Dr Michael Spence AC
Vice-Chancellor and Principal

14 August 2020

The Hon Ronald Sackville AO QC
Chair, Royal Commission into the Violence, Abuse,
Neglect and Exploitation of People with Disability
GPO Box 1422, Brisbane, Queensland, 4001

By email: DRCEnquiries@royalcommission.gov.au

Dear Mr Sackville,

**Royal Commission into the Violence, Abuse, Neglect and Exploitation of People
with Disability - Employment Issues paper**

Thank you for the opportunity to make the attached submission to the Royal Commission
into the Violence, Abuse, Neglect and Exploitation of People with Disability in regard to
understanding the experiences of people with disability in employment.

The elimination of discrimination in regard to all areas - including education and employment -
is core to the University of Sydney's vision and values. At the University, non-discrimination for
both staff and students in higher education is driven by Commonwealth and State anti-
discrimination laws, which are translated into strategic frameworks, policies, procedures and
targeted programs.

Accordingly, the 2016-20 Strategic Plan, 2020 *Unfinished Business* Action Plan and
Disability Inclusion Action Plan 2019-24 all strive to embed diversity and inclusion into the
culture, research, education and operations of the University. Our focus is to become a
world-class leader in the social and economic participation of people with disability in the
life of the University. The Disability Inclusion Action Plan seeks to enable students and
staff with disability to lead full and enriched lives at the University by delivering an
accessible best-practice teaching, learning and working environment.

While a consultative group oversees the implementation of the objectives of the Disability
Inclusion Action Plan, the University allocates an annual budget to manage diversity and
inclusion programs to transform the culture of our institution. Funds are administered to
support an annual program of targeted diversity and inclusion events and staff networks,
including the Disability at Work Network (DAWN), a respected representative group for the
voices of staff with lived experience of disability. The Diversity and Inclusion and Staff Health
teams also manage a disability support fund for people with disability and the provision of
workplace adjustments for staff with disability.

The University also contributes to diversity and inclusion by way of its research mission, through
the Centre for Disability Research and Policy and the Centre for Disability Studies.

The University's [Centre for Disability Research and Policy](#) (CDRP) produces collaborative research that actively influences policy and practice to improve the lives of people with disability in Australia and the Asia-Pacific. The CDRP's aim is to reduce the disadvantage that occurs for people with disability. Consequently, their research works to improve the social and economic participation, health and wellbeing of people with disability. The CDRP collaborates with a large number of local and international organisations, agencies, governments and service providers to enhance the wellbeing of people with disability. The CDRP aims to provide a strong voice in debates of national importance, including the development of the National Disability Insurance Scheme (NDIS), the National Disability Strategy and the Disability Royal Commission. This voice is underpinned by outstanding scholarship led by our stream leaders and partnerships including with people with disability.

The [Centre for Disability Studies](#) (CDS) is a non-profit organisation affiliated with the University's Medical School. The Centre's focus is on designing and developing research, teaching and workforce development initiatives and clinical practice that informs disability policy and practice. Its work is guided by the lived experience of people with disability. It strives to meaningfully engage people with disability in the creation, development and execution of its programs. In fact, CDS is making a separate submission to the Disability Royal Commission on behalf of its *uni 2 beyond* group. *uni 2 beyond* is an innovative and award-winning social inclusion initiative for people with intellectual disability who want to experience university life.

Finally, while considerable progress has been made in implementing our ambitious diversity and inclusion programs, we do acknowledge that some challenges persist that the University will continue to address - notably that the digital and built environments present access barriers for some of our staff and students with disability. Our Disability Inclusion Action Plan outlines actions to address these barriers.

Thank you again for this opportunity and should the Commission require anything further from the University, please do not hesitate to contact Mr Tim Payne, Director, Higher Education Policy and Projects, in my office (tim.payne@sydney.edu.au, 02 9351 4750).

