Response to Office of the High Commissioner for Human Rights Questionnaire for Human Rights Council Resolution 19/11 on Participation in political and public life by persons with disabilities

July 2012

**Foreword**

The Australian Government is committed to ensuring people with disability receive opportunities to reach their potential through participating in the community and the workforce. Work is essential to an individual's economic security and is important to achieving social inclusion. Employment contributes to physical and mental health, personal wellbeing and a sense of identity. Income from employment increases financial independence, allowing workers with disabilities to exercise more choice in their lives. It helps to facilitate inclusion in the community and ultimately raises living standards.

The information provided in this response focuses on measures, programs and initiatives from the Australian Government. Where possible, information on programs operated by Australian State and Territory Governments is provided.

1. **Detailed information on the measures adopted by your country to ensure that persons with disabilities have equal opportunities for productive and gainful employment in the open labour market.**

Australia has enacted laws at both a federal and state level to prohibit discrimination on the grounds of disability to ensure that persons with disabilities have equal opportunities for productive and gainful employment in the open labour market.

Federal Legislation includes:

* [*Disability Discrimination Act 1992* (Cth)](http://www.comlaw.gov.au/Details/C2012C00110) (DDA)
* [*Fair Work Act 2009* (Cth)](http://www.comlaw.gov.au/Details/C2012C00483) (FW Act)
* [*Work Health and Safety Act 2011* (Cth)](http://www.comlaw.gov.au/Details/C2011A00137/) (WHS Act)
* [*Social Security Act 1991*](http://www.comlaw.gov.au/Details/C2012C00298) (SSA)

**2010-2020 National Disability Strategy**

Launched on 18 March 2011, the 2010-2020 National Disability Strategy outlines a ten-year national policy framework to improve the lives of people with disability, promote participation, and create a more inclusive society. It will guide public policy across governments and aims to bring about change in all mainstream services and programs, as well as community infrastructure, to ensure they are accessible and responsive to the needs of people with disability.  This change is important to ensuring that people with disability have the same opportunities as other Australians — a quality education, good health, economic security, a job where possible, and access to buildings and transport, and strong social networks and supports.

The Strategy adopts a bold vision for – ‘*an inclusive Australian society that enables people with disability to fulfil their potential as equal citizens’*. It is the first time all Australian governments have agreed to such a wide ranging set of policy directions for disability.

One of the central outcomes of the Strategy is to ensure that people with disability, their families and carers have economic security, enabling them to plan for the future and exercise choice and control over their lives. The Strategy commits to a range of areas for future action designed to achieve this outcome including:

* reducing barriers and disincentives to the employment of people with disability; and
* encouraging innovative approaches to the employment of people with disability.

The Strategy sets out six priority areas for action to improve the lives of people with disabilities, their families and carers. There are:

1. *Inclusive and accessible communities*—the physical environment including public transport; parks, buildings and housing; digital information and communications technologies; civic life including social, sporting, recreational and cultural life.

2. *Rights protection, justice and legislation*—statutory protections such as anti-discrimination measures, complaints mechanisms, advocacy, the electoral and justice systems.

3. *Economic security*—jobs, business opportunities, financial independence, adequate income support for those not able to work, and housing.

4. *Personal and community support*—inclusion and participation in the community, person-centred care and support provided by specialist disability services and mainstream services; informal care and support.

5. *Learning and skills*—early childhood education and care, schools, further education, vocational education; transitions from education to employment; life-long learning.

6. *Health and wellbeing*—health services, health promotion and the interaction between health and disability systems; wellbeing and enjoyment of life.

All State Governments and the Federal Government report on progress on the priority areas on an annual basis.

The National Disability Strategy is also an important mechanism to ensure that the principles underpinning the [*United Nations Convention on the Rights of Persons with Disabilities*](http://www.un.org/disabilities/) are incorporated into policies and programs affecting people with disability, their families and carers.

Throughout the development of the Strategy, governments consulted with people with disability, their families and carers and other stakeholders. Ongoing engagement and consultation will remain integral while the Strategy is implemented in the coming years.

