

Feature

Australia's record on employment for the disabled falls well behind most other developed countries but some progress is being made to change that, JENNA HAND writes



WORKING FOR JUSTICE

When Robert Altamore left the federal public service after a workplace restructure last year, he had 29 years' experience as a government lawyer and policy officer. The 55-year-old also had bachelor's degrees in arts and laws, and a medal of the Order of Australia. Yet job agencies did not want to know him.

Altamore, now the executive officer of People With Disabilities ACT, wasn't dogged by controversy, hadn't left under a cloud and had a good resume. He figured the reason recruitment firms would not refer him for jobs was that they didn't want to take on someone who was blind.

It's almost 20 years since Federal Parliament passed the Disability Discrimination Act, making it illegal for employers to overlook a job applicant or treat them less favourably merely because of a physical or mental impairment.

Yet of all the discrimination complaints received by the Human Rights and Equal Opportunity Commission, reports of disability discrimination in employment are the most common. There were 859 last financial year.

For people whom accidents of the universe have left with gammy legs, unclear speech or dodgy memories, getting a job can be extraordinarily tough. According to the Australian Bureau of Statistics, 18.5 per cent of Australians have a

disability and just over 1 million people are severely limited in their ability to communicate or move around.

With unemployment at historically low levels, the Government wants people on pensions (and there are 800,000 on the disability pension) to work if they can, and is channelling millions of dollars into programs aimed at helping people with disabilities get jobs.

There's also government money for employers to make workplace adjustments so they can hire a staff member with a disability and not be out of pocket.

Despite all the laws and funding and well-intentioned strategies, people with disabilities still struggle in the job market.

The numbers put it plainly. According to a 2009 OECD study covering 27 of the world's most economically advanced countries, people with disability are twice as likely to be unemployed as people without disability, even in good times.

And Australia doesn't have much to be proud of. Working-age people with disabilities in "the lucky country" have the highest relative poverty risk (relative to working-age citizens without disabilities, that is) of any OECD country, with Ireland and Korea hot on our pitiful heels. We also claim the unfortunate title of the country in which people with disabilities have the lowest



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incomes compared to the rest of the working-age population.

According to the World Health Organisation and World Bank's first *World Report on Disability*, issued last month, 72 per cent of Australians are employed, but only 42 per cent of Australians with disabilities are. Eight OECD countries do better than us in this regard, according to a 2003 report.

Stuart Mawbey, 46, a self-described "out-lawed angry cripple" who recently moved from Goulburn to Port Pirie in South Australia, says he has applied for "thousands of jobs" all over the country, including as a secretary, labourer, public servant, sewage worker, miner, IT technician, piggery attendant, journalist, tractor driver and fruit picker. His employment troubles began when he tried to return to the workforce after leaving his job at the Australian Taxation Office to finish his honours degree in literature in the 1990s. Since then, he has done some temporary jobs and plenty of volunteering. He's desperate for work but says no employer will give him a permanent gig.

Mawbey puts it down to having a paralysed arm, the result of a motorbike accident when he was 19.

Last month he wrote a frustration-laden missive on the ABC's Ramp Up disability website saying he was "in crisis".

"I need work, good sustainable work," he wrote. "Why can't you achieve that? Why can't you all work together to resolve this issue for people like me? This is not just about me; it's about other disabled people too."

The responses rolled in. His story was "only too familiar" to reader Leonie, who wrote of the "general abysmal circumstances of people who [have] done nothing to deserve being treated as second class or no-hopers". Keith said, "ITS ALL TRUE". Jo V wrote about how "the system pats you on the head with one hand and slaps you with another then calls you a bludger because you cannot get a job". Wheelchair User wrote, "I could not have said this better and you speak well for hundreds and thousands of disabled people. The employer discrimination is rampant and automatic."

The bitterness is justified, especially when you reflect on the fact that the Federal Government, arguably the nation's model employer, now has half the percentage of staff with disabilities that it did 20 years ago.

In 2009-10, just 3.1 per cent of the public service had a disability, or 4618 people. This tends to be explained by the reduction in APS1-2 level jobs, where employees with disability were historically over-represented. But the representation of people with disability at those levels actually rose over the three years to June last year, when it was 5.8 per cent.

Not that the Government thinks this is an acceptable state of affairs. Australia has had a National Mental Health and Disability Employment Strategy since 2009 and has ratified the United Nations Convention on the Rights of Persons with Disabilities, which recognises the right to work on an equal basis and be accepted in an inclusive labour market.

But according to the ABS, labour force outcomes for people with disability remained below the UN target in 2009 and there has been little improvement in the numbers going back 18 years.

In 2006, a group of top bureaucrats and department heads – the Government's Management Advisory Committee – got together and spent a lot of time devising strategies to boost the number of people with disability in the public service.

Yet, three years later, fewer than half of Federal Government agencies had workplace diversity programs or recruitment policies that highlighted the business case for employing people with disability. Only 36 per cent worked with organisations that specialised in placing people with disabilities in jobs, and only 4 per cent of agencies exercised their right to advertise positions set aside for people with intellectual disability.

