

Willing to Work Inquiry

Joint submission by the Queensland Mental Health
Commission and the Anti-Discrimination
Commission Queensland

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Introduction

The Queensland Mental Health Commission (QMHC) and the Anti-Discrimination Commission Queensland (ADCQ) have a common goal - to promote more inclusive systems and positive attitudes towards disability and mental illness. We listen to the views of people affected by discrimination and provide evidence-based advice to government and the community on systemic barriers that need to be addressed. The aim of the Willing to Work Inquiry in tackling employment discrimination against people with disability including mental illness is core business for both Commissions.

In developing this submission, the QMHC and the ADCQ sought feedback from our stakeholders, all of whom have extensive experience working with people with disability or mental illness. We also held a forum with selected stakeholders who have particular expertise in the employment context. The aim of the forum was to consider the practices, attitudes and laws that prevent equal participation in the workforce by people with disability and mental illness, and to identify the most effective solutions to overcome these barriers. We came up with a range of supply and demand-side strategies that would contribute to ending discrimination.

In this period of reform in the disability sector, there are forces we can leverage and forces we need to resist. We have crafted this submission to be of practical assistance to the Human Rights Commission, drawing on our wide-ranging experience and picking up on key trends in the environment. We set out the barriers as we see them and propose a number of solutions to these barriers. We also offer examples of real situations which illustrate how current barriers impact on workers and jobseekers with disability or mental illness, as well as some examples of good practice occurring both here in Queensland and overseas.

Key principles

Five key principles underlie our thinking and recommendations in this submission.

1. Anti-discrimination laws provide important protections for all

Australia has committed to a number of human rights instruments and anti-discrimination laws in regard to employment of people with disabilities, including the UN Convention on the Rights of People with Disability.

In Australia, it is not the laws that are causing employment barriers for people with disability and those living with mental illness. These laws provide important protections and we strongly oppose any watering down of these as a means of boosting jobs. There are many other less risky strategies that can encourage employers to take on workers with disability, which are discussed in this submission. There is also work to do in building awareness about and commitment to our anti-discrimination laws and helping employers and workers understand what they mean in practice.

2. Impairment is part of the human condition

The effective implementation of any of the solutions proposed in this submission requires a reframing of the concept of disability and mental illness. Impairment and mental illness are part of the human condition. The community needs to be helped to see that everyone adds value in the workplace and we all need systems that support us to be productive at work. People with disability or living with mental illness are no different.

3. Help people to play to their strengths

By deconstructing jobs into their core elements, new jobs, which might have different blends of tasks, can be created that both meet the employer's objectives and provide a better match for the skills and abilities of the mix of individuals in the workforce. Token jobs are unnecessary when well-constructed jobs can allow people with a disability or living with a mental illness to play to their strengths.

4. Bold reforms are needed

Major change will not be achieved without taking a hard look at why our employment services systems are failing. We are convinced that the current Disability Employment Services arrangements need a complete overhaul. Evidence shows that employment services for people with disability and living with a mental illness need to be based on strong relationships and have the flexibility to create bespoke responses for every individual. The review of the DES system currently underway provides an opportunity to start afresh.

5. Get behind innovative models

One of the most exciting developments in relation to employment for people with disability and living with mental illness is the emergence of social procurement. There are now many examples of this powerful approach being used to benefit governments, businesses and individuals. We think social procurement can be better leveraged in Australia to achieve a pervasive cultural change.

Barriers and solutions

1. Create inclusive workplaces

The barriers:

Recurring complaints made to the Anti-Discrimination Commission Queensland indicate that large numbers of employers are unable or unwilling to make reasonable adjustments. Many apply a tick box compliance approach, rather than individualising responses. There is also misconception that reasonable adjustment is expensive and time-consuming, when there is evidence to the contrary.¹

We have also noticed a disconnect between the capabilities of workers and jobseekers with disability and the low expectations of employers, often due to stereotypes, misconceptions and lack of communication. In our experience, many employers do not engage in honest discussions about individual strengths and abilities. Research shows that there is a lack of disability confidence amongst employers - that is, they do not feel they have enough knowledge and / or resources to manage the employment of someone with a disability.²

Employers also demonstrate an alarming level of unconscious bias against people with disability. An example of unconscious bias is when HR departments apply rules that unnecessarily discriminate or show a bias towards people without disability (see case study 1 below). While Australian research on this is scarce, in the UK, more than one in three employers were found to show an unconscious bias against those with a disability. This is higher than levels of bias based on gender or race.³

Case study 1

An employment application form for an administrative position with a large accounting firm included an optional question about the applicant's medical history, including mental health.

Larry was reluctant to disclose that following a car accident he had experienced clinical depression requiring a period off work. However, he thought he might be seen as uncooperative or dishonest if he didn't answer the question so Larry provided details of his mental illness.

However, Larry's sick leave record and previous illness had nothing to do with his capacity to do the job. The accounting firm was not aware that they were breaking the law by asking for unnecessary information on which discrimination may be based.

Adapted from Anti-Discrimination Commission Queensland case files

¹ Research by the Diversity Council (2012) found that while most reasonable adjustments are inexpensive and easy to implement, there is a persistent misconception that they are costly and burdensome. Research from the United States shows that about half of all adjustments cost little or nothing and around 90% of accommodations cost less than US\$500. See Lengnick-Hall, M.L., Gaunt P.M. & Kulkarni, M. (2008) 'Overlooked and Underutilized: People with Disabilities are an Untapped Human Resource'

² NCVER (2010) What would it take: employer perspectives of employing people with a disability

³ Employers Network for Equality and Inclusion (2014) Disability: a research study on unconscious bias

Workplace culture can also present a barrier. There is mounting evidence that stressful, inflexible or insecure workplaces have negative health and productivity effects.⁴ This fact is only beginning to be grasped by employers. Stressful workplaces result in people taking long periods of leave, which is not only costly for businesses but also damaging for the individual's career prospects. In contrast, businesses with a positive workplace culture are more productive and profitable. Analysis by PwC shows that businesses will on average achieve a positive return on investment of \$2.30 for every \$1 spent on creating a positive workplace culture.⁵ This is an issue not just for people with disability or mental illness, but for all workers.

