employment; or in the terms or conditions on which employment is offered.”¹⁶ Discrimination in employment is against the law in the following areas:

¹² Disability Discrimination Act 1992 Section 5 Disability discrimination

¹³ Disability Discrimination Act 1992 Section 6 Indirect Disability discrimination

¹⁴ Disability Discrimination Act 1992 Section 10 Act done because of a disability and for other reason

¹⁵ Disability Discrimination Act 1992 Section 11 Unjustifiable Hardship

¹⁶ Disability Discrimination Act 1992 Section 15 Discrimination in Employment

- Selection, conditions, training and promotion opportunities, dismissal of workers or subjecting the worker to any other detriment;
- Registration and licensing to work in a trade or profession;
- Membership of a trade union, trade association or professional association;
- Employment agencies;
- Commonwealth employment programmes

Exceptions can be made in the following circumstances if:

- It is work in the employing person's home
- Taking into account the person's past training, qualifications and experience relevant to the particular employment and all other relevant factors, the person cannot do the inherent requirements of the work, because of his or her disability
- The person would require adjustments which would be an unjustifiable hardship to the discriminator.

3.2.1.6 Complaints and Conciliation procedures

Complaints may be made and proceedings initiated under the Commonwealth DDA, provided that the person has not already done so under a State or Territory law dealing with discrimination. The Human Rights and Equal Opportunity Commission (HREOC) Act 1986 (Part IIB) describes the procedure for inquiries into complaints of discrimination and conciliation of complaints under the Commonwealth DDA, which are undertaken by the Disability Discrimination Commissioner within the HREOC. Additionally, the Act provides for "Disability Standards" to be set by the Attorney-General in specified areas, including education and employment. Contravention of a Disability Standard is unlawful under this Act. (Section 31) The HREOC monitors the operation of such standards and reports to the Minister the results of such monitoring. Under the Disability Discrimination Act, 1992, government authorities, businesses, educational institutions and other agencies can register an Access Plan with HREOC. This is a voluntary process for employers, trade unions, government authorities and organisations, to develop both a written comment and a measurable strategy for supporting people with disabilities within their workplaces, area of governance and educational settings. In the 2000-2001, Access Plans were registered at the Commission by 24 business enterprises, 20 non-government organisations (NGOs), 30 Commonwealth departments, 28 State government departments, 76 Local government departments and 33 educational providers.

3.3 General laws

3.3.1 Equal Employment Opportunity Act 1987

The purposes of the Equal Employment Opportunity Act of 1987 (EEO) is to eliminate discrimination by Commonwealth Authorities against and to promote equal opportunity for women and persons in designated groups in relation to employment matters. The act requires the relevant authorities to develop an Equal Employment Opportunity Programme to ensure that appropriate action is taken.

People with physical or mental disability are specifically designated in the Act. Discrimination against persons with a physical or mental disability is defined as discrimination by which a person with such a disability "...is, because of the disability, treated less favourably than a person without the disability..."¹⁷

¹⁷ Equal Employment Opportunity Act 1987, Part I Article 3 Interpretation b)

The Act applies to Commonwealth authorities and to certain Territories. Some States have introduced laws dealing with equal opportunity in a range of areas including employment (such as the State of Victoria Equal Opportunity Act of 1984).

3.3.2 Safety, Rehabilitation and Compensation Act 1988 (SRC)

While work-related injuries are generally the responsibility of State and Territory governments, commonwealth employees are covered under the Commonwealth Safety, Rehabilitation and Compensation Act, 1988. This Act provides the legal framework for Comcare, a federal statutory authority reporting to the Minister for Employment and Workplace Relations, which is responsible for workplace safety, rehabilitation and compensation in the Commonwealth jurisdiction. Comcare aims to reduce the human and financial costs of workplace injury and disease by working with customers to prevent injuries and return injured employees to work.

3.3.3 Industrial Relations Reform Act 1993

This Act principally provides “...for the prevention and settlement of industrial disputes which promotes the economic prosperity and welfare of the people of Australia...”.¹⁸ This includes “...helping to prevent and eliminate discrimination on the basis of physical or mental disability...”¹⁹

3.3.4 Workplace Relations Act 1996

The object of this act is “...to provide a framework for cooperative workplace relations which promotes the economic prosperity and welfare of the people of Australia...”. The act refers to the need for “...respecting and valuing the diversity of the work force...” particularly “...by helping to prevent and eliminate discrimination on the basis of physical or mental disability...”²⁰

3.4 International commitments

Australia ratified the ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) in August 1990. It signed the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region on 1 September 2001.

¹⁸ Industrial Relations Reform Act 1993, Section 4, Section 3 of Principal Act repealed and the following section is substituted (Section 3)

¹⁹ Industrial Relations Reform Act 1993, Section 4, Section 3 of Principal Act repealed and the following section is substituted (Section 3g))

²⁰ Workplace Relations Act 1996 Section 3

4. IMPLEMENTATION

4.1 *Institutional framework*

National Ministries in Australia are known as Commonwealth Departments. Each Commonwealth Department has an elected Minister(s) as the responsible head for that particular department. Each Minister sits in either the Senate or House of Representatives, and they are appointed by the Prime Minister to head their respective departments. Currently the key Commonwealth (national) departments in the area of disability are:

- Department of Family and Community Services (FaCS)
- Department of Employment and Workplace Relations (DEWR)
- Department of Education, Science and Training (DEST)

4.1.1 Department of Family and Community Services

The Commonwealth Department of Family and Community Services (FaCS) is the key department for the provision of disability services in Australia, mandated by the Disability Services Act. FaCS contributes to the economic and social participation of people with disabilities by promoting independence and self-reliance through:

- the provision of rehabilitation services;
- specialist employment services;
- provision of income support for people with disabilities;
- improving access and encouraging the involvement of people with disabilities as members of the community.