Copies of the 2010-2020 National Disability Strategy, including in accessible formats, are available to download at [www.fahcsia.gov.au](http://www.fahcsia.gov.au) or [www.coag.gov.au](http://www.coag.gov.au)

*Disability Discrimination Act 1992*

The objects of the DDA are to eliminate, as far as possible, discrimination against persons on the ground of disabilities in certain areas of public life (including employment and access to premises), to ensure equality before the law and to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

Section 15 of the DDA deals with discrimination in employment, and prohibits discrimination on the ground of disability in: recruitment; the terms or conditions on which employment is offered; the terms or conditions of employment afforded to an existing employee; access to opportunities for promotion, transfer, training or other benefits associated with employment; and dismissal.

Under the DDA, discrimination can be direct or indirect. Direct discrimination occurs where a person with disability is treated less favourably than a person without disability would have been treated in similar circumstances. Indirect discrimination occurs when a person is required to comply with a particular requirement and, because of their disability, is unable to comply with the requirement, causing a disadvantage to that person.

*Fair Work Act 2009*

Under the FW Act an employer must not take adverse action against a person who is an employee, or prospective employee because of the person’s race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer’s responsibilities, pregnancy, religion, political opinion, national extraction or social origin. The FW Act also provides that modern awards must not include discriminatory terms.

The Fair Work Ombudsman promotes compliance with the FW Act through education and compliance activities. They have telephone and e-mail help lines, fact sheets and best practice guides. The Fair Work Ombudsman can also engage Fair Work Inspectors, where necessary, to take steps to enforce the FW Act through the court system.

*Work Health and Safety Act 2011*

The WHS Act aims to protect the health and safety of all workers. The main health and safety duty under the WHS Act is owned by a ‘person conducting a business or undertaking’ (PCBU). This duty requires the PCBU to ensure, so far as is reasonably practicable, the health and safety of workers engaged in work for the business or undertaking. This means that people with disability should receive the highest level of protection wherever they perform their work consistent with the protections provided to all workers.

People with disability are protected under the WHS Act where they carry out work for a PCBU, and as such are required to take reasonable care for their own health and safety and that of others, and to cooperate with the PCBU. Like any other duty holders who do not comply with their duties under the WHS Act, workers, including workers with disability, can be prosecuted. However, this should not be seen as a barrier to disabled workers. The obligations are the same for any person, including a member of the public, who visits a workplace and is required to take reasonable care for their own health and safety.

1. **Detailed information on the measures adopted to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities in the field of employment, as well as to eliminate discrimination on the basis of disability by private employers and enterprises.**

Australia is currently undertaking work to streamline the five Commonwealth anti-discrimination acts, including the DDA, into a single comprehensive law.

The key principles underlying this project are:

* a reduction in complexity and inconsistency in anti-discrimination regulation to make it easier for individuals and business to understand rights and obligations under the legislation
* no reduction in existing protections in federal anti-discrimination legislation
* clarifying and enhancing protections where appropriate and
* ensuring simple, cost-effective mechanisms for resolving complaints of discrimination.

On 22 September 2011, the Attorney-General and the Minister for Finance and Deregulation released a discussion paper to guide public consultation on the project and undertook a four month consultation process. The discussion paper raised a number of questions on the existing federal anti-discrimination framework, including a number of technical issues on the operation of the legislation. A number of disability advocacy groups were consulted on the consolidation project and made submissions. Their submissions are available at [www.ag.gov.au/antidiscrimination.](http://www.ag.gov.au/antidiscrimination)

The consultation process closed on 1 February 2012. The Government is currently considering the outcomes of that process but has not yet made final policy decisions about the content of the consolidated Act. Draft legislation will be released for public consultation later in 2012.

1. **Information on the affirmative action programmes, incentives and other measures, if any, that your country has developed to promote employment opportunities for persons with disabilities in the public and private sectors.**

The Australian Government is committed to ensuring that people with disability have access to the services they need to fully participate in all aspects of life. There are several programs and initiatives which promote employment for people with disability in both the private and public sector. These include incentives to employers through wage subsidies, and measures such as Government funded specialist Disability Employment Services (DES).

Disability Employment Services

DES is a key specialist employment service which commenced on 1 March 2010, replacing earlier disability employment services. The federal Department of Education, Employment and Workplace Relations (DEEWR), contracts with DES providers to deliver services to assist people with disability, injury or health condition to secure and maintain sustainable employment. DES providers assess the impact that a participant’s injury, disability or health condition has on their ability to find and retain a job, and work with participants to develop an individually tailored pathway to employment. DES providers support and manage the impact of a participant’s condition in the workplace, providing ongoing support in the workplace for as long as it is required. This may include providing assistance such as information, training and support for employers, staff and the job seeker. DES is uncapped, meaning that every eligible job seeker can have immediate access to services to help them get and maintain a job.