Some solutions:

To create inclusive workplaces there needs to be investment in programs and tools that demythologise the process of employing people with disability. These resources need to:

- Raise awareness amongst employers about the range of options available to create inclusive workplaces including telecommuting, flexible hours, breaks, flexible leave, job-sharing, return to work arrangements and peer support networks.
- Raise awareness amongst employers about unconscious bias.
- Help employers to break down jobs into genuine occupational requirements.
- Educate employers about understanding an individual's situation from a functional, rather than diagnostic perspective
- Emphasise the human element; the importance of having open, honest conversations with staff and creating a respectful, welcoming environment, and
- Provide information on warning signs and on processes for intervening when a person may be in danger of losing their job.

Employers should be encouraged to audit their HR practices to remove any unconscious bias, and enlist employees or others who have lived experience to help in co-designing new recruitment practices.

There are several existing resources for employers that can be built upon. Case study 2 below describes a campaign by ADCQ. The Mentally Healthy Workplace Alliance's Heads Up program is another good example. This program includes tools to assist employers to create mentally healthy workplaces. These resources should be evaluated to understand if and how the resources are being implemented, what elements have the greatest and longest lasting impact, with which employers, and where different approaches may be required. Currently, most of the focus appears to be given to awareness-raising about the resources rather than their implementation. These are not simple concepts or practices to shift and embed in genuine and sustainable ways. A better understanding of implementation issues would help ensure the resources are being used to best effect.

It would also be useful to undertake a regular survey with Australian employers examining attitudes towards people with disability and living with a mental illness. This information would allow us to ensure programs, tools and campaigns are hitting the mark.

⁴ Rates of depression, for example, are 14 times higher for workers in stressful and insecure positions, compared to those who feel a sense of control, autonomy and employment security (QMHC, 2015, Social enterprises for employment outcomes)

⁵ Price-Waterhouse Coopers (2014) Creating a mentally healthy workplace: return on investment analysis

Case study 2

As part of Human Rights Month 2015, the Anti-Discrimination Commission Queensland is running the Fair and Inclusive Workplaces campaign. The campaign runs from 10 November and culminates on International Human Rights Day (10 December).

The Commission has developed resources to promote awareness and discussion in the workplace about inclusivity. Each week has a topic and through a website there are videos, stories, FAQs, and myths about discrimination, sexual harassment, diversity, and inclusive workplaces.

Public and private sector employers are encouraged to participate in the campaign and nominate workplace champions to co-ordinate the dissemination of information in their workplaces. A workplace champion's guide has been prepared for each week of the campaign.

See <http://www.adcq.qld.gov.au/resources/fair-and-inclusive-workplaces>

2. Tackle stigma

The barriers:

It is tough to shift long-held community assumptions about the impact of disability or mental illness on job performance. It becomes even more difficult to change views when community leaders, role models and the media use stigmatising language such as 'lifters and leaners' or 'welfare problem'. The views linger, despite the evidence showing that there is no difference in performance and productivity between people with disability and people without disability, and that employees with disability actually have fewer scheduled absences.⁶ A 2011 Australian community survey found, for example, that:

- a third of people would not employ a person with depression
- 27% would not vote for a politician with depression
- over half thought people with depression were unpredictable
- one in five thought the person with depression could snap out of the problem.⁷

For the individual with a disability or living with a mental illness, stigma remains a real challenge in their social and work life. Stigma comes about when employers and workers have not had experience interacting with people with disabilities, and they feel uncomfortable or ineffective. It then becomes easier to avoid any contact.

Some groups are subjected to multiple types of stigma and discrimination, such as people with a dual disability (intellectual disability and mental illness) or people with disability from a different cultural background. Aboriginal and Torres Strait Islander peoples with disability, for example, remain at the periphery of the disability services system even though the prevalence of disability amongst Aboriginal and Torres Islanders is significantly higher than that of the general population.⁸

⁶ J Graffam et al (2002) 'Employer benefits and costs of employing a person with a disability'. Journal of Vocational Rehabilitation, pp 251-256

⁷ Reavley, N. & Jorm, A. (2011). National survey of mental health literacy and stigma

⁸ First Peoples Disability Network (2014) Ten point plan

Some solutions:

Service providers and advocates have found that the best way to tackle stigma is to initiate one on one contact between people with disability and employers. In this way relationships are built and employers begin to see the person instead of the disability. The person with the disability is able to support the other person to feel okay in the presence of disability.

Programs and campaigns that actively tackle stigma in the workplace are also important. Advocacy organisation, Scope, in the UK has initiated a successful campaign called "End the Awkward" designed to change attitudes towards disability in a light-hearted way (see case study 3 below).

Case study 3

Scope is a UK disability advocacy organisation. Scope run numerous campaigns aimed at driving change in public attitudes towards people with disability. They make effective use of humour, film and social media to ensure wide circulation of their messages.

Scope's 'End the Awkward' campaign uses a series of films, made in partnership with Channel 4, to bring awkward situations into the spotlight and get people thinking about what more appropriate responses might be. The campaign was initiated in response to their research that found two-thirds of people accidentally put their foot in it, say the wrong thing, and generally feel awkward about disability.

The "Ending the Awkward at Work" element includes a humorous video based on true scenarios that people with disability face. It also includes a fact sheet with five tips for avoiding awkward situations with people with disability at work.

See <http://www.scope.org.uk/awkward>

Language is a powerful tool. Public (and private) challenges to stigmatising language helps people understand the damage that can be caused, and can reset the narrative around disability and mental illness. Public statements that focus on the business benefits and the economic value to the economy of employing people with disability will begin to change attitudes. The Australian Network on Disability is effective at communicating these messages.