In addition, FaCS also funds wage subsidies, work place modifications, the supported wage system and other employer incentives such as funding specialist employment placement officers in major corporations. (The terms and conditions of funding require organisations to comply with all relevant Commonwealth and State/Territory Law including the Disability Discrimination Act 1992.)

FaCS incorporates the Disability Service Reforms Branch, the Office of Disability, and National Disability Services. In recent years, service delivery has been largely subcontracted – to Centrelink, in the case of income support payment delivery and related services, and to CRS Australia, in the case of rehabilitation programmes for persons with an injury or disability.

4.1.1.1 *Disability Service Reforms Branch*

This Branch is responsible for development and implementation of funding, quality and strategic reforms for disability employment assistance and vocational rehabilitation within the Welfare Reform context. Recent projects of particular relevance to employment and training of people with disabilities include

- the Assessment and Contestability Trial which tested an alternative approach to identifying the abilities and needs of people with disabilities, including capacity to work, and how to better match these identified needs with appropriate interventions.
- The Business Services Review, a joint initiative of ACROD (formerly the **Australian Council for the Rehabilitation of the Disabled**) and FaCS examined a range of issues and commercial pressures facing Business Services as employers. The Business Services Review Implementation Group (BSRIG) comprises representatives of people with a disability, Business Services, ACROD and Government and has been

established to guide and coordinate the various projects that come out of the Review's recommendations.

- The Award Based Wages Strategy was initiated to improve the openness and transparency of wage practices within Business Services and to enhance Business Service capacity to provide the same conditions of employment as those available in the broader employment market²¹, including the development of a Wage Assessment Tool.
- Case Based Funding Trials are currently underway, involving the testing of a new way of funding disability employment assistance that is better linked to individual needs and outcomes, and based on a job seeker's assessed need for assistance in finding and keeping a job; and
- Quality Assurance System (QAS) for Disability Agencies: a new and robust QAS for disability employment and rehabilitation services has been developed to independently assess service quality against the revised Disability Services Standards. Accredited certification agencies assess and formally certify disability employment and rehabilitation services against the twelve Disability Services Standards and 26 associated Key Performance Indicators. The new quality assurance system is based on a system of accreditation that utilises international standards of best practice involving skilled audit teams whose competence and impartiality will be monitored by the independent, internationally recognised accreditation agency, JAS-ANZ (Joint Accreditation System of Australia and New Zealand).

4.1.1.2 Office of Disability

This Branch of FaCS aims to ensure that society is inclusive of people with disabilities, their families and carers. The Office provides a direct link between the disability community and government, working towards improving access and encouraging the involvement of people with disabilities as members of the community. This is achieved through developing policies that respond to the needs of people with disabilities and their capacities for participation. These include, among others raising the awareness of Commonwealth organisations and businesses about making their services, facilities and employment opportunities accessible; and working with the State and Territory governments to fund support services.

4.1.1.3 National Disability Services

The National Disability Services Branch of FaCS is responsible for developing policy and implementing programmes for people with disabilities relating to employment assistance, access and participation. Among its responsibilities are the implementation of the Australians Working Together – a better deal for people with disabilities, an Employer Incentives Strategy, and an Employment Assistance Services for People with Disabilities (see below).

4.1.1.4 CRS Australia

Formerly known as the Commonwealth Rehabilitation Service, CRS Australia is the largest provider of vocational rehabilitation services in Australia. Programmes to eligible people with disabilities include both those with employment outcomes and programmes that assist in increased independence and integration for people with disabilities in the community. CRS Australia is subcontracted to run these programmes by the FaCS.

In relation to employment, CRS Australia is the government provider of specialist employment assistance for people with a disability offering a range of pre-employment

²¹ 'Award Based Wages Strategy', FaCS

supports including application and resume writing, mock interviews and job marketing techniques. The job placement component of CRS aims to secure suitable employment taking into account a person's abilities and any barriers to work. Various standardised assessment tools are utilised to determine the type and extent of barriers experienced and guide individual focused strategies.

In relation to training, CRS Australia runs a work-training scheme, which provides on the job training for disabled people. The scheme involves arrangements with an employer to provide instruction and work experience for an agreed period of time. The scheme provides the opportunity for the employer to assess the suitability of the participant for a specific job and an opportunity for the participant to acquire work skills in the open workforce. There is no cost to the employer, the CRS pays most participants on the scheme a training allowance and can also provide them with essential clothing or tools associated with training. There is an agreement between CRS and the Australian Council of Trade Unions²² that requires when seeking using an employer for on the job training, the relevant union must be provided with full details and must approve of the arrangement. If no union is involved CRS notifies Trades Hall Council. This arrangement ensures that all opportunities are taken to educate the workforce about issues relating to employment of people with disabilities.

