**Willing to Work: National Inquiry into Employment Discrimination against Older Australians and Australians with Disability**

**Factsheet: Australians with Disability**

The Hon. Susan Ryan AO, Age and Disability Discrimination Commissioner, on behalf of the Australian Human Rights Commission, has conducted a National Inquiry into employment discrimination against older Australians and Australians with disability.

The terms of reference for the Inquiry were provided by the Attorney General, Senator the Hon. George Brandis QC, and asked the Australian Human Rights Commission to:

* examine the barriers to employment for people with disability and older people; and
* make recommendations about practices, attitudes and Commonwealth laws that should be changed, and actions that should be taken in order to address employment discrimination.

**Key data**

The data included in the *Willing to Work* Report highlights the widespread nature of discrimination against people with disability in employment:

* In 2015, 53.4% of people with disability were participating in the labour force, compared with 83.2% of people without disability.[[1]](#endnote-1) This figure has changed very little over the past 20 years.
* People with disability are less likely to be employed full-time (27.0%) than people without disability (53.8%).[[2]](#endnote-2)
* Australians with disability are more likely to be unemployed (10.0% compared with 5.3% for those without disability)[[3]](#endnote-3) and face longer periods of unemployment than people without disability. [[4]](#endnote-4)
* Almost one in 12 Australians with disability (8.6%) reported that they had experienced discrimination or unfair treatment because of their disability in the past year.
* 20.5% of young people with disability (aged 15-24 years) reported experiencing discrimination.
* Almost half of people with disability aged 15 to 64 years with disability who were unemployed (46.9%) or employed full-time (46.2%) and over a third of those employed part-time (34.6%) reported that the source of discrimination was an employer.
* 35.1% of women and 28.1% of men reported that they had avoided situations because of their disability in the past 12 months.
* In 2014–15 the Australian Human Rights Commission received 3,529 enquiries and 742 complaints about disability discrimination. More than a third of enquiries (35.4%) and complaints (41.0%) were in the area of employment.

**The Inquiry’s findings and recommendations**

The *Willing to Work* Report contains 56 recommendations, 72 examples of good practice from a range of employers, and 44 case studies outlining individual experiences. The recommendations are grouped into three key themes:

1. Priority Government commitments
2. Improving existing systems
3. What employers and business can do

*Priority Government commitments*

Employment discrimination against people with disability is ongoing and systemic. At the recruitment stage, bias, inaccessibility and exclusion are recurring issues. People with disability face a conundrum regarding if, when and how to disclose their disability and can experience barriers in accessing necessary workplace adjustments and opportunities for career progression. Discrimination is underpinned by negative assumptions and attitudes that are held by many employers and throughout the community about the productivity and capability of people with disability and perceptions that they present a higher work health and safety risk.

In order to address these negative assumptions and stereotypes about people with disability, the Inquiry makes a number of recommendations, which include:

* The development and implementation of a national workforce strategy to lift the workforce participation of Australians with disability.
* The expansion of the the role of the Workplace Gender Equality Agency (WGEA) to become the Workplace Gender Equality and Diversity Agency, extending its current functions to Australians with disability.
* The development and delivery of a sustained, focused national community education and information campaign to lift awareness of the economic benefits of employing people with disability and to dispel myths and stereotypes to change the way we value the contributions of people with disability.
* That the Australian Government consider leveraging its position as a major buyer of goods and services to encourage the labour force participation of Australians with disability.
* That Australian state, territory and federal governments take deliberate action to employ and retain more people with disability within their own respective workforces.