The best way to tackle stigma is to expose more and more workplaces to people with disability or living with mental illness. The more people that meet and work with people with disability, the more attitudes will change. One way of introducing more people with disability and mental illness to workplaces is through traineeships or structured work experience programs.

Employment services that focus on giving people with disability experience in real workplaces, and giving real workplaces experience working with people with disability are gradually challenging perceptions.

Providing positive models of people living with disability is only a first step in tackling stigma. Campaigns need to show how it is the interaction and fit between the individual and their environment (work and otherwise) that influences positive outcomes. The Queensland Mental Health Promotion, Prevention and Early Intervention Action Plan recognises that mental wellbeing is a shared responsibility and different approaches are needed to respond to the diversity of the population. One of the actions in this plan is to implement stigma reduction activities focused on 'contact-based' education strategies, involving people with a lived experience of mental illness who can share their experiences of mental illness and recovery. See

<http://www.qmhc.qld.gov.au/work/promotion-awareness/promotion-prevention-early-intervention/>.

3. Improve employment programs

The barriers:

Despite the millions of dollars spent each year on Disability Employment Services and Job Services Australia's disadvantaged job seekers, these programs are not achieving sustainable outcomes for people with disability.⁹ The poor outcomes erode the confidence of the jobseeker with disability as well as the employer.

Clients tell us that employment services do not personalise their services to meet individual need and, as a result, people churn in and out of employment and training courses, without achieving sustainable jobs. See case study 4.

Case study 4

Sheryl is a thirty-three year old woman. She has periods of severe depression. Sheryl has worked in various, casual, part-time administration positions for the past fifteen years. She's acquired several qualifications in this time including Cert 3 Business Admin; Diploma Business Admin; Double Diploma Business Admin and Management; and is currently enrolled in further on-line study.

Since being made redundant 12 months ago, Sheryl is back in the JSA system where she is obliged to participate in a second six-month rotation of work for the dole. She identifies her greatest frustration as lack of personal control. "*Job agencies harass you to do useless things*" she says, e.g. 1 day courses; practice job interviews and letter writing. Nothing is personalised, "*...it's always their way, no other way*".

Sheryl is required to:

- attend an individual appointment every 2 weeks often with a different case manager
- attend the agency 3 days a week to look for work (where transport to and from is difficult)
- apply for 20 jobs a month
- record all jobs applied for on the myGov website, and
- undertake a minimum 15 hours/week voluntary work.

She has no faith that the JSA will find her suitable employment with the flexibility required for her mental health. She perceives the JSA as a profit-making enterprise, believing that as a Tier 1 registrant she receives little or no assistance because there's no money in it for the agency.

One of the key issues with current employment programs is that DES funding is allocated based on category of disadvantage, rather than individual need so it is not accurately targeted. When funding is not directly attached to clients, services can 'cream' and 'park' clients. Creaming refers to provider behaviour that prioritises attention for clients with fewer barriers and who are therefore believed to be easier and cheaper to facilitate an outcome for and therefore release payments. Parking is behaviour that deliberately neglects giving time, energy or resources to

⁹ Eg only 23% of DES participants achieve a 26 week job outcome (Australian Government, 2015, Evaluation of Disability Employment Services 2010-2013); Less than 20% of Job Services Australia's most disadvantaged job seekers secured a 26 week job outcome (Australian Government, 2015, Labour Market Assistance Outcomes – Job Services Australia March 2015)

clients with more substantial barriers. This is because it requires considerable, and usually expensive, support to realise an outcome and therefore a payment.

The literature shows that there are a number of conditions which can lead to creaming and parking behaviour, and at least some of these are present in the current DES and JSA arrangements:

- the system is operating under immense commercial pressure in a low resource environment
- contracts support heavy weighting of payments on outcomes
- regulatory control or organisational norms or incentives against creaming and parking are low, for example when profit is the major motive
- contracts impose ambitious performance targets, and
- there are diverse client groups and payment systems which can incentivise services to work with some groups over others.¹⁰

Another issue is that employment services do not always work flexibly and coordinate well with other support services such as disability and mental health programs. People with high and complex needs generally require an array of supports working together to make employment possible. They may also need a strong focus on enabling skills, which are best learnt on-the-job. Smaller, locally based providers have been successful in applying innovative and flexible models to achieve sustainable employment outcomes. However, the lobbying strength of the DES sector makes it difficult for these services to access funding.

With the introduction of the NDIS, clients, rightly, are expecting to have more choice and control over their own services. Current employment programs do not apply individualised funding. Clients are not able to purchase the supports they need based around their long-term goals. This creates a policy disconnect and more importantly, it takes power and self-determination away from people with disability or mental illness.

Finally, sanctions aimed at enforcing compliance with jobseeking rules can also contribute to poor outcomes. As a result of a change in the last Federal Budget, DSP recipients under 35 years who have an assessed work capacity of at least 8 hours a week are subject to compulsory activity requirements which attract sanctions for non-compliance. These sanctions may have the unintended effect of worsening mental health problems, making it harder for people to return to work. In the UK, in the last three years there has been a 668% rise in sanctions against people with mental illness. UK charities argue that pressurising someone to engage in often inappropriate activities under the threat of losing their benefit causes a huge deal of additional anxiety, often making people more unwell and less able to work.¹¹

Some solutions:

A key solution to the problem of creaming and parking is to better link funding for DES and JSA support to individual need and gear payments towards better job matching for long-term job retention.