DES offers two distinct employment programs:

1. *Disability Employment Services – Disability Management Service* (DMS) provides services to job seekers with temporary or permanent disability, injury or health condition who require the assistance of a disability employment service, and who may require flexible, ongoing support but are not expected to need regular, long term support in the workplace and
2. *Disability Employment Services – Employment Support Service* (ESS) is available to those job seekers with permanent disability who are assessed as needing regular long term support in the workplace.

A range of other support services are available to employers through DES to take on and retain a person with disability. These include wage subsidies, workplace modifications, Supported Wage System (SWS), assistance with Auslan interpreting and free advice and workplace solutions for the employment of people with disability.

Further information on the DES program is available on the following website: [www.deewr.gov.au/Employment/Programs/DES/Pages/default.aspx](http://www.deewr.gov.au/Employment/Programs/DES/Pages/default.aspx).

The Australian Government has also implemented the following incentives to provide additional financial assistance to encourage employers to employ people with disability.

**Wage Subsidy Programs**

The Australian Government supports a range of wages subsidies which are designed to encourage employers to employ people with disability. The subsidies range in the financial benefit and duration of that benefit. The highest subsidies are paid in relation to job seekers with disability who have been on income support for two years or more.

**Employment Broker Projects**

In 2012-13, the Australian Government will provide up to $1 million into targeted Disability Employment Broker projects to create new job opportunities for unemployed people with disability. The projects will deliver information and training to targeted employers and industry groups to improve their knowledge of government programs and services that support employment of people with disability. The initiatives will support employers to create new jobs that are designed for people who find it difficult to access mainstream recruitment practices because of their disability.

**DES Eligible School Leavers**

The DES Eligible School Leavers initiative is open to young people with disability who access State and Territory Government transition-to-work programs before entering DES, or who access special employment assistance within 12 months of leaving school. It provides for job search assistance, provision or purchase of functional assessments and support on whole of life issues that impact on employment, interventions such as physiotherapy, psychological counselling or pain management, assistance with unpaid work experience placements.

**The Australian Apprenticeships Access Program**

The Australian Apprenticeships Access Program (Access Program) is open to vulnerable job seekers, including young people with disability. The Access Program supports people with disability to overcome the barriers they face in obtaining skilled employment and gain the necessary skills to find and keep an apprenticeship or other skilled employment or further education or training. Eligibility for the Access Program can be accessed through DES providers and is only presented as an option for those eligible young people who have already decided to leave school.

Further information on the Access Program, is available on the following website:

<http://www.deewr.gov.au/skills/programs/prevoc/aaap/pages/overview.aspx>.

JobAccess

JobAccess is an information and advice service that offers practical workplace solutions for people with disability and their employers. JobAccess includes a comprehensive, easy to use website and a free telephone information and advice service where people can access confidential, expert advice on all disability employment matters.

JobAccess includes services, programs and products ranging from psychologists, accommodation, mentoring programs and workplace mental health programs. JobAccess promotes positive images and successful examples of the employment of people with mental health conditions and disability. It also provides comprehensive information, resources and awareness training to support employers to work effectively with people with mental health conditions.

Further information on is available on the following website: [www.jobaccess.gov.au](http://www.jobaccess.gov.au).

National Disability Recruitment Coordinator

The National Disability Recruitment Coordinator (NDRC) service creates job opportunities for people with disability who are participants of DES and provides assistance to large employers (those who employ more than 100 employees), to develop disability recruitment and employment policies. The NDRC disseminates information about the employers’ job vacancies to DES providers who deliver services in the area where the jobs are located.

The objectives of the NDRC service are to:

* increase the participation of people with disability in the Australian workforce
* increase the number of job vacancies available to program providers and facilitate the recruitment of participants from DES
* promote the benefits of employing people with disability to employers, especially large employers, leading to the establishment of Memorandum or Understandings (MOUs) with targeted large employers to employ people with disability
* improve employers’ awareness of available Australian Government schemes that assist with the employment of people with disability
* support large employers through MOUs to implement and manage strategies, policies and processes for the recruitment and retention of people with disability in their workforce
* assist large employers to develop systems and processes for recruiting and maintaining the employment of people with disability
* improve the quality of participation in employment by people with disability and
* provide linkages between employers, especially large employers and program providers.