4.1.1.5 Centrelink

Centrelink, formerly known as the Commonwealth Services Delivery Agency, is a statutory authority set up under legislation proclaimed in July 1997. It was created largely from the service delivery network of the Departments of Social Security and Employment, Education, Training and Youth Affairs to deliver a range of service for the Commonwealth Government. Centrelink is sub-contracted by FaCS to administer income support payments to persons with disabilities of working age, who cannot participate in paid employment. Centrelink offers a 'one stop shop' for those also seeking a referral to either a mainstream or disability employment service.

4.1.2 Department of Employment and Workplace Relations (DEWR)

The Department of Employment and Workplace Relations (DEWR) coordinates the national network of employment services, collectively known as the Job Network, that provide job seeking assistance to Australians seeking employment. A person with a disability can elect to attend a Job Network employment service for assistance in finding or maintaining employment. It should be noted, however, that the FaCS disability employment services have a significantly larger role in providing employment and training support to people with disabilities.

4.1.3 Comcare

Workplace safety, rehabilitation and compensation is the responsibility of Comcare, a statutory authority which supports the Safety, Rehabilitation and Compensation Commission in regulating workplace safety, rehabilitation and compensation performance under the Safety, Rehabilitation and Compensation Act 1988. This Act authorises Comcare to issue guidelines to ensure the implementation of rehabilitation programmes for injured workers in the workplace. Comcare has developed and now delivers a three-level training programme for workers' compensation case managers working in the commonwealth, as endorsed by the Commission. Formal sessions are run by Comcare for case managers, at introductory and

²² Employment Policies for Disabled People in Eighteen Countries: A review, Patricia Thornton and Neil Lunt, p.10

advanced levels. In 1998, Comcare developed a Return to Work Self Assessment Guide to assist employers assess their return to work policies and procedures and identify areas for improvement. Under the Comcare's Approved Rehabilitation Provider Quality Assurance Programme, rehabilitation service providers are inspected for compliance with agreed standards and accredited accordingly.

4.1.4 Department of Education, Science and Training (DEST)

The Department of Education Science and Training, established in 2001, combines the education and training functions of the former Department of Education, Training and Youth Affairs and the science functions of the former Department of Industry, Science and Resources. The department provides national leadership and collaborates with the States and Territories, industry, other government and non-government agencies and the community to support the Government's objectives in education, training and science.

Under Australia's constitutional arrangements, the states and territories hold the responsibility for school education and vocational education and training. Supplementary funding is available from DEST, however, to both state and territory schools for students with a disability, through the *Strategic Assistance for Improving Student Outcomes Programme*, which includes strategic assistance funding for persons with disabilities. In addition, as part of the *Australians Working Together (AWT) the Disability Coordination Officer (DCO) Programme* provides information, coordination and referral for people with a disability interested in or enrolled in post-school education and training with an aim to increase participation in tertiary education and transitions to employment.

4.2 Policy

4.2 Commonwealth Government

The Commonwealth Government of Australia is committed to encouraging self-reliance and more active engagement in the community through participation in the labour force and community life. It aims to maximise the engagement of all Australians, including those with disabilities, by enabling access and promoting opportunities, fostering a culture of self-reliance, providing a safety net, and developing partnerships to improve the efficiency and effectiveness of services, together with identifying emerging issues and developing appropriate policy responses.

For people with disabilities, this goal is implemented by FaCS through the provision of rehabilitation services, specialist employment services and other services which aim to promote independence and self reliance and by supporting people with a disability with limited means through the provision of income support. Strategies of particular relevance to training and employment include the Employer Incentives Strategy, which encourages employers to provide durable job opportunities for people with a disability, including workplace modifications, wage subsidies, supported wage assessments and grants to address change in business recruitment practices; facilitation of independent eligibility assessment and streaming arrangements for job seekers with a disability requiring employment assistance or rehabilitation to enable them to obtain and/or maintain employment (see below)

A number of National Plans concerning persons with disabilities have been developed to give effect to the Disability Services Act of 1986 and the Disability Discrimination Act of 1992.

Those of particular relevance to training and employment include:

- National Plan for the Provisions of all Services to People with Disabilities- the CSTDA
- Bridging Pathways. National Plan in Vocational Education and Training for People with Disabilities
- National Plans for the Transition from School to Work
- National Plan for Commonwealth Departments and Agencies in Supporting People with Disabilities.
- ‘Australians Working Together’ - A better deal for people with disabilities

4.2.1 National Plan for the Provisions of all Services to People with Disabilities- the CSTDA

The Commonwealth-State/Territory Disability Agreement (CSTDA) also incorporates a national development plan in relation to the training and employment of people with disabilities. The CSDA, initiated in 1991, aims to foster the economic and social participation of people with disabilities by providing a coordinated, rationalised and integrated approach to disability services across Australia. The agreement is an arrangement between state, territory and commonwealth governments that divides the responsibility for the administration and funding of various disability support services. For example, the administration and funding from the Commonwealth Government includes the employment services (Commonwealth Disability Employment Assistance Programme) as well as the related disability pensions and allowances (administered through Centrelink). The administration and funding from the state and territory governments include accommodation, day activities and other services that complement the quality of life for people with disabilities.

4.2.2 Bridging Pathways. National Plan in Vocational Education and Training for People with Disabilities

The Australian Disability Training Advisory Council, which is a sub-committee of the Australian National Training Authority (ANTA), is overseeing the implementation of *Bridging Pathways*, a national strategy for increasing the participation and outcomes of people with disabilities in vocational education and training. The purpose of the national strategy is to address the inequitable representation of people with disabilities in the vocational education and training system by taking cross-sectoral, collaborative approach to addressing the systemic inequities which they face in the Vocational Education and Training System. The *Bridging Pathways* strategy and blueprint has been endorsed by the Australian National Training Authority which agreed to make a five-year commitment (2000 – 2005) to improving opportunities for people with a disability in vocational education and training.