¹⁰ See, for example, Rees, J. Whitworth, A. & Carter E (2013) Support for all in the UK Work Program? Differential payments, same old problem; Bredgaard, T. & Larsen, F. (2008) Quasi-markets in employment policy: do they deliver on promises?, *Social Policy and Society*, 7, 3: 341-352

¹¹ Stone, J. (2015) 'Benefit sanctions against people with mental health problems up by 600 percent', *The Independent*, 13 November 2015

We recommend that new business models for open employment be explored involving self-directed funding based on an individual's aspirations and goals. This would give control to the person with disability and force providers to deliver better outcomes for their clients. Clients could be supported to make choices about providers by advocacy and management services, similar to the NDIA planners. In time, consideration should also be given to including disability employment programs in the suite of services offered through the NDIS.

In opening up the employment services market for more competition, room needs to be made for organisations that provide locally based services, built on relationships. A stronger focus is also needed on the enabling characteristics of the employment program process, for example working with clients in the co-design of solutions, allowing client participation in decision making, and designing processes that enhance confidence.¹² See case study 5.

Case study 5

The Toowoomba Clubhouse works with more than 600 people from a regional community who have a mental health issue. The Clubhouse involves members in a "work-ordered day". This approach offers members an essential involvement in the work of the Clubhouse. It allows people to enjoy themselves with productive work in a casual atmosphere, while rebuilding their self-esteem and critical work and social skills. During the day members attend meetings where they make decisions about the operations of the Clubhouse, undertake productive work in gardening, cooking, clerical or multimedia areas. The golden rule at the Clubhouse is that members get to take part in everything.

One member who has had to take a break from paid work says the Clubhouse helps her maintain a work routine using skills she's developed. She also finds it an ideal environment to develop and practice interpersonal skills that challenge her "short fuse". Her family have remarked upon her increased tolerance and patience with others.

Integrated mental health and employment services also need to be available, to ensure a stronger connection between health and employment needs. Broadening the application of 'place then train' models such as the Individual Placement and Support approach could achieve this.¹³ This evidence-based employment intervention for people with mental illness has shown remarkable success both in Australian and international trials, averaging employment outcomes almost three times that of the current services.¹⁴

The Queensland Government has a plan to improve integration of support through the Queensland Health Employment Specialist Initiative. This involves community mental health teams working collaboratively with an employment consultant from the local Disability Employment Service to support people living with mental illness to find work in the competitive employment market.

In relation to sanctions attached to our income support system, the Government should investigate whether these sanctions are proving to be damaging to mental health and thus having the perverse effect of making people less able to work.

¹² Programs with these characteristics have been shown to be more effective than programs that do not contain these elements (NDS and Jobs Australia, 2015, Measuring Quality interim report)

¹³ This approach is considered the most effective employment program for people with a psychological disability (including the most severe forms of mental illness, such as schizophrenia and bipolar disorder (AIHW, 2014, Increasing employment rates for Indigenous people with a disability)

¹⁴ Bond et al. (2012) Tell them they're dreaming: work, education and young people with mental illness in Australia

4. Construct new types of jobs

The barriers:

With the introduction of the NDIS the pool of workers with disability that will be able to enter the labour market is expected to be around 200,000.¹⁵ These will be ordinary people, looking for ordinary jobs, but many may not be suited to doing a job in a standard way, even with the additional support provided. Commuting to an office or working normal business hours can be difficult for many people with disability or mental health issues. Many people will be looking for part time work, but they may not be able to work for a full 20 hours a week. Or they may be able to work full-time some weeks, but then need to work fewer hours or have extended time off when they become unwell.¹⁶

Industrial issues can present barriers to flexible jobs. Attempts to limit the availability of casual work and short work shifts to protect conditions for some workers can actually undermine job opportunities for people with disability or mental health issues. These jobs are critical to allow people to stay connected to the workforce or to transition back into the workforce after periods of illness.

Every person who has a disability or mental illness has specific strengths that they can contribute but jobs are not always structured in a way to capitalise on those strengths. Broad role descriptions shut out applicants who may be able to do part of a role very well, but due to a disability or mental illness cannot perform all of the requirements of the role. Many organisations seem unwilling or unable to deconstruct jobs into their component parts and adjust job roles within their workforce. See case study 6.

Case study 6

Georgia is an outgoing 23 year old with Down Syndrome. She has good reading and computer skills but a limited understanding of maths and money. She loves animals and would like to work in a pet shop.

She saw an advertisement for an assistant in a large pet shop and was keen to apply for the job. The list of responsibilities were almost all things Georgia could do well – liaising with clients, entering data on the computer, cleaning and caring for animals etc. But there was one task – managing cash – that she would find difficult to do without close supervision.

Although Georgia could confidently perform three-quarters of the role, she was not able to perform a quarter of the role and therefore could not apply for the job.

Entrepreneurship is one approach that helps to accommodate individual need for flexibility and accessible workplaces. One of the few studies that has measured attitudes of entrepreneurs with disability (in the US) revealed that 91% enjoyed operating their business and 56% describe their business as being successful and having met or exceeded expectations.¹⁷ Lack of start up capital can be an issue for any entrepreneur but is even more prevalent for people with disability. A UK study found that other barriers to self-employment that people with disability experience more acutely than others include fear of losing their income payment, unhelpful attitudes of business

¹⁵ NDS (2011) The economic benefits of disability employment

¹⁶ 9% of all people with a disability who are able to work identified flexible working hours as a major barrier (See Enabled Employment 'Telework and disability employment discrimination' 11 July 2014, www.enabledemployment.com)

¹⁷ Holub T. (2001) Entrepreneurship among people with disabilities

advisors and lack of access to training and support (eg due to inaccessible transport, no information in alternative formats).¹⁸

Technology has made a vast difference in the employment of people with disability, making it cheaper and easier to remove work barriers, particularly for people who have sensory disabilities. Home-based telework technology promises to integrate many more people with disability into work, particularly as cloud technology becomes more accessible. However, telework is still not a common option for work. One Australian study found 66% of people not presently employed due to disability said they would take up a job if telework were an option.¹⁹

Some solutions:

One option for creating new types of jobs is through social enterprises. These are viable businesses that primarily exist to benefit the community, rather than shareholders. A number of social enterprises have been established in Australia to support employment of people with disability or mental illness. They structure their businesses to accommodate the working styles and support needs of their employees. Numerous studies have shown the benefits for employees, as well as the reduced cost to government.²⁰ Scaling up the reach and impact of these social enterprises would have a strong impact on employment outcomes. Support for social enterprises can be provided through:

- providing start up grants for social enterprises with strong business plans
- providing scaling grants for successful enterprises to expand into other areas or deepen a place based approach
- increasing the level of social procurement and building the capacity of procurement teams to assess social impact (see section 5 below)
- supporting social enterprises to become impact investment ready²¹
- assisting not-for-profit organisations to set up social enterprises, without losing their not-for-profit status
- encouraging social enterprises to focus on new and growth industries, for example recycling and sustainability industries, where innovation and new ways of working are valued
- encouraging private investors and financial managers to consider ethical investment initiatives.

Social enterprises will only suit some people with disability or mental illness and are particularly useful for getting people into the workforce. Other mechanisms also need to be in place to allow people progress through their chosen careers.

Mainstream employers need to be supported in designing innovative ways to create jobs for people with disability and living with mental illness. This involves deconstructing jobs and potentially quarantining roles or tasks that might suit a person with a particular disability or mental illness. Employers need to have the leeway to be flexible. In reviewing Modern Awards, the Fair Work Commission is encouraged to consider the importance of part-time and casual work opportunities for people with disability and mental illness.

¹⁸ Boylan, A. & Burchardt, T. (2002). Barriers to self-employment for disabled people

¹⁹ Enabled Employment. (2014). 'Telework and disability employment discrimination' 11 July 2014, www.enabledemployment.com

²⁰ QMHC. (2015). Social enterprises for employment outcomes

²¹ ibid

Another way to support job creation is by helping individuals become entrepreneurs. In particular, people could be assisted to take advantage of telework technology to establish viable home businesses. A mentoring program could provide one-on-one assistance to people with disability to build viable businesses. Budding entrepreneurs need to be permitted to retain their disability pension until their business is clearly viable and likely to be sustainable, otherwise the risk may not be worth taking. There is also an opportunity for a brokering role in connecting people with disability to legitimate work at home opportunities.

5. Create a 'pull effect'

The barriers:

When jobs are scarce, people with disability or living with a mental illness are disproportionately impacted. Even when there is a strong supply of job-ready applicants with disability or mental illness, employers often do not see the talents on offer. The benefits of a diverse workforce and employers' responsibilities in creating an inclusive and diverse workplace are not front of mind for employers when recruiting. The fact that currently only 3% of employers turn to DES's when recruiting²² is an indication of this.

Employers have been slow to realise that some people with disability or mental illness bring particular strengths to an organisation that are hard to find in the general community. People with Asperger's Syndrome, for example, often have excellent memory recall and high attention to detail and perform extremely well in technical jobs. See case study 7.

Case study 7

In 2011, Infoxchange Australia, in partnership with Social Firms Australia and Alpha Autism established a software testing social firm leveraging the unique talents of people with Asperger's Syndrome. Its purpose is to create accessible and durable employment for people facing barriers to work as a result of Asperger's Syndrome, while at the same time generating the majority of its income through commercial activity. Software testing requires long periods of concentration and the ability to recognise flaws in repetitive information. Hiring people with Asperger's Syndrome has proven to be a competitive advantage in software testing firms.

IT companies all over the world are picking up on this previously hidden human resource. In 2015, Microsoft announced a pilot program to hire people with Autism. The company sees diversity as a strength in the organisation and many people with Autism bring particular skills in retaining information, detailed thinking, and excellence in maths or code.

See <http://www.testit.infoxchange.net.au/about>

Financial incentives are important for some employers but they are not always properly marketed. Incentives should not be used as a bonus for employing someone with a disability (ie 'buying jobs'). If this is the reason for employment, the person will not be valued and will be laid off when the incentive runs out, or when the employer wants to attract another monetary bonus. Incentives should be focused on covering any additional costs, from applying reasonable adjustments for example, and should be marketed for this purpose.

²² DEA (2013) Improving Australia's Disability Performance

The Commonwealth Government's Employment Assistance Fund (EAF) provides funding for a range of work-related modifications for people with disability or mental illness who are about to start a job or who are currently working, including adaptive equipment, training for staff and specialist services. However, this program is not widely known about beyond the disability employment sector and the range of support available is not clear in the guidelines. We have heard reports that there is often an underspend in this program. Further, it does not have a specific focus on people whose jobs are in jeopardy. This is an important cohort, particularly those workers living with mental illness whose condition is episodic. We know that after 45 days off work, the chance of returning to work drops to 50% and someone who has over 70 days off work has only a 35% chance of returning to the workforce.²³

Government departments are beginning to turn to social procurement approaches when procuring goods and services. This allows them to buy a social outcome as well as the service they need, generating greater value from the procurement process. Social procurement is still in its infancy in Australia and could be much more widely used by governments and the private sector, particularly by large employers that want to demonstrate corporate social responsibility. The Federal Government has recently implemented a policy to require Commonwealth entities to award three percent of Commonwealth contracts to Indigenous businesses by 2020. There is currently no similar procurement policy to support employment of people with disability. We are aware of the clauses within the Commonwealth procurement guidelines that make it easier for procurers to buy from social enterprises (Exemption 16) but we understand these clauses are not well known or utilised and they rely on proactive efforts by project officers.