Recent changes to the Disability Support Pension

The number of hours that Disability Support Pension (DSP) recipients can work has now increased to 30 hours per week before entitlements are affected and is intended to encourage greater participation in the workforce. This change was combined with extra support for people with disability, including more employment services, generous rules for existing DSP recipients to encourage them to work more hours and support for employers to take on more people with disability through financial incentives. Through this strategy the Australian Government is improving support for Australians with disability to help them into work where possible, while continuing to provide an essential safety net for Australians who are unable to work to fully support themselves.

Public Sector

As a major Australian employer, the Commonwealth public service plays a leadership role and provides an important example of what could be achieved in hiring people with disability. The APSC launched the *As One – APS Disability employment strategy* on 14 May 2012. This strategy aims to strengthen the APS as a disability-confident employer, and improve the experience of people with disability in APS employment.

The current legal framework of the Australian Public Service (APS) is articulated through the [*Public Service Act 1999*](http://www.comlaw.gov.au/ComLaw/Management.nsf/current/bytitle/2B1A7B9F7929EE9DCA256F71000717D7?OpenDocument&VIEW=compilations) (PS Act). Section 10 of the PS Act outlines the Australian Government’s commitment to maintaining a workplace that promotes inclusion and equity and outlines the APS Values, by eliminating employment related disadvantage by providing a workplace free from discrimination and providing a reasonable opportunity for all eligible members of the community to apply for employment.

The [*Public Service Commissioner's Directions 1999*](http://www.apsc.gov.au/__data/assets/word_doc/0015/4317/directionsConsolidated.doc) state that an agency must assist people with intellectual disability to gain APS employment and allows an agency head to put in place measures to enable the employment of a person with disability where a DES provider has assessed that person as being unable to compete on merit due to his or her disability.

Private Sector

Many Australian companies have adopted policies and practices to encourage the employment of people with disability, including recruitment strategies and support for employers for working with employees with disability. The National Disability Recruitment Coordinator (NDRC) is currently working with a number of these organisations to create job opportunities for people with disability and implement disability employment policies.

Recently the Australian Chamber of Commerce and Industry (ACCI) has developed a resource aimed at its members in order to promote consideration of employing workers from a diverse background. The focus of the guide is the business case for employing people with disability. A specific resource *Employ Outside the Box: The Business Case for Employing People with Disability* guide was recently launched. The link to the report is available at <http://www.acci.asn.au/getattachment/Research-and-Publications/Publications/Employ-Outside-the-Box/A5_EOTB_DisabilityFINAL_WEB.pdf.aspx>

**Australian Disability Enterprises**

Australian Disability Enterprises are commercial businesses that provide employment for people with disability. Previously called Business Services or ‘sheltered workshops’, Disability Enterprises have a dual focus of providing employment for people with a disability and operating a commercial business. There are about 320 Disability Enterprise outlets across Australia, providing supported employment assistance to approximately 20,000 people with moderate to severe disability who need substantial ongoing support to maintain employment. Disability Enterprises are funded by the Australian Government to deliver training, assistance and support to job seekers and workers with disability.

Disability Enterprises enable people with disability to engage in a wide variety of work tasks such as graphic design, printing, metal fabrication, packaging, timber and furniture manufacture, production, recycling, screen printing, horticulture, garden maintenance and landscaping, hospitality, cleaning services, laundry services and food services. Employees of Disability Enterprises enjoy the same working conditions as those employees in the general workforce. Disability Enterprises provide a variety of work experience and training options, including nationally accredited training and traineeship programmes, courses on safety awareness, work preparation and training for vocational skill development. While Disability Enterprises can assist people with a variety of personal requirements, their aim is to provide individuals with tailored employment and life support skills to suit their needs.

**Disability Employment Assistance**

The Australian Government provides Disability Employment Assistance funding to 198 organisations to provide supported employment assistance to approximately 20,000 people with moderate to severe disability who need substantial ongoing support to maintain their employment.