Yours sincerely,

Michael Spence

Attachment A

The University of Sydney submission to the Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disability in regard to understanding the experiences of people with disability in employment, August 2020

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The University of Sydney submission to the Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disability in regard to understanding the experiences of people with disability in employment, August 2020

A number of the responses to the questions (all except for 5 & 9) have been derived from a recently completed research project examining Disability Disadvantage and Vocational Education and Training (DDVET) in NSW, which included a component focusing on the employment of people with disability following vocational education. The project was led by Associate Professor Jen Smith-Merry and Professor John Buchanan at the University of Sydney and involved in-depth interviews with 71 people across NSW. This included people with disability, carers, employers, disability support staff and education providers. The responses should be understood in relation to this focus. The DDVET project was funded by the NSW Government Department of Industry (subsequently the Department of Education following departmental restructuring) and completed in July 2020. The information from the project has been included in this response with the permission of the NSW Government.

Additional responses (to questions 5 - 9) have been provided by the University's HR Workforce Development team.

Question 1 - How do people with disability experience violence, abuse, neglect and/or exploitation in employment settings?

Our research established that discrimination and stigma towards people with disability within the community and its impact on employment remains a serious problem in Australia. It impacts on people's ability to complete school and gain a foundational skill set to prepare them for education and employment, and on their confidence to approach learning and searching for a job and even to catch public transport. Employment, and discrimination in employment, should therefore not be seen as a disconnected element of people's lives. Employment is part of life and strategies to increase disability employment need to be much broader.

Work-related discrimination is experienced by people with disability in both direct and indirect ways. When discrimination is direct it can be addressed, but a lifetime of discriminatory experiences and stigma also impacts an individual's self-esteem and limits their ability to make important life choices, including those related to employment. Discrimination may also mean that people are unwilling to ask for help when they need it and therefore do not receive the accommodations that they are legally entitled to:

> "I'm going through the same thing with mental and physical disabilities. It's almost the same stigma that was associated to having a different sexuality 20 years ago. It's just … what I'm experiencing with my disabilities. I'm sure as time will come and things will change but at the moment, I'm going through exactly what I went through, where you hide, and you're so scared of people finding out. Even you're so scared even with family members and other people … Where there is help, I will ask, but where it exposes me to risk and stereotype and exposure to [discrimination], I won't tell. I won't tell and I won't."

Discrimination is thus *brought with people with disability into* employment situations. What this means is that people's experiences of employment, and expectations about being employed

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and successful at work are limited by their previous experiences of discrimination and an overall social context which stigmatises people with disability. Two people with disability that we spoke to described their self-doubts, personal barriers and fears around employment:

> "I would have never applied for a job like this, but only because of what's been dictated to me [by society], I would have never thought I have organisational skills right, just because, like, all the issues I've had. So based on my history, this is not the job I would have applied for, so only through recognition of people of my environment that I realised, hey, I'm actually quite organised. I actually get things done and get more things done for the reason that I'm hyper organised, to make sure I don't make mistakes, if that makes sense."

> "How do I explain myself? … I may only require a few adjustments, very minor adjustments, but how do I explain to my employer that before I get the job, after I get the job, during I get the job. What if my conditions change while I'm in the job? Where do I go? I mean, HR would say – excuse the language but – how do we deal with him? We're not equipped to deal with him. So, let's not hire someone like that."

As these quotations show, a personal history of discrimination and stigma is both limiting them in terms of their own expectations of their abilities, and their concerns about the discrimination of others when they apply for jobs. This latter situation is not just a perception but a reality, with social stigma limiting employers' expectations about employing people with disability. The impact of this is explained further under our response to Question 2.

Question 2 - What barriers exist for people with disability in finding and keeping a job? What helps people with disability find and keep a job in an environment free of violence, abuse, neglect and exploitation? What opportunities are there for career progression for people with disability in Australian workplaces?

Barriers
Demand-side factors including the attitudes and understanding of fellow staff and employers are major barriers to employment. This is caused by stigma or stereotyping by employers (Gomes-Machado et al., 2016; Jang et al., 2014; Murfitt et al., 2018) along with a perception amongst employers that people with disability have "few marketable skills" and employment will lead to extra costs for businesses (Ferrier & Smith, 2010; Saleh & Bruyere, 2018). Employers are also concerned by potential "uncertainty surrounding the relationship between health conditions and labour productivity" (Polidano, 2013).

