**ISSUE: Employment of persons with disability**

(See Article 27 and Article 28 on page 18 of DPO Australia Submission to the CRPD)

**Background**

In Australia, people with disability are nearly twice as likely to be unemployed as people without disability.[[1]](#endnote-1)

Compared with other OECD[[2]](#endnote-2) countries, Australia has one of the lowest employment participation rates for people with disability (39.8% for people with disability compared to 79.4% for people without a disability).[[3]](#endnote-3)

Men with disability (51.3%) are much more likely to be employed than women with disability (44.4%). Women with disability have lower incomes from employment; are more likely to experience gender and disability biases in labour markets; and are more concentrated than other women and men in precarious, informal, subsistence and vulnerable employment. Working-age women with disability who are in the labour force, regardless of full-time or part-time status, are much more likely to be in lower paid jobs than men with disability. Women with disability have a much higher rate of part-time employment (56% of women with disability who are employed) than men with disability (22% of men with disability who are employed). Many young people with disability do not enter the labour force at all over the first seven post-school years (18% compared to 5% of those without a disability) and are much more likely to experience long-term unemployment (13%) than those without a disability (7%).[[4]](#endnote-4)

Almost one-third of people with disability (32.4%) who work part-time want to work more hours, compared with just over one-quarter of people without disability (27.1%).[[5]](#endnote-5) The amount of time unemployed people with disability look for work is substantially longer than for people without disability. People with disability are significantly more likely to still be looking for a job 13 weeks or longer after they first started (65.5%) compared with those without disability (56.1%).[[6]](#endnote-6)

Public services at Commonwealth, state and local levels are major employers across Australia, but the employment rates of people with disability in the public service are low, and continue to decline. While people with disability comprise 8.8% of the broader Australian workforce, employment rates for people with disability are lower in the Australian Public Service (APS), with 3.1% of APS employees reporting disability. Official figures for the number of employees with disability across the Australian and state and territory public services in 2015 ranged from 1.3% to 3.3%.[[7]](#endnote-7)

In 2015, Australia’s Attorney-General commissioned the Australian Human Rights Commission to undertake a *National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*.[[8]](#endnote-8) The Inquiry Report *‘Willing to Work’*,[[9]](#endnote-9) released in 2016, recognises numerous systemic barriers to employment for people with disability including lack of practical assistance for employers to support employment of people with disability; negative employer and community attitudes; poor transition to work initiatives for school leavers; negative outcomes from disability employment services which fail to respond to individual needs or deliver long term job retention; segregation of people with disability in ‘sheltered workshops’ (Australian Disability Enterprises), and financial disincentives of entering the workforce such as increased accessible transport costs.[[10]](#endnote-10)

The Australian Government has reaffirmed its commitment to improving employment outcomes for people with disability and is currently undertaking a review of the National Employment Framework for People with Disability [the Framework].

While this review is welcomed and supported by people with disability and their representative organisations, it has begun to focus narrowly on only one aspect of the Framework, the Disability Employment Services (DES) program.[[11]](#endnote-11) DES continues to deliver poor employment outcomes for people with disability, and people with disability would like to access employment services that meet their individualised needs and which are focused on long-term outcomes for them. In addition, DPO’s argue that the DES system cannot be viewed in isolation from the need for a comprehensive, gendered *National Employment Strategy* for people with disability, which supports and incentivises people towards long-term open employment, which implements the recommendations from Willing to Work inquiry, and which includes targets, performance indicators and timeframes for increasing the workforce participation of people with disability.[[12]](#endnote-12)

Segregated employment of people with disability through Australian Disability Enterprises (ADEs) continues in Australia. The *Business Services Wage Assessment Tool* (BSWAT) was developed by the Australian Government for use by ADEs to assess wages of supported employees. However, the Federal Court found in December 2012 that the BSWAT indirectly discriminated against two ADE employees with intellectual disability.[[13]](#endnote-13) After concerted advocacy by people with disability, the Australian Government established the *Business Services Wage Assessment Tool (BSWAT) Payment Scheme,*[[14]](#endnote-14)which delivers a one-off payment of $100 or more in certain circumstances to eligible ADE employees with an intellectual disability whose wages were assessed and paid using the BSWAT between 2004 and 2014. However, this Scheme does not apply to all ADE employees and does not address people with disability paid under the BSWAT after 2014.

In its 2013 Concluding Observations, the Committee on the Rights of Persons with Disabilities made recommendations for Australia to discontinue use of the BSWAT and to ensure the right assessment of the wages of persons in ADEs.[[15]](#endnote-15)

The Committee on Economic, Social and Cultural Rights has specifically addressed segregated employment of people with disability, and clarified that segregated employment and wage discrimination is in contravention of the Covenant on Economic, Social and Cultural Rights (ICESCR).[[16]](#endnote-16)

**Proposed Questions**

Please provide detail on progress toward increasing employment participation of people with disability, specifically women with disability; and, Aboriginal and Torres Strait Islander people with disability. Elaborate on measures taken to identify and address the underlying structural barriers to workforce participation.

Please update the Committee on:

1. the status of BSWAT;
2. measures to ensure the rights of persons in supported employment are remunerated on an equal basis as others;
3. measures to transition from segregated employment of people with disability in Australian Disability Enterprises towards genuine work training and vocational skill building opportunities that lead to open employment.
4. the number and places of segregated employment settings for persons with disability. Has the number increased or decreased since the last review?
5. progress on the development of a National Disability Employment Framework.

Please update the Committee on findings and progress toward implementing recommendations from the *‘Willing to Work’* Inquiry.[[17]](#endnote-17)

**Endnotes**

1. In Australia, the unemployment rate for people with disability is 10%, nearly twice the rate than for people without disability (5.3%). See: Australian Bureau of Statistics (ABS), 4433.0.55.006 - *Disability and Labour Force Participation*, 2012. See also: Australian Human Rights Commission (2016), *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*; ISBN 978-1-921449-76-5. Available at: <https://www.humanrights.gov.au/sites/default/files/document/publication/WTW_2016_Full_Report_AHRC_ac.pdf> [↑](#endnote-ref-1)
2. The Organisation for Economic Co-operation and Development (OECD), <http://www.oecd.org/> [↑](#endnote-ref-2)
3. See for eg: Price Waterhouse Coopers (PWC) (2011) *Disability expectations: Investing in a better life, a stronger Australia*; accessed online at: <https://www.pwc.com.au/industry/government/assets/disability-in-australia.pdf>. [↑](#endnote-ref-3)
4. See for eg: Price Waterhouse Coopers (PWC) (2011) *Disability expectations: Investing in a better life, a stronger Australia*; accessed online at: <https://www.pwc.com.au/industry/government/assets/disability-in-australia.pdf>. See also: Australian Bureau of Statistics (ABS), 4433.0.55.006, OpCit. See also: Australian Bureau of Statistics (ABS), 4446.0 - Disability, Australia, 2009. See also: Australian Human Rights Commission (2016), OpCit., Frohmader, C. (2014) *‘Gender Blind, Gender Neutral’: The effectiveness of the National Disability Strategy in improving the lives of women and girls with disabilities.* Prepared for Women With Disabilities Australia (WWDA), Hobart, Tasmania. ISBN: 978-0-9585268-2-1, Available at: <http://wwda.org.au/wp-content/uploads/2013/12/WWDA_Sub_NDS_Review2014.pdf> [↑](#endnote-ref-4)
5. Cited in: Women with Disabilities Australia (WWDA) (2017) *Position Statement 5: The Right to Work and to Social Protection*. (forthcoming). [↑](#endnote-ref-5)
6. Ibid. [↑](#endnote-ref-6)
7. Ibid. See also: Australian Human Rights Commission (2016), OpCit. [↑](#endnote-ref-7)
8. Ibid. [↑](#endnote-ref-8)
9. Australian Human Rights Commission (2016), *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*; ISBN 978-1-921449-76-5. Available at: <https://www.humanrights.gov.au/sites/default/files/document/publication/WTW_2016_Full_Report_AHRC_ac.pdf> [↑](#endnote-ref-9)
10. Australian Cross Disability Alliance, ‘Election Policy Platform: Building a Disability Inclusive Australia”, June 2016, p.8. [↑](#endnote-ref-10)
11. Disability Employment Services (DES) providers are a mix of large, medium and small, for-profit and not-for-profit organisations that support people with disability as well as provide assistance to employers to put in place practices that support the employee in the workplace. DES has two parts: *Disability Management Service* is for job seekers with disability, injury or health condition who need assistance to find a job and occasional support to keep a job. *Employment Support Service* provides assistance to people with permanent disability and who need regular, ongoing support to keep a job. See: <https://www.dss.gov.au/our-responsibilities/disability-and-carers/programmes-services/disability-employment-services> [↑](#endnote-ref-11)
12. Disabled People’s Organisations Australia, ‘Submission to the Department of the Treasury – Priorities for the 2017/2018 Federal Budget’, January 2017, p. 10. [↑](#endnote-ref-12)
13. See: <https://www.dss.gov.au/our-responsibilities/disability-and-carers/programmes-services/for-people-with-disability/bswat-payment-scheme/questions-and-answers-bswat-payment-scheme> [↑](#endnote-ref-13)
14. Ibid. [↑](#endnote-ref-14)
15. Committee on the Rights of Person s with Disabilities, *Concluding observations on the initial report of Australia, adopted by the Committee at its tenth session (2-13 September 2013),* UN Doc CRPD/C/AUS/CO/1, paras 49-50. [↑](#endnote-ref-15)
16. Through ICESCR General Comment 23, the CESCR Committee has clarified that: *“At times, workers with disabilities require specific measures to enjoy the right to just and favourable conditions of work on an equal basis with others. Workers with disabilities should not be segregated in sheltered workshops. They should benefit from an accessible work environment and must not be denied reasonable accommodation, like workplace adjustments or flexible working arrangements. They should also enjoy equal remuneration for work of equal value and must not suffer wage discrimination due to a perceived reduced capacity for work.”* [↑](#endnote-ref-16)
17. Australian Human Rights Commission (2016) OpCit. [↑](#endnote-ref-17)