1. **Information on measures your country has introduced to enable persons with disabilities to access general technical and vocational guidance programmes, placement services and vocational and continuing training. Please also indicate the steps taken to promote vocational and professional rehabilitation, job retention and return-to-work programmes for people with disabilities.**

The Australian Government is committed to ensuring that people with a disability have access to a quality education, have the support required to complete their chosen course of study and transition into employment. The response provided in question three provides a comprehensive summary of the programs, services and initiatives the Australian Government has in place to promote employment opportunities for people with disability. This response expands on the technical and vocational training and rehabilitation opportunities available to people with disability, particularly pre-vocational programs available through DES.

Disability Discrimination Act 1992

Under the DDA and the Disability Standards for Education 2005 (the Standards), a framework is provided to ensure that students with disabilities are able to access and participate in both public and private education on the same basis as other students. The Standards include provisions for enrolment, participation, curriculum and support services. Students with disabilities are entitled to these rights ‘on the same basis’ as students without disabilities. This includes the right to comparable access, services and facilities, and the right to participate in education and training without discrimination. The Standards also set out the obligations of education providers. Education providers are required to take reasonable steps to ensure that students with disabilities are provided with opportunities to realise their individual potential through their participation in education and training on the same basis as students without disabilities and that they are not subject to discrimination. Under the Standards, education providers have three main types of obligations: they must consult, make reasonable adjustments and eliminate harassment and victimisation.

The Australian Government’s National Disability Coordination Officer (NDCO) Program further compliments the DDA and the Standards by targeting the barriers that people with disability face in successfully accessing and completing post-school education, training and subsequent employment. A national network of NDCOs works within 31 specific regions across Australia to improve the coordination and delivery of support services to help make it easier to enrol or participate in post-school education, training and employment. The goals of the NDCO program are to:

* improve transitions to help people with disability move from school or the community into post-school education and training and subsequent employment
* increase participation by people with disability in higher education, vocational education and training and employment and
* establish better links between schools, universities, TAFEs, training providers and disability service providers so that they can work together to provide the best possible assistance for people with disability.

NDCOs perform a range of functions to help people with disability gain access to and successfully complete post-school education and training, and employment. NDCOs can provide practical assistance and advice to individuals with disability and their families, education and training providers, as well as employment and community support agencies.

In addition to this initiative, people with disability in employment are supported through the Disabled New Apprentice Wage Support (DNAWS) Program. This Program provides funding for employers and training providers to assist apprentices and trainees with disabilities to successfully participate in on-the-job and off-the-job training. Apprentices and trainees with disability can access training support such as tutoring, note taking or sign language interpreting.

The Australian Government also supports the engagement of people with disability in training and employment by providing significant financial support to states and territories for vocational education and training (VET) under the National Agreement for Skills and Workforce Development. State and Territory governments are responsible for the policy, operation and administration of the training systems within their jurisdictions. They provide a range of services to support people with disability to complete VET courses. This includes providing access for students with disability to pre-course counselling, reasonable adjustment through appropriate delivery and assessment, advice on modified course delivery, assistive and adaptive technologies for classroom, online and distance learning and collaborations with teaching sections to facilitate/implement inclusive teaching practices.

Disability Employment Services

As mentioned above, there are two streams in DES – DMS and ESS. The level of support an individual requires determines which program they will enter. DES providers have a specialist role in assisting people with disability, injury or health condition to secure and maintain sustainable employment by assisting with any training and rehabilitation needed to retain employment.

DES providers have the flexibility to work closely with participants to develop personalised, comprehensive services which meet their needs and fund numerous training opportunities. DES providers can access a range of other Australian Government assistance for eligible participants. Those complementary programs accessible for participants in DES include, but are not limited to:

* Language, Literacy and Numeracy Program
* Productivity Places program
* Basic IT Enabling Skills for Older Workers and
* Indigenous Employment Program.

All services provided to participants are delivered within a framework that recognises and is sensitive to all factors relevant to the individual; for example type and nature of disability, caring responsibilities, age, cultural and linguistic diversity, skills and experience. DMS and ESS providers link the participant to training and development activities that meet the skills and labour needs of employers and assist the participant to obtain sustainable employment.

Job in Jeopardy

Job in Jeopardy assistance is available to provide immediate support to help employees who are likely to lose their job as a result of their disability, illness or injury.

Transition-to-work

Each Australian state or territory has their own transition-to-work program initiatives for people with disabilities. These programs are in place to ensure the transition from school to employment is as smooth as possible. They include:

* Transition to Work (