4.2.3 National Plans for the Transition from School to Work

The Enterprise and Career Education Foundation (ECEF) was established by the Commonwealth Government in January 2001, in place of the Australian Students Traineeship Foundation. Its aim is to assist school leavers make the transition into the workforce. Along with the Australian Disability Training and Advisory Council, ECEF developed a national disability initiative in November 2000 to increase the participation of school students with a disability to participate in structured workplace learning. ECEF works closely with education, government and industry bodies to facilitate industry-based learning for school students. For example, ECEF has developed over 260 industry-specific programmes across the nation which combines classroom learning with on-the-job training.

4.2.4 National Plan for Commonwealth Departments and Agencies in Supporting People with Disabilities.

In 1994, the Commonwealth Disability Strategy was developed as a ten-year plan of action for commonwealth departments and agencies to remove barriers faced by persons with disabilities in commonwealth programmes, services and facilities. The Strategy was revised in 2000. It provides a blueprint for commonwealth agencies to assist them in delivering and designing policies, programmes and services that are accessible to people with a disability, built around the government's five core roles of policy adviser, regulator, purchaser, provider and employer.

4.2.5 Australians Working Together – A better deal for people with disabilities

The Australians Working Together package was introduced by the Commonwealth Government in the 2001-2002 budget. A job-outcome focussed model, the strategy is the culmination of the debate that has taken place in Australia about welfare reform. It embraces Commonwealth provided services, such as the Job Network, a number of community-based organisations and Centrelink. Its purpose is to support individuals of working age, in training, finding employment and accessing appropriate pensions, benefits and allowances. Its overall aim is to reduce the number of welfare recipients and maximise labour-force participation. The strategy is managed by the National Disability Services, which is currently implementing 16,350 additional disability employment places announced by the Government as part of the package.

4.2.6 Disability Service Standards²³

Disability Service (Disability Employment and Rehabilitation Programme) Standards were developed by a national working party consisting of representatives of Commonwealth and state governments, peak disability service providers and consumer organisations, through a wide process of wide consultation. The Standards were recently updated and now contain twelve Standards and twenty six Key Performance Criteria. The standards monitoring process comprises the use of skilled audit teams whose competence and impartiality are monitored by an independent, internationally recognised accreditation agency, JAS-ANZ (Joint Accreditation System of Australia and New Zealand). This system of independent certification replaces the previous audit arrangements based on Departmental audits and annual self-assessment by the disability employment services.

4.2.7 Policies and Programmes of Workers' Organisations

The Australian Council of Trade Unions (ACTU), and local state and territory unions, have had a long running partnership with Australia's largest provider of vocational rehabilitation services, CRS Australia, to provide Work Training placements for people with disabilities. The placements allow people with disabilities to gain work skills and experience, as well as allow an employer to consider potential recruitment of the worker. Whilst on the work training, the worker is protected for any work-related injury, receives a training allowance, and may have access to a support worker, in addition to their CRS Australia Rehabilitation Consultant. The ACTU also conducted the inaugural Workers with a Disability Conference in Australia in July, 2002.

A number of trade unions also work closely with disability advocacy groups.

²³ Disability Services (Disability Employment and Rehabilitation Programmes) Standards 2002

Workers Education Associations provide a wide range of vocational training courses, with concession rates for people with disabilities. They also offer such courses through an Integration and Access Project which connects people with disabilities with volunteer support persons who can assist with supports such as transport assistance, attendant care, assistance with tasks and mentoring.

Throughout Australia, some disability employment services have been developed through a partnership between employer and trade union organisations.

4.3 Consultative mechanisms

The Commonwealth Government's major channels²⁴ for obtaining the views of people with disabilities on issues of concern to them, including employment and rehabilitation issues include:

4.3.1 National Disability Advisory Council (NDAC)²⁵

NDAC is a consumer-focussed body to advise the Commonwealth Government through the Minister for Family and Community Services. Established in 1996, the council members are appointed by the Minister of Family and Community Services (FaCS). Members of Council were selected on the basis of their experience of and expertise in disability issues. The Council fills an important role in facilitating consultation with disability consumer organisations, families, carers and service providers, on major Government policy initiatives. It also maintains links with similar disability advisory bodies, which operate at State and Territory level. It therefore provides an important avenue for the government to obtain feedback from the disability community on the operation of its programmes and services.

4.3.2 National Caucus of Disability Consumer Organisations

The National Caucus of Disability Consumer Organisations - soon to be restructured into the Australian Federation of Disability Organisations Limited (AFDO) - is a network of the peak disability bodies which works to facilitate effective communication between the Government and the disability sector. This consultation might include, disseminating consultation papers, arranging meetings to seek the views of people with disabilities or running focus groups on particular issues. Established in 1995, the Caucus receives funding through the Office of Disability. It has ten participating organisations, which include the major national consumer bodies who purport to represent people with disabilities, families and cares.

4.3.3 ACROD

Formerly known as the Australian Council for the Rehabilitation of the Disabled, ACROD is the National Industry Association for Disability Services. Established in 1963, its mission is to "promote the development of quality services and life opportunities for Australians with disabilities". ACROD's membership and representation includes disability employment services that provide sheltered employment and the business services. ACROD is involved in the development of national plans concerning persons with disabilities, as well as in several initiatives introduced by the National Disability Services Branch of FaCS.