Some solutions:

Creating a 'pull effect' is largely about skilful public relations. Employment services should be encouraged to improve their demand-side strategies. In our experience, building strong, trusting, long-term relationships with employers and employer networks at the local level is the best way to garner commitment. Services need to promote the benefits of a diverse workforce (such as increased productivity, better attendance, and increased overall employee morale) as well as the opportunities to be gained from tapping into the specific talents of people with disability and mental illness. In addition to this 'business case' for employing workers with disabilities, employers can be encouraged to consider the benefits to their corporate social responsibility ratings, and company image. Messages to employers about financial incentives should emphasise their purpose as assisting with reasonable adjustments, rather than being an employer bonus.

The availability of the Employment Assistance Fund needs broader promotion particularly amongst small employers and their employees, and not just those who use disability employment services for recruitment. This program needs to be easy to access and it should include assistance for any type of disability or mental illness. The range of support available should be clear. For example, funding is required for one to one support for both the manager and the individual when things have gone wrong and the employee is at risk of losing their job. Along with reasonable adjustment, funding and support can help with things like:

- Local support pathways
- Return to work plans, and

²³ Johnson D, Fry T. (2002) Factors Affecting Return to Work after Injury: A study for the WorkSafe Victoria. Melbourne: Melbourne Institute of Applied Economic and Social Research

- Recovery plans.

The UK's In Work Support program is similar to the EAF but it is heavily promoted to employers and widely used, particularly to rescue jobs in jeopardy for people experiencing mental health problems. See <http://www.inworksupport.org.uk/index.html>.

There is an opportunity for Governments to expand social procurement approaches by implementing policies that require their agencies to consider using the services of social enterprises that employ people with disability. Another option is to include quotas for employment of people with disability in government contracts for outsourced goods and services. See case study 8.

Case study 8

In 2012, the Gold Coast City Council began offering tender opportunities directly to social benefit suppliers in order to provide employment opportunities for the city's most disadvantaged residents. Council uses a proportion of its annual procurement spend for social benefit. It works with social groups and suppliers to expand opportunities and identify suitable procurement spend categories for social procurement initiatives.

One such contract is for internal cleaning services for Council buildings, including administration centres, libraries, branch offices, Councillor offices, aquatic centres, community and youth centres. It involves \$1.4 million per year for four years. Seventy-four disadvantaged residents, including people with disability and mental illness, gained employment through this contract. The Council has experienced improved levels of service and savings as a result of this initiative.

In creating a demand for services provided by people with disability, policies should be in place to build the market of specialised labour hire firms. One way is to encourage related businesses (eg DES', mainstream labour hire companies, Group Training Organisations and mental health services) to build specialised labour hire arms as social enterprises.

Legislated employment quotas for larger employers are somewhat controversial but are worth considering as a way to substantially increase employment of people with disability, particularly given the cost to the economy of the exclusion of people with disability from employment. Germany for example requires public and private employers with a workforce of at least 20 employees to ensure that five percent of their workforce is made up of people with disabilities. Employers who do not meet their quota obligation are obliged to pay a fixed compensatory levy for every unfilled quota place.²⁴

6. Increase numbers of jobs in the public service

The barriers:

While private sector jobs are critical, as they make up the vast majority of jobs, the public sector should be leading the way in employment of people with disability or mental illness. Numbers of people with disabilities employed in the public service are low, particularly numbers of people with psychological or intellectual disability. For example, in the Australian Public Service the percentage has declined from 5% in 1999 to 3.1% in 2014, with psychological disability and intellectual disabilities making up the lowest types (16% and 2% respectively).²⁵ In the

²⁴ ILO. (2007). Achieving Equal Employment Opportunities for People with Disabilities through Legislation

²⁵ APSC. (2015). State of the Service report: 2013-14

Queensland Public Service in 2015 only 3.3% of employees have a disability, down from 5% in 2010.²⁶ Furthermore, people with disability employed in the public service are more likely to be made redundant than people without disability.²⁷

The reasons for this poor record are not clear. Perhaps it is due to a lack of proactive strategies by Governments in recent years and little political pressure to lead by example. Three years ago the Australian Public Service introduced a disability employment strategy ('As One'), which was due to run until 2014, but it appears to have had little impact to date on employment numbers.

Despite attempts such as this to address the issue of declining numbers of people with disability in the public service, the Anti-Discrimination Commission Queensland, and to a lesser extent the Queensland Mental Health Commission, often receive complaints about unhelpful and discriminatory HR practices in government agencies. See case study 9.

Case study 9

Peter speaks six languages, has university qualifications and extensive overseas work experience. He was gainfully employed overseas as an Australian Government public servant when, after a depressive episode lasting more than 2 months, he attempted suicide.

Two days later after his employer was informed of his suicide attempt, Peter was approached in his hospital bed and presented with a pre-typed resignation letter and asked to sign it.

He was not aware at the time, nor advised, that by signing the letter he lost his entitlement to workers' compensation. He was not offered any support options such as a rehabilitation package or leave without pay. Although he has been well for some years, Peter has been unsuccessful in re-entering the public service since this episode and has remained on the disability support pension.

Case study shared with the Queensland Mental Health Commission

Another factor in the decline may be the reduction in the number of entry-level jobs in the public service. Many people with disability, particularly those with an intellectual disability, used to choose the public service as a stepping-stone into the employment market. There are now very few APS 1 and APS 2 positions in the Australian Public Service. APS 1 positions declined by 71% from 2,770 in 2000 to 794 in 2014, and APS 2 positions more than halved during that period from 7,526 to 3,247.²⁸

Some solutions:

Governments at all levels need to look at introducing affirmative action policies to create internship and/or traineeship opportunities for students and graduates with disability. Policies need to go beyond broad strategies to include targets as a direct way of motivating agencies to change their recruitment practices in a way that favours people with disability or mental illness.