In July last year, the Public Service Commissioner gave agency heads the power to employ a person with a disability without having to put them through the standard competitive assessment process. The Commission does not have detailed information on the take-up of this provision but knows of two cases where it had been used. These are, however, early days.

In May, Disability Discrimination Commissioner Graeme Innes told a Senate estimates committee that the decline constituted a "massive fail".

"The efforts of the Public Service in this area have been . . . shameful," he said.

"The Government cannot sell employment of people with a disability to the private sector if it is not performing itself."



This week he told *The Canberra Times* that the Government clearly was not a model employer, but it at least recognised its deficiencies and was starting to address them.

The situation is so bad, though, that Innes – never a fan of quotas in the past – now advocates that departments and agencies endeavour to fill set numbers of positions with people who have disabilities.

"I've come to the view that we have such a poor record in this area that really quotas are the only way we're going to address the problem," he says. He believes the principle of hiring staff on a strictly competitive merit basis is not valid for people with disability because employment processes and employer attitudes are so set against them. He cited the example of a young woman who attained a university medal in law but still couldn't get a job as a lawyer in the public service.

"She's a person with great capacity, the capacity to win a university medal, and it took her 18 months, two years to get a job. She should have walked into a job. And she would have if she wasn't a person with a disability. The merit principle is working against people with a disability," he says.

"I think the way that we will change employers' attitudes to people with disability will be by having people with disability employed. Now, that might sound a bit counter-intuitive but we need to show that people with disability can be effective in employment situations, and that's why I come back to saying that until the huge under-employment of people with disability is addressed, that we need a quota system."

Executive director of People With Disability Australia Michael Bleasdale says negative attitudes remain a significant barrier to employment.

"I would argue industry and business has not made the journey with the rest of the community to include people with disabilities. A lot more work has to be done at the level of the employers before they're going to be really accepting of people with disabilities," he says.

He believes there are signs of progress and notes some employers have excellent diversity programs.

Australia's big banks are leading the charge when it comes to employing people with disabilities and have comprehensive, publicly available inclusion policies.

Many prominent companies are also members of the Australian Network on Disability, which provides organisations with expert advice on promoting inclusion in all aspects of business.

But Bleasdale says the general perception of those who do the hiring is that they're giving people with disabilities a job "because it's a nice



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Struggle: Robert Altamore receiving his medal of the Order of Australia from Governor-General Quentin Bryce in 2009, top. Photo: GRAHAM TIDY. **Main photo:** JESSICA HROMAS (2001).

thing to do". "They haven't really got through to employers that people with a disability have something to offer, and that [by not hiring them] employers are really missing out on opportunity."

Countering perceptions of people with disability as being inefficient or somehow less able to work is part of the challenge.

"When you scratch away the myths, what you're left with is a person who has the same level of skills and motivation as anybody else but who might need some adjustment in their work arrangements or their workplace environment in order for them to be able to perform those duties to the same extent," he says.

According to a Public Service Commission brochure about "tapping the talent of people with disability", employees with disability have, on average, higher job retention and better attendance rates than those without disability and there's little difference between their levels of productivity.

Senior Australian of the year and former dean of the faculty of law at the University of Sydney, Professor Ron McCallum, also challenges the notion that people with disabilities are less valuable as workers.

"It's easy to imagine some people might be less efficient but my challenge is show me the cases – because I can show you many employees without disabilities who are incredibly less efficient. If a person is in a wheelchair doing a desk job, it's difficult to see why they would be less efficient," he says.

"I think employers should interview we persons with disabilities and ask us if they have any concerns, ask us how are you going to do the job, and what sort of reasonable accommodation might you need."

Professor McCallum, who chairs the United Nations Committee on the Rights of Persons with Disabilities and is blind, is not convinced of the need for quotas but would like employment targets to be implemented across the public and private sectors.

The ACT Government is a leader in this regard, having recently committed to doubling the number of people with disabilities employed in the territory's public service by 2015. They're not doing it out of pity, either. Former chief minister Jon Stanhope said, "Quite simply, we want the expertise and insights that people with disability can provide to improve Government policy development and service delivery." Currently, 327 ACT public servants identify as having a disability, or just 1.6 per cent of the total.

Professor McCallum thinks large companies, universities and public sector employers should have a target when it comes to employing people with disabilities, but notes that a multifaceted approach is required.

"First and foremost we need to explain to employers that they cannot discriminate against persons with disabilities, and they should always discuss with the person whether or not they can do the inherent requirements of the job," he says.

Indeed, it is illegal to discriminate against someone based on having to make reasonable adjustments in the workplace.

"We persons with disabilities regard employment as central because I don't think, until you're employed, you really attain what I might call full citizenship," Professor McCallum says. "If we can get jobs, even part-time jobs, we can say that we are actually participating in this society."