²⁴ From the ILO Report for the period 1 July 1993 to 30 June 1999 on Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) p20.

²⁵ Established December 1996

4.3.4 ACE (Association for Competitive Employment) National Network

Established in the 1990s, the ACE National Network is a peak body whose mission is to represent state organisations at a national level to advance the quality service provision for people with disabilities in open employment.

4.3.5 The National Disability Advocacy Programme

Administered by the Department of Family and Community Services, this Programme aims to enable people with disabilities to achieve and maintain their rights as citizens and to improve their access to and participation in community life, taking into account the family context. In 2002 the commonwealth funded 77 advocacy organisations through the programme, at an approximate cost of \$Aus10 million dollars per annum with state governments giving \$3.8 million to advocacy services. While not directly involved in consultation with the Commonwealth, the advocacy organisations are supported to make their views heard, and thus to influence decision-making within their communities.

4.4 Enforcement

Compliance with the Commonwealth acts concerning the training and employment of persons with disabilities is monitored and promoted through self-assessment by the relevant authorities, through the Human Rights and Equal Opportunity Commission and, in the case of the Safety, Rehabilitation and Compensation Law, by Comcare.

4.5 Employment promotion measures

4.5.1 Wage subsidy schemes

Open Employment agencies and CRS can utilise the FaCS funded Wage Subsidy Scheme as an incentive for employers providing jobs to people with a disability in the open labour market. The scheme aims to increase the competitiveness of workers with disabilities in gaining employment of at least 8 hours per week for a minimum of 13 weeks, with the expectation of further employment beyond this period²⁶. A Wage Training subsidy may be paid following a CRS Australia Work Training Scheme placement for the same position under certain conditions. In addition, the Disabled Apprentice Wage Subsidy (DAWS) provides assistance to disabled people who wish to gain an apprenticeship and subsequently undertake a basic trade course as part of their training by providing employer subsidies in recognition of additional supports that may be required.

4.5.2 Supported Wage System (SWS)

The Supported Wage System (SWS)²⁷ introduced in 1994 is a voluntary programme designed to support people with disabilities who are unable to obtain and/or maintain employment at full wage rates due to the effects of a disability on their workplace productivity by facilitating employment through productivity-based wage arrangement.²⁸ Initial, then annual, independent assessments of productivity are provided in addition to on-the-job support. Other

²⁶ 2002-03 Wage Subsidy Scheme Guidelines, FaCS

²⁷ Full Bench decision dated 10 October 1994 print L5723

²⁸ From the ILO Report for the period 1 July 1993 to 30 June 1999 on Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) p12.

components of SWS include financial support for employers to cover some of the additional costs of employing a person with a disability.²⁹

In order to be eligible, the worker has to meet the impairment criteria for the disability support pension and be assessed as unable to work for at least 30 hours a week at full award pay. The job must be covered by an award or industrial provision that makes it lawful to give pro rata award wages. Supported Wage System participants have the same conditions of employment as their co-workers who receive a full award wage.

SWS uses a special wage assessment process developed in consultation with unions and employers groups, to determine a person's productivity on the job. The assessment system is award based and uses the performance levels of people in equivalent positions as the benchmark for measuring the skills and productivity of disabled workers.

After the wage assessment, a person previously receiving the disability support pension (DSP) will transfer to the Disability Wage Supplement (DWS). The rate of DWS depends on the wage and other income received by the person. Approximately 69 per cent of all assessments achieve between 40 per cent — 70 per cent productivity. The median wage is \$100.35 and median hours worked is 20 per week³⁰.

Developed in close consultation with employers, trade union and peak disability bodies and specialised employment agencies for people with disabilities, the SMS has been endorsed by the Australian Industrial Relations Commission.

4.5.3 National Training Wage

There is also a National Training Wage, which is designed to place long term unemployed people, especially school leavers, unqualified people, in work that will result in an accredited vocational training outcome. The rates of pay within the award reflect the fact that the employee is in training and will not produce the outputs reasonably required of an employer under the pertinent industry award. An employee ceases to be under the NTW upon when upon attainment of the competencies required within the elected vocation.

4.5.4 Re-entry to work incentives

The Disability Support Pension (DSP) currently contains features to encourage workforce re-entry and study. Recipients of DSP whose pension was cancelled due to their earnings can continue to be eligible for the Pensioner Concession Card for 12 months and DSP recipients who return to work have their pension suspended, rather than cancelled, facilitating an easy return to pension if needed³¹. In addition an employer entry payment of \$312 and an Education Entry Payment of \$208 is available to eligible customers as well as a mobility allowance of \$61.90 per fortnight is available to eligible customers to help with transport to study or work.³² Working Credit is a new scheme announced by the Federal Government as part of the *Australians Working Together* package and will begin on 28 April 2003. It aims to encourage people of working age who get income support payments to take up full-time, part-time or casual work by allowing them to keep more of their payments while working. People whose total income (including income from paid work and investments etc) is less than \$48

²⁹ AIRC Full Bench Decision, 10 December 1994, print L5723 (From the ILO Report for the period 1 July 1993 to 30 June 1999 on Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) p12)

³⁰ Supported Wage System Evaluation, DFACS

³¹ Disability Service Reform Fact Sheet: Award-based wages or a fair days pay for a fair days work, FaCS

³² Support and Incentives, *Australians Working Together*

per fortnight will build up Working Credits to a maximum of 1000 over time. Working credits are used when they have income from employment to a level that would affect their payment: currently recipients of DSP can earn \$116 per fortnight without reducing their payments. When people earn over these amounts, they will use their Working Credit to reduce how much income is assessed under the income test³³.