All government agencies could learn from the successes and failings of the recent Australian Public Service Commission (APSC) As One strategy. A comprehensive, independent evaluation of this strategy should be commissioned (if it has not been already) and its results publicised for

²⁶ QPSC. (2015). Queensland Public Service Quick Facts

²⁷ Public service workers with a disability were more likely to be made redundant than their coworkers and half as likely to leave of their own accord (Canberra Times, 25 October 2014)

²⁸ APSC. (2015). State of the Service Report: 2013-14

the benefit of all government agencies in formulating their own strategies for increasing employment numbers of people with disability.

It is also time to consider reintroducing entry-level jobs in government agencies that can be filled through recruitment of people with disabilities. Different options for entry-level roles should be introduced. Not all should require multi-tasking. For example, many people with physical disability are potentially skilled policy officers but unable to do some of the administrative tasks required in entry-level clerical jobs and many people with an intellectual disability may be able to perform a range of tasks, but not all those required by an APS 1 officer. There is also a need to look at opportunities for advancement so that people are not permanently stuck in entry-level roles. We recommend that Commonwealth and State public service commissions be asked to consider these and any other relevant strategies for recruiting people with disability into these roles.

Governments need to review their recruitment and promotion strategies to ensure people with disability are not being shut out due to unconscious bias. Case study 10 below describes how one agency successfully addressed unconscious bias.

Case study 10

Chris has a diagnosed mental illness. He lodged a written application to an advertised public service position together with a certificate from a treating psychiatrist stating an inability to participate in any formal interview process.

Upon receiving the application, The HR department's initial response was that Chris could not be considered for the role. A champion within the agency challenged this decision and in the end the human resources department recommended that all applicants for the position be assessed only on their written applications, without the need for a formal interview. In this way, all applicants would be assessed on the same criteria. Chris was found to be the best applicant for the job.

He has now worked for the agency for nearly four years and has been promoted to a more senior role in that time. Having stable employment made a significant contribution to the management of Chris' illness and the agency has an excellent and loyal employee.

Case study shared with the Queensland Mental Health Commission

One way for agencies to target high-performing people with disability is to connect with the student support services of local universities and recruit students with disability or mental illness directly into public service positions. Another way for public sector agencies to recruit is through arrangements with social enterprises which act as specialised labour hire firms (as discussed above). The Defence Administrative Assistance Program (DAAP) offers administrative support to the Defence Force within southeast Queensland through a partnership with HELP Enterprises which employs people with intellectual disability. For most staff it is their first opportunity to participate in mainstream employment. This program has been successful on many levels.²⁹

Using champions can be an effective way to change practices. This involves identifying senior leaders within government and politics to use their positions to drive attitudinal change and promote the benefits of employment of people with disability in the public service. The

²⁹ Chalker, A. (2015). 'Championing for equal opportunity' in Defence Magazine, March 2015

DAAP/HELP Enterprises partnership was initiated through the Defence Force's Senior Disability Champion.

The importance of strategic leadership cannot be overstated. In one study employers who were already employing people with disabilities were asked if there was one single factor that would prevent them from continuing to do so. They said, 'if the chief executive officer stopped supporting the idea, that'd be it'. Conversely, for those attempting to introduce diversity employment and build disability confidence, winning support from the chief executive officer was seen to be essential.³⁰

We applaud those organisations that have already implemented champions programs, including a number of agencies within the Commonwealth public service, and encourage these agencies to respond to the obstacles that surveys show have been hampering their progress, including limited resources, complex operating environments and competing priorities.³¹

7. Improve participation in education and training

The barriers:

Overall, people with disability and mental illness are likely to have lower levels of education, and this increases their likelihood of being marginalised in the labour market. The rate of school completion for students with disability is a little over half that of all Australian students. People with disabilities will continue to experience disadvantage in the workforce unless they receive adequate support to succeed at school, vocational education and training and university.

The number of students enrolling at schools with disabilities or behavioural disorders is rising, but funding to support these students is not. The Gonski Review of Funding for Schooling offered a fairer way of allocating funding for school students based on individual need but this has not been fully implemented.

Career expectations of many students with disability remain low, with students often being prepared directly for supported employment options, rather than more ambitious careers.³² The Productivity Commission cited research showing people with mild, moderate or severe disabilities who are on the Disability Support Pension (DSP) are no more likely to gain employment than people with profound disabilities. These results point to the powerful effect of expectations and attitudes, rather than just disability, as a major factor in job outcomes³³.

VET completion strongly improves the chances that people with disability will get and keep a job. But people with more severe limitations are less likely to participate in and complete VET courses.³⁴ Most adult mental health conditions emerge in teenage years resulting in disrupted school and VET education, jeopardising opportunities for further study. Research shows that attrition from VET courses occurs at a greater rate among people with a mental health condition, who report that they are often unable to access help from others and that academic progress is often hampered by a reluctance to use student support services. There is no difference in VET completion rates for people with a mental health condition who report that they are usually able

³⁰ Waterhouse et al. (2011). What would it take? Employer perspectives on employing people with disability

³¹ AND. (2015). Disability Champions see results in the workplace, survey indicates

³² See, for example, recent comments from Stephanie Gotlib, CEO of Children with Disability Australia on the 'systemic culture of low expectations' <http://www.couriermail.com.au/news/queensland/children-with-disability-australia-chief-executive-stephanie-gotlib-says-special-needs-students-face-low-expectations/story-fnihsrf2-1227556823171>

³³ Productivity Commission. (2011). Disability Care and Support p. 277

³⁴ Polidano et al. (2010). The role of vocational education and training in the labour market outcomes of people with disabilities

to find help.³⁵ This shows how important it is for institutions to offer targeted support to people with mental illness in an accessible way.

Students with disability or mental illness continue to be disadvantaged in terms of their access to and participation in university education. Within the 15-65 years age group, only 15% of people with disability have a bachelor degree or higher, compared to 26% for individuals without disability.³⁶ People also often feel limited in their ability to fully participate in programs and complete the assessment requirements for specific courses due to their disability; sometimes this is because of barriers to physical or online access to courses.³⁷

Some solutions:

One of the key intentions of the NDIS is to improve the scope of employment for people with disability and mental health conditions. As students progress through school, it will be important for schools and career advisors to understand the new potential for their students with disability and ensure high aspirations for employment among students, families and teachers.