'Disability confidence'
Because of the background of discrimination and its impact on individuals' confidence it is essential that people with disability are able to enter into a workplace that is welcoming. However, this is not currently occurring:

> "Everyone seems to think that – well, it's just my assumption that people assume that they're going to have to make too many modifications to the workplace, so why even look at a person with a disability."

> "… they're more likely to choose someone without a disability over … someone with a disability."

> "… industry aren't grabbing or seeing – just because they've got a qualification, they're not seeing the qualification again, they see the disability."

> "Well, first off, stigma is a huge thing. I've noted that through conversations with the people who work here as well as myself … If you put a label on yourself, or someone puts a label on you, instantly people have a preconceived notion".

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These perspectives illustrate the reality of an employment market that is not ready to employ people with disability on an equal basis with people without disability. Disability is viewed as a limitation and a liability, and stereotypical assumptions are made around a person's capacity.

Many workplaces may not actively seek to discriminate against people with disability in employment processes but lack 'disability confidence' and understanding (Griffin & Beddie, 2011; Lewis et al., 2011b; Pagán, 2015). They may be positively disposed to people with disability but have no idea of how to support them and therefore add to discrimination and marginalisation of people through their inaction. Employers were unable to readily access information to support them to become more disability confident and were not motivated to go out of their way to do this without a personal reason or being compelled to do so (Murfitt et al., 2018).

Career progression
In our study there was a concern that those people with disability who were able to find work lacked opportunity to progress and may become stuck at one stage of their career and never move forward into more senior positions. One educator commented on the limited range of positions available to people with disability to even embark on a career in their own field of choice: "we had students in here that may be doing music, and they're brilliant, or design fundamentals, they're amazing on the computer. But they don't seem to get the opportunities in that, so they go to being a barista". Because of the lack of opportunities for getting any form of employment the bar for success is set very low, where the only bar to be reached is any job, rather than a job from which people can move forward through subsequent positions to develop a career.

Addressing personal barriers
The ability for an individual with disability to overcome the personal barriers that they erect in response to discrimination is less about accommodations available and more about the ability for people with disability to be in an environment where they can see - through their everyday interactions with others - that they do have value, that they can speak to people openly about disability and that they can contribute to a workplace through the skills that they have. This is done through disability visibility in the workplace and through having work experience opportunities available where people can build their work confidence (see response to Question 6).

Question 3 - What are the experiences of First Nations people with disability participating in employment? How does this vary across different life stages?

There is a "layering effect" of different personal situations or different types of disadvantage which differently impact people in employment and their need for supports. Speaking on behalf of a client, one respondent commented:

> "I've got a disability … my first language is a different language. Then I have all these other layers of my family, my religion … what I have to do for other people even within my family … there's a whole heap of layering effects that actually start to compound and change the way people can take those steps".

As this quotation explains, disability interacts with unique needs relating to language and culture in order to produce a multi-layered context of disadvantage. Different cultural practices around education and work roles mean that the way that disability support for employment is framed must be also culturally aware if it is to be effective and outcomes meet an individual's needs.

Question 4 - What are the experiences of women with disability, culturally and linguistically diverse people (including migrants) with disability, and LGBTIQ people with disability in looking for, finding and keeping a job?

See response to Question 3.

Question 5 - What could be done to prevent, or respond to, discrimination, violence, abuse, neglect and exploitation against people with disability in the workplace? This could include better systems for support or making a complaint.