4.5.5 Workplace modifications scheme

The Workplace modifications scheme provides up to \$5000 per individual to assist with the cost of workplace modifications, special or adaptive equipment for people with disabilities.

4.5.6 Mobility allowance

This allowance is available for disabled people who are job searching, or in training or employment for at least eight hours per week, who are unable to use public transport unaided and who had not bought a car and received a sales tax exemption within the last two years.³⁴

4.5.7 Aids and appliances

Provision is made for allowances for sales tax exemption on the purchase of a new motor vehicle for those persons that cannot use certain sorts of public transport and who are also “gainfully employed.”³⁵

The Continence Aids Assistance Scheme also assists people with disabilities obtain and retain employment by specifically subsidising the cost of continence aids for eligible people who are in work or of working age. The scheme was established in recognition that the financial burden of continence management can be a significant disadvantage for people when they are seeking or maintaining employment.

4.5.8 Supported employment services

According to the Senate Standing Committee (1992) the aim of supported employment includes employment, integration and support. Support can be a permanent job coach, or may involve intermittent support, such as regular debriefings to talk about job progress and to identify problems and ways of overcoming them.

Approaches include enclaves, small business, mobile work crews and individual supported jobs. Enclaves are small groups of disabled workers who form a production unit within a regular business or industrial setting. Small business may have a contract from an existing industry or be a type of cooperative or cottage industry. Mobile work crews undertake contract work for customers in regular work settings, often service type jobs. (Traditionally these have been garden maintenance type operations with a range of support needs.) Individual supported jobs and on going support in regular community based jobs can offer innovative models of employment and introduce concepts of co workers.

4.5.9 Employment services

Under the Commonwealth-State/Territory Disability Agreement, the Commonwealth recognising its broader role in income support and employment assistance for people who are unemployed, takes responsibility for employment support services which are provided for

³³ Working Credit, Australians Working Together, Centrelink

³⁴ Disability and Carer Payment Rates, 1 January – 19 March 2003, Centrelink

³⁵ Item 135A(1) First Schedule of the Sales Tax (Exemptions and Classifications) Act

people with disabilities through the Department of Family and Community Services and through the mainstream JobNetwork employment service centers.

4.5.9.1 Competitive Employment Training and Placement Services (CETP)

Competitive Employment Training and Placement (CETP) services were set up to assist people with disabilities to obtain and maintain award wage jobs in the open labour market. Training and support in CETP is initially intensive with a gradual reduction in support as the person becomes more confident and efficient at a job. When the person can perform a job without constant support, contact and follow up still continue for some time. Training and support can be reintroduced whenever necessary, for example, if the nature of the job changes³⁶.

4.5.9.2 Disability Recruitment Coordinator Services

Previously known as the External Coordinators Programme, provides employers with access to a single contact point for recruiting people with disabilities. Disability Recruitment Coordinator Services work across a number of employers, linking them with specialist disability employment services - thus providing an efficient recruitment mechanism for large employers who do not want to deal with multiple disability employment services. The Special Employment Placement Officer Programme (SEPO) provided a seeding grant to large private sector organisations, for the establishment of a specialist position dedicated to increasing the employment of people with disabilities in the organisation. That person is responsible for implementing company policies which encourage the employment of people with disabilities; identifying job vacancies suitable for people with disabilities, and developing links with placement agencies to fill those vacancies. A similar role is performed by 'Partnerships with Industry' (PWI) who also assist employers to source staff with a disability. PWI also provide training for employers on the benefits of diversifying their workforce to be inclusive of employees with disabilities. Finally, Employers Making A Difference (EMAD) is an organisation supported and led by employers who have reaped the benefits of employing people with a disability. EMAD promote and support businesses that encourage people with a disability as employees, customers and suppliers by working with businesses to assist in finding solutions to their diverse issues. Employers can network to share best practice, brainstorm solutions to problems and discuss disability issues in a neutral environment.

³⁶ Supported Wage System Evaluation, FaCS

5. OUTCOMES AND IMPACT

5.1 Employment for people with disabilities in summary

In Australia, since the mid 1980s the Commonwealth has moved to promote opportunities for people with disabilities to obtain and retain open employment through income support and labour market programmes, and transitional support to move from supported employment options into the open labour market where desired and possible. The philosophy of sheltered employment has been hotly debated in Australia in recent years, and other supported employment measures have come more into favour, with the majority of Supported Employment Services now having Job Placement Officers who assist people with disabilities make the transition from supported to open employment. Data on the number of persons who make this transition is not collected in the Family and Community Services annual census of disability employment services. Anecdotal evidence indicates that Job Placement Officers in the Support Employment Services are generally required to achieve 10 open employment outcomes per annum for people with disabilities working in the Supported Employment Service.

There has been an increased representation of working age people with a disability in the workforce between 1993 and 1998 represented as 37 per cent and 47 per cent respectively with steady gains continuing to occur. During the 1999/2000 financial year, 53,427 were assisted by commonwealth funded employment services with 45,950 receiving service on the 'snapshot' day showing an increase of 12 per cent from the previous year, and more than a 100 per cent increase since 1993. Open employment services assisted 61 per cent of consumers, with supported employment and combined supported and open employment assisting 31 per cent and 8 per cent respectively³⁷.

With regard to earnings, consumers in open employment received a higher weekly wage than those in supported employment with approximately 82 per cent of consumers earning \$100 or more per week compared to 9 per cent in supported employment and 39 per cent in combined supported/open employment services. The average weekly wage for people with disabilities in supported employment is significantly lower than those of non-disabled workers.³⁸ Within the states and territories the most common wage earned by consumers working within a supported employment setting varied considerably. In New South Wales, Victoria, South Australia and the Northern Territory the most common wage was \$41-60 per week (US\$24.00 - \$35.25); Western Australia and Tasmania was lower at \$21-40 per week (US\$12.30 - \$23.50); and Queensland at \$1-20 per week (US\$0.59-\$11.75). The Australian Capital Territory was the highest with the most common wage range being \$101-150 per week (US\$59.30 - \$88.00). However, there has been a consistent increase in the percentage of people with a disability earning over \$400 per week from 1997 to 2000-01 in the cumulative total across employment service types.

5.2 Mainstream training for employment

Vocational Education and Training courses and Apprenticeship/Traineeship courses are all available to people with disabilities in Australia. Some VET training institutions employ disability support staff who offer a range of support services such as note taking, sign language interpreting, attendant care services transport assistance, counselling and mentoring.

³⁷ Commonwealth Disability Services Census, 2000, FaCS

³⁸ See Commonwealth Disability Services Census, 1999 and Commonwealth Disability Services Census 2000, FaCS

Funding for these forms of support include a combination of FaCS funding and state and territory funding.

The National Centre for Vocational Education Research Ltd. (NCVER) reports that in 2000, 62,100 of the students engaged in vocational education and training (VET) reported having a disability or disabilities. This was an increase of nearly 15,000 students from the 47,300 students who reported having a disability in 1996. However, the proportion of the VET population reporting a disability fell over this time (from 5.1 per cent in 1996 to 4.5 per cent in 2000). Males accounted for 53 per cent of VET students reporting a disability in 2000 (compared with 51 per cent of all VET students)³⁹.

Between 1995 and 1999, the numbers of VET students reporting a disability grew steadily, at approximately the same rate as VET student numbers overall. However, between 1999 and 2000 the number of students reporting a disability fell from 63,200 to 62,100. There was little change in the proportion of VET students reporting a disability between 1995 and 2000, varying at a level between 4 per cent and 5 per cent.

In 2000, students reporting a disability tended to be older than VET students overall, with 38 per cent aged over 40 years (compared with 30 per cent of all students). The proportion of students aged over 40 increased overall between 1996 and 2000, with both students reporting a disability, and all VET students, experiencing a proportional increase in this age group (from 34 per cent and 25 per cent respectively).

VET students who reported a disability in 2000 tended to have lower levels of schooling than VET students overall. Only 30 per cent of students with a disability had achieved year 12 (compared with 43 per cent of all VET students), 25 per cent had an education level of year 9 or lower (compared with 12 per cent of all VET students). These proportions were largely unchanged from 1996.

VET students reporting a disability in 2000 were less likely to be employed than other VET students. More than 60 per cent of VET students with a disability were either unemployed or not in the labour force, compared with 33 per cent of all VET students.

In 2000, over a quarter (27 per cent) of VET students reporting a disability were enrolled in subjects from within the VET Multi-field education area of study (compared with 11 per cent of all VET students). Multi-field education is not directly associated with a recognised 'field of study', but rather encompasses a range of enabling courses, addressing generic study, interpersonal and job-search skills.

The proportion of VET students reporting a disability engaged in VET Multi-field education decreased noticeably between 1996 and 2000 (from 47 per cent to 27 per cent), meaning that a greater proportion of VET students reporting a disability were enrolling in the main vocational fields of study. This may actually indicate the success of previous study in enabling programmes. An NCVER study (Phan and Ball, 2001) found that, following enrolment in an enabling course, almost a third of those students who undertook further studies in the VET sector in the following year had undertaken a course at a higher level qualification.

In 2000, the popularity of different fields of study varied between male and female students. For male VET students reporting a disability, the most popular fields of study were: Engineering, Surveying (14 per cent of students); Business, Administration, Economics (13 per cent of students); Services, Hospitality, Transportation (9 per cent of students); and

³⁹ At A Glance: Students with a Disability in VET

Science (8 per cent of students). Female VET students reporting a disability had a slightly different focus, favouring: Business, Administration, Economics (20 per cent of students); Health, Community services (11 per cent of students); Art, Humanities and Social sciences (10 per cent of students); and Services, Hospitality, Transportation (9 per cent of students).

In 2000, VET students reporting a disability undertook (on average) more hours of training than VET students overall (243 hours compared with 198 hours annually). This was in keeping with the higher proportion of VET students reporting a disability studying full-time in 2000 (12 per cent compared with 9 per cent of the total VET population).

Students who report having a disability have been less likely to achieve successful module outcomes than other VET students. In 2000, 74 per cent of students reporting a disability achieved successful subject outcomes compared with 80 per cent of all VET students. While this proportion was an improvement from the 71 per cent reported in 1996, there was a corresponding improvement in the proportion of successful outcomes for all students, meaning that the difference between the two groups was unchanged at six percentage points.

Over half of the unsuccessful outcomes for VET students reporting a disability in 2000 resulted from withdrawals (13 per cent compared with 9 per cent for all VET students). The proportion failing to successfully complete assessed subjects was only marginally higher than for all VET students (12 per cent compared with 11 per cent for all VET students).

The 1999 NCVET research into employment and income outcomes for VET students with a disability showed that:

- New TAFE graduates who reported in the survey that they had a disability were significantly less likely to obtain employment compared to other new TAFE graduates.
- There was less likelihood of new TAFE graduates who reported in the survey that they had a disability achieving a 'positive outcome' compared to other new TAFE graduates.
- Students with a disability who were successful in securing employment after graduation from TAFE did not achieve the same level of income as Australians as a whole, after controlling for factors such as field of study, occupation and level of qualification attained.
- New TAFE graduates who reported in the survey that they had a disability obtained significantly lower income at 30 May in the year following completion of a TAFE course compared to other new TAFE graduates.
- There were significant differences in the likelihood of securing employment and in the remuneration received by new TAFE graduates depending on the field of study of the course studied at TAFE. With the exception of ' Art, humanities and social sciences', ' Science', and ' VET Multi-field education' field of study classifications there was a significantly greater likelihood of recent TAFE graduates being employed if they had taken courses from all other field of study courses compared to the reference group. For graduates who had studied courses from the ' Art, humanities and social sciences', ' Science', and ' VET Multi-field education' field of study classifications there was a significantly reduced likelihood of being employed by 30 May in the year following the completion of TAFE studies.
- The results indicated that there was a significant difference in the likelihood of members of disadvantaged groups securing employment or achieving a 'positive outcome' following graduation from TAFE, after controlling for factors such as field of study and level of qualification attained, compared with other Australians. While field of study and level of qualification are important factors influencing the likelihood

of new TAFE graduates securing employment or achieving a 'positive outcome', demographic factors are also important influences.

The Australian National Training Authority (ANTA) report titled: *Bridging Pathways-National Strategy From 2000-2005* also identifies a shortfall in the participation rate of people with disabilities in VET. Its main findings are as follows:

- The proportion of the Australian population with a disability, aged between 15 and 64 (workforce age), who currently participate in vocational education and training is estimated at less than 2.5 per cent, yet the proportion of all Australians aged between 15 and 64 who currently participate in VET was 11 per cent in 1998 and estimated to rise to 12 per cent by 2005.
- The proportion of the Australian population aged between 15 and 64 who have a disability is currently 16.7 per cent, yet the proportion of the VET population (aged 15-64) who have a disability is currently 3.6 per cent.
- It is estimated that the shortfall in the participation rate of people with a disability in VET was nearly 178,500 people in 1998 and without changes to the system will reach more than 215,000 people by year 2005.

6. CONCLUDING COMMENT

In Australia there is both specific disability legislation and mainstream legislation promoting the employment of people with disabilities. The Disability Discrimination Act and the Equal Employment Opportunity Act are the two main legislative instruments in this area.

Comprehensive policies and programmes reinforce this backbone of legislation. The Office of Disability and the National Disability Services play a pivotal role in this area, both providing policy advice to the government and analysing the effectiveness of government programmes. While many of the policies and programmes are directed specifically at people with disabilities, mainstream policies also cater to people with disabilities. These implementation practices encompass financial incentives for employers and disabled job seekers, measures to increase flexibility of the working environment and other forms of support such as permanent job coaches. Statistics from the Office of Disability indicate a substantial rise in the number of people with disabilities in the workplace three years after the majority of the programmes were implemented.⁴⁰ The evidence thus, suggests that both the legislation and implementation policies and programmes have contributed to create a real impact on the employment of people with disabilities in Australia.

While progress has undoubtedly been made, it would be erroneous to suggest that disability discrimination does not exist in Australia. Considerable evidence suggests that prejudicial attitudes and misconceptions continue to prevail and that broader evidence appears to support this. For example, in 2000-2001 HREOC received 443 complaints under the *Disability Discrimination Act, 1992* and 505 complaints were finalised. Of these, 340 (43 per cent) related to employment, followed by goods, services and facilities, 211 (27 per cent) and 65 complaints (8 per cent) related to education.

Insufficient information is available on the types of jobs and work which people with disabilities are accessing in the open employment market. This may partly be further compounded due to the non-standardised recording methodology used by the disability employment services themselves, be they open, supported or open/supported. More detailed information would assist in ensuring that people with disabilities are being given equal opportunity and treatment in the open labour market.

In relation to supported employment, there are indications that it has produced greater social and psychological benefits for workers, as compared with sheltered placements, and to have been cost-effective for workers, taxpayers and society as a whole. Yet once again, the information available is insufficient to make definitive conclusions possible, and some of the available evidence indicates that there is a significant discrepancy among the states and territories in terms of the salaries paid to people with disabilities. The Business Services Review, currently undertaken by the National Disability Services, is attempting to address this issue.

While significant new challenges to employment promotion for people with disabilities have arisen due to the fundamental changes in the labour market linked to globalisation and technological change, Australia has mechanisms in place involving government, employers' organisations, trade unions and organisations of persons with disabilities which make it well positioned to tackle these.

⁴⁰ Employment Policies for Disabled People in Eighteen Countries: A review. Thornton and Lunt, p.9