School students with mental illness need an integrated approach to planning and specialised education interventions at key points to ensure their education is not permanently disrupted. For example, allowing school students a guaranteed period of extra time and support to catch up and finish their qualification if it is interrupted due to illness or disability. In Alberta, Canada a bursary program is available to support students through education interruptions. See case study 11. A similar program to this could be looked at in Australia.

Case study 11

The Advancing Futures program in Alberta Canada is a post-secondary bursary program for youth aged 18 to 24 who have been in government care or custody. It provides support to complete high school, a trade or a university qualification.

In addition to providing a monthly living allowance, Advancing Futures assists students in achieving success by supporting them through transitional challenges. These include transitioning into adulthood issues, learning everyday life skills, and how to be successful in school. Advancing Futures takes a strength-based approach to supporting youth. It recognises the potential of students to reach their educational goals and overcome challenges they may face.

Further information about the program is available at: <http://humanservices.alberta.ca/family-community/15616.html>.

A person-centred approach for school students should account as much for clinical outcomes as social, educational and vocational outcomes. Intervention and care planning should be interdisciplinary with as much focus on ensuring educational and social participation. Programs such as Queensland's Ed-LinQ can support better integrated care and collaboration across health and education for the early detection and management of school aged students with mental health problems and disorders. Ed-LinQ brings together professionals from the mental health, education and primary care service systems that have a specified role in working with children and/or adolescents experiencing mental illness or distress for joint planning. An evaluation of the initiative found a range of benefits including improved alignment between school and

³⁵ *ibid*

³⁶ Australian Bureau of Statistics. (2012). Disability, Ageing and Carers, Australia: Summary of Findings 2012. Cat. no. 4430.0

³⁷ Hammer, S. et al. (2010). Tertiary students with a disability or chronic illness: Stigma and Study

interventions to meet student mental health needs. See <http://www.qmhc.qld.gov.au/work/research/edlinq/>.

VET in Schools programs facilitate school completion and transition from school to employment. VET in Schools is a good option for young people with disabilities as support can be provided by the school, as well as other involved stakeholders which may include the employer, DES, Group Training Organisations (GTOs), Registered Training Organisations (RTOs), as well as family, friends, and work colleagues.³⁸ Innovative schools that partner with local businesses to access on the job training, while offering accredited off the job training establish a foundation for success in employment. See case study 12.

Case study 12

Aspley Special School is a leader in providing school-based vocational education and training opportunities for students with disability. The school caters for over 90 students with intellectual disabilities. It has forged strong partnerships with a number of business, community and volunteer groups to support its recycling and hospitality projects including the Kingfisher Recycling Centre, the world's largest school-based recycling centre, and the school's café. The school is noted for its innovative Cans to Coffee initiative, which has provided students with access to ongoing vocational training in the recycling and hospitality industries, on the school campus.

Through these projects students have acquired a range of skills in the fields of recycling and hospitality and they are exposed to a real work environment with quality control measures, health and safety standards and the need to demonstrate a strong work ethic. A number of students have completed hospitality-related TAFE certificates or traineeships on graduating from school.

See <http://education.qld.gov.au/community/events/showcase/pdfs/2009/aspley-special-school.pdf>

Apprenticeships and traineeships also need to be promoted. Graduates of these programs with disability are as likely to be employed as their peers without disability, even though VET graduates of other programs with disability are less likely to be employed than their peers.³⁹ Group Training Organisations can be a good employment option for people with disability or mental illness because they offer pastoral care and oversee employment arrangements to ensure reasonable adjustments are applied.

Staff professional development and resources in all levels of education are important so that educators know how particular disabilities may affect students, and understand how to apply reasonable adjustments such as offering valid, alternative assessment strategies that do not disadvantage students with disability. It is also important for learning and teaching staff to understand how to access support services for their students and link closely with the support services available in institutions. The Ed-LinQ program discussed above includes a Workforce Professional Development Program which provides tertiary level training to school and mental health staff together on evidence based assessment and management of child and adolescent mental health conditions. In schools that have participated in the program, teachers felt more confident in dealing with mental health issues and were clear on the boundaries of their role in

³⁸ Cocks, E. & Thoresen, S. (2014). Social and economic outcomes from VET in schools for people with disabilities: initial findings from an Australian national longitudinal study

³⁹ Ball, K. & David J. (2005). Apprentice and trainee completion rates. Adelaide: NCVET

relation to mental health and what other services they could access if clinical or more in-depth support was required.⁴⁰

There is evidence to suggest that distance learning provides a level of flexibility that has great potential for addressing the functional requirements of students with a disability or mental illness. Some positive effects of e-learning for students with a disability include the removal of barriers relating to physical access, preferred learning style and modes of communication – all of which potentially generate a greater parity of learning experience. The online environment also has a greater capacity for integration with assistive technologies.⁴¹

A final note

We at the Queensland Mental Health Commission and the Anti-Discrimination Commission Queensland regularly hear about the consequences of entrenched stigma, poor employment practices and a lack of imagination in including people with disability and mental health in the workplace.

That is not to say there is not good practice occurring. This country has numerous passionate, creative individuals, families and organisations that find ways to overcome every obstacle in their way in pursuit of their human rights. But it shouldn't be so hard. The challenge now is to chip away at the systemic bias until it no longer exists, to be bold about reforming programs that are not working and to embrace ideas that promise to bring pervasive change. Most of all, we need to reset the narrative. We are all impaired. It is part of the human condition, and we all need systems that support us to be our best at work.

⁴⁰ QMHC (2014) Evaluation of the Ed-LinQ initiative: headline issues and next steps

⁴¹ Hammer, op. cit.