Preventing workplace discrimination against people with disability

- The workplace environment and culture must be one that values the inclusion of people with disability and the diverse experiences that they bring to the workplace.
- Many employers still do not fully understand the impact of discrimination on people with disability and how it affects their engagement in all aspects of employment, in particular at the hiring stage. The Australian Human Rights Commission 2016 report, *Willing To Work: National Inquiry into Employment Discrimination against Older Australians and Australians with Disability*, reviewed complaints of disability discrimination and found 41 per cent to be in the area of employment.
- Disability discrimination in the workplace can result in people with disability feeling isolated, unsupported, bullied and excluded. This in turn can affect mental and physical health and work performance. For example, an employee with a hearing impairment will experience their workplace so differently if their manager and colleagues use email as their main communication method, instead of the telephone.
- People with disability should feel safe to share information about their disability to their employers and work colleagues. Unfortunately, sharing information about having a disability is not always well received by employers.
- Providing a consistent approach to disability inclusion across all business areas is a challenge in large, complex organisations. With the employee experience very dependent on their manager's application of organisational policy, some staff will experience the benefits of flexible working arrangements, workplace adjustments and access to professional development opportunities. Others, however, will be reluctant to disclose their disability or access their minimum legislated entitlements, such as those available under the Disability Discrimination Act 1992 or the Fair Work Act 2009.
- Requiring organisations to consult with their staff with disability when reviewing or developing policy is critical. For example, when a change is made to a parking policy, a staff member with a disability might arrive at work and receive a parking infringement notice for parking in the same spot they have been using for years. Giving appropriate notice of such an important change is vital.

Question 6 - Are the current employment programs and supports for people with disability effective? If not, why not? What changes should be made to these programs?

In the DDVET research project there was significant dissatisfaction amongst the people that we spoke to in the way that employment services were being provided by the Commonwealth-funded Disability Employment Services (DES). DES aims to provide individualised support for people with disability to find employment, however, respondents spoke about poor practices driven by the funding structure of DES rather than client needs. Some DES support workers had responsibility for more than 200 people and could not hope to provide support to all. Other respondents spoke about providers encouraging enrolment into higher level vocational education courses to meet KPIs but there being little flow-on into employment:

> "maybe it's a milestone thing as well, but getting people into particular level courses at, in VET must be a particular outcome they're looking for. So yeah, I've been told about people … enrolling in courses that are just highly inappropriate and really inaccessible for them".

Clients were reportedly also being randomly assigned to a course "so they don't have to deal with them for 22 weeks". Several respondents spoke about this being due to the low levels of training and understanding of disability in staff working within DES organisations and ineffective processes for understanding the disability-related needs of clients. This was compared unfavourably to other now-defunct programs such as the former Commonwealth Rehabilitation Service. Some people were ineligible for support from DES for employment transition because they were viewed as too high functioning, meaning that essential supports that would help them to enter and stay in employment were not available. Across the community, use of DES by employers is low at only 3 per cent (Murfitt et al., 2018). DES should be improved by having better training of staff and removing perverse incentives to only provide certain services or put people into inappropriate employment situations.

From the perspective of the University as an employer, it is important that the Commonwealth Government continues to offer disability employment programs and supports. We note, however, that while these programs provide incentives for employers to employ people with disability, there is enormous scope for improvement to these services. For example, they could be expanded/redesigned to provide better support for university graduates and professionals seeking graduate opportunities and professional roles.

Sectors with a highly skilled and/or qualified workforce - such as the higher education sector - find it more challenging to work with DES providers. There appears to be a mismatch between their clients and the candidates we are seeking at the University. However, we would certainly welcome the opportunity to have access to a talent pool that is made up of tertiary qualified or suitably experienced candidates with disability.

Finally, while we note that JobAccess provides excellent resources for employers and fully support the provision of the Employment Assistance Fund, we do find frustrating the stipulation that the fund cannot be used for a workplace adjustment that was chosen and purchased by an employee without an assessment by JobAccess. There have been occasions when our staff have had an EAF request rejected for these reasons, even though they have been able to demonstrate that they conducted research into identifying the most appropriate adjustment for their needs.

Question 7 - What are employers' experiences of hiring and retaining workers with disability? What benefits and challenges have employers encountered? What supports have helped, or would help?