*Improving existing systems*

The Inquiry found that there are government policies and programs in place which act as barriers to increasing workforce participation of people with disability and are therefore in need of review. The recommendations to improve these existing systems include:

* Amendments to the social security system to facilitate people’s transition from income support to work by providing clearer information and extending the period of eligibility to concession cards for individuals who obtain work.
* Measures to improve support for young people with disability to transition from school to work. For example, by allowing all school leavers with disability to access employment services and by providing funding for the development of guidance materials for teachers about supporting students with disability to transition from school to work.
* Reforms to the disability employment services framework should be based on the principles of choice and control which underpin the National Disability Insurance Scheme.
* The promotion of the range government supports available to employers through Disability Employment Services, JobAccess*,* the Employment Assistance Fund and the National Disability Resource Coordinator.
* State, territory and federal governments should work together to examine best practice injury prevention and return to work practices and embed these in all Australian workers compensation schemes.
* Changes to the Employment Assistance Fund to improve access to reasonable workplace adjustments for people with disability, including:

* + expanding the Employment Assistance Fund to support work experience and internships, in order to enable greater job readiness for people with disability
	+ increasing the funding available through the Employment Assistance Fund for Auslan interpreting and captioning
	+ change the process for obtaining funding for reasonable adjustments so that adjustments are paid for directly by JobAccess.
* The Inquiry makes recommendations for amendments to the federal discrimination laws and the *Fair Work Act 2009* (Cth) to facilitate access to justice for people with disability who do experience discrimination in employment.

*What employers and business can do*

Employers, businesses and the organisations that represent them, have a critical role to play in recruiting, retaining and training people with disability. However, the Inquiry heard that employers may lack the knowledge, awareness and skills necessary for developing inclusive workplaces which support employees with disability. They may also be unaware of government programs and supports that can assist them.

The *Willing to Work* Report offers a suite of strategies for employers to lift representation and ensure non-discriminatory recruitment, retention and training practices while maintaining and improving productivity.

* **Leadership commitment:** CEOs and organisational leaders should communicate their business’s commitment to inclusive and diverse workplaces to all staff. This should be supported by an organisational strategy which outlines the business case for a diverse workforce and could include goals such as:
	+ meeting voluntary targets for employment of people with disability;
	+ monitoring and reporting on performance against these targets and ensuring inclusive practices in relation to recruitment;
	+ networking and mentoring for and of employees with disability.
* **Ensuring non-discriminatory recruitment and retention practices:** Businesses should ensure that their recruitment and retention policies do not discriminate against people with disability. This could include reviewing recruitment processes to ensure that they are accessible and making promotional and training opportunities equally available to all employees, including those with disability.
* **Building workplace flexibility:** As a critical recruitment and retention tool, businesses normalise flexible work by making job design, work location and hours flexible for all, as far as the demands of the role allow.
* **Provide targeted education and training in the workplace:** In order to build inclusive, respectful workplaces employers provide staff with support and training about their rights and responsibilities at work, internal grievance processes, flexible leave options, any employee driven networks and the nature and impact of discrimination.

Employers should support managers and supervisors in creating and managing diverse teams and flexible workplaces by assisting with job redesign, building skills to manage employees flexibly, providing information for managers for example mental health guidelines, manager support and training on the nature and impact of discrimination.

* **Build healthy workplaces:** Businesses should invest in health and wellbeing programs for staff. Implementing healthy work practices can be key to preventing chronic conditions and promoting good health. This could involve training of staff and managers about health, implementing ergonomic assessments or subsidising gym memberships.
1. Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: First Results, 2015* (Cat. No. 4430.0.10.001). At [http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0.10.001](http://www.abs.gov.au/ausstats/abs%40.nsf/mf/4430.0.10.001). [↑](#endnote-ref-1)
2. Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: First Results, 2015* (Cat. No. 4430.0.10.001). At [http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0.10.001](http://www.abs.gov.au/ausstats/abs%40.nsf/mf/4430.0.10.001). [↑](#endnote-ref-2)
3. Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: First Results, 2015* (Cat. No. 4430.0.10.001). At [http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0.10.001](http://www.abs.gov.au/ausstats/abs%40.nsf/mf/4430.0.10.001). [↑](#endnote-ref-3)
4. People with disability were 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%), Australian Bureau of Statistics, *Disability and Labour Force Participation, 2012* (2015). At [http://www.abs.gov.au/ausstats/abs@.nsf/mf/4433.0.55.006](http://www.abs.gov.au/ausstats/abs%40.nsf/mf/4433.0.55.006) (viewed 17 March 2016). [↑](#endnote-ref-4)