Within our research the strongest motivation for employers to engage with people with disability was an understanding of disability from personal experience of working with people with disability, or from having a significant person in their lives with disability. Other motivations related to organisational policies where a choice had been made to focus on disability. Of the organisations that we spoke to we were able to characterise the motivations for disability employment into the following:

1. Employment of people with disability driven by personal experience
2. People with disability providing a competitive advantage
3. Large organisations with a structured inclusion and disability plan
4. Supported employment organisations whose whole focus of operation is disability employment

Compared to others, more disability-confident workplaces were able to look beyond disability to view a person with disability as an individual with strengths and needs just like any other worker. One employer reflected on their own growing strength in this area, where they had learned to not just focus on the job that is to be done, but on the best role for a person. This was through exposure to people with disability in their own workplace. One person spoke about what a disability-confident workplace looked like from their perspective:

"So, we actually have training for people, all employees, around inclusion. It's not specifically disability, it's about basically inclusion, but it covers disability in there. It basically talks about everyone's different, and we need to value that difference, and be conscious of unconscious bias, something like that, or stereotyping. That covers everything from race, religion, gender, disability, the whole spectrum. Because we don't separate these things, they're all about inclusion, it's all about being the kind of place to work where everyone feels welcome, and can bring their whole self to work, whatever that might look like."

This organisation took an intersectional view of disability being one part of a matrix of disadvantage, all of which needed to be addressed to make workplaces universally accessible.

Supports that have helped include:

- on-the-job support from disability support workers in assisting during the work transition program
- ongoing accommodations based on an individual's needs as they evolve
- ice-breaker wages
- universal design so that workplaces are flexible and support a broad range of needs, whether people have disability or not (which minimises the need for organisations to 'go out of their way' for people with disability and therefore makes accommodations easier to provide).

Training and visibility of people with disability within a workplace were viewed as important for helping to build a disability-confident workplace. Disability confidence, visibility and universal design should all be part of a general inclusion agenda about moving society as a whole towards inclusion that sits above both VET and employment policy. Labour market incentives such as wage subsidies were viewed as important for fostering employment of people with disability. However, some problems were identified, including that the conditions surrounding this may not always be transparent to the person with disability, concerns about the sustainability of these strategies for ongoing employment and a general lack of knowledge of schemes and supports among employers. Incentivisation for businesses was also viewed as important for rural areas.

In Europe, change to improve the number of people with disability in employment has been facilitated via the *European Disability Strategy 2010–2020* (Pagan, 2015). This has led to national policy changes including in:
1. Germany where there are specialised vocational training and retraining facilities for people with disability
2. Sweden which combines pre-job support (financial support for assistive technologies, personal support) with up to 12 months of on-the-job support
3. Italy where there is a required quota system for people with disability within businesses (up to 35 employees, 1 person with disability employed; up to 50, 2 people with disability and over that amount 7 per cent of staff) (Saleh & Bruyere, 2018). Businesses are penalised financially if they do not meet these quotas.
4. Czech Republic where there are incentives for organisations to do business with companies that employ people with disability (Saleh & Bruyere, 2018).

It should be noted that although these organisational activities and higher-level policies do assist with disability employment, they have a more limited impact on employers that are not otherwise motivated towards employing people with disability. This must be addressed through better visibility and inclusion in society more generally and making other courses of action such as Employment Guarantees (discussed in Question 8) a viable option for genuine attempts to increase disability employment.

As an employer, our experience of employing people with disability has been very positive. We have a number of staff with disability who are long-term employees and highly-valued members of their respective teams. We do, however, struggle to increase the number of people with disability in our workforce and our participation rate for people with disability has been relatively stable for the past seven years.

The University has been participating in the Australian Network on Disability (AND) Stepping Into Internships program since 2016 and this is our most successful disability employment initiative to date. Between 2016 and 2019, the University interviewed 45 university students with disability and hosted 17 internships. Feedback from the business units that hosted interns has consistently been positive and some interns have been able to continue to work with the University beyond their 4-week internship. We see this program as offering enormous potential to develop graduate talent pools of students with disability and will be including this category of job candidate in the Disability Employment Program we are developing.

Having a well-developed disability inclusion action plan, led by senior executives and supported by staff is critical. The University has chosen to make employing and retaining people with disability a priority in our Disability Inclusion Action Plan 2019-24.

Finally, while we have been hesitant to engage with DES, we are currently exploring opportunities to include recruitment agencies that have received Disability Confident Recruiter accreditation through AND. We feel this approach will help us to reach a disability talent pool that aligns with our workforce requirements, i.e. experienced professionals with disability.

Question 8 - Do you have any ideas for improving employment participation for people with disability? Do you have examples of good practice?

Our research in NSW has found that exposure to work via work experience is important because it allows people with disability to understand the reality of different types of work. This finding is supported by previous research on disability employment which has shown that paid or unpaid work experience facilitates further work skills and leads to higher levels of ongoing employment (Best et al., 2008; Cawthon et al., 2016; Jang et al., 2014; Polidano & Mavromaras, 2010; Sheppard et al., 2017). Many people with disability entering the job market from school or training have never had paid work. For both people with disability and prospective employers, exposure to work via work experience is therefore useful because it prepares people for the day-to-day needs of being in a workplace. Work experience is useful for improving the confidence of a person with disability so they understand that they can work; for providing work-based skills and for some people as a direct gateway into employment where employers offer students doing unpaid work experience or volunteers ongoing paid employment. Traineeships and apprenticeships are particularly desirable because they combine training with employment. However, work experience, traineeships and apprenticeships need to be supported so that individuals are able to adapt to the workplace and have their disability-related needs met. Employers need to also be supported so that they are able to understand disability and have relationships with disability employment providers, educational facilities and services that they can draw on to help provide a positive work experience. Currently these relationships are only developed on an ad-hoc basis.
Across the organisations that we included in our study examples of good practice in disability show many of the same characteristics, including:

- understanding the real value of people with disability (not just doing it as a public service)
- disability inclusion at all levels of employment practice (going beyond accommodations)
- staff training and networking surrounding disability
- visibility of disability within the organisation
- dedicated plans and positions with responsibility for disability
- strong linkages with other organisations working in disability for support and sharing.

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The German software firm SAP, which also operates in Australia, has a dedicated focus on employing people with disability and believes that this provides a competitive advantage for the international firm. They have an Autism at Work program and have a stated aim to have 1 per cent of their staff with autism (Schumaker et al., 2015).

An employment guarantee would see the government creating jobs paying people with disability at a living wage. In job guarantee approaches to employment the government becomes the 'employer of last resort'. This would stimulate the economy in identified areas of need and would provide a very visible focus for the success of people with disability within paid employment, adding to the visibility of people with disability more generally. It also provides a means of raising people with disability and their families out of poverty.

Further ideas from the University as an employer, include setting up a process for external reporting and monitoring to make businesses / employers accountable for their disability employment practices (e.g. something similar to the Workplace Gender Equality Act 2012) and setting national employment targets for people with disability.

We would also like to highlight three examples of good practice:

1. The APSC RecruitAbility Program - we have lost at least one very talented and ambitious employee with disability through this program.
2. Disability Employee Networks can be a powerful resource for driving workplace change. At the University, we have established the Disability at Work Network (DAWN) as an action from our previous Disability Action Plan 2013-18. The Network was launched in 2014 and has grown to be a respected and valued group. It is a network for staff with lived experience of disability, carers and those who want to create an inclusive University community. The Network connects staff, provides a welcoming and supportive environment to share experiences, advocates for change and promotes inclusion to improve the staff experience for everyone. Over time the DAWN has put in place structures to enhance its success and impact. A Steering Committee with a chair with lived experience of disability was introduced in 2016. In 2018, the Network welcomed the Vice-Principal (Operations) – a senior executive position - as its executive sponsor and ongoing support is provided by a diversity advisor who is embedded in Human Resources.
3. The Australian Network on Disability is leading the way when it comes to creating disability inclusive workplaces, businesses and customer experience. The programs they have developed, such as Stepping Into, PACE Mentoring, the Disability Confident Recruiter and the Access and Inclusion Index, offer ready-made, best practice programs for employers.

Question 9 - Is there anything else we should know?

Community expectations about the inclusion of people with disability in the social, economic and educational spheres is rapidly increasing. For example, when a person with a disability visits the University or attends an event, both the individual and their companions arrive with an expectation that buildings are accessible, hearing augmentation systems will be available and more personalised accommodations can be provided if a request is made. Businesses and public institutions must be ready to meet and exceed community expectations about the inclusion of people with disability in employment related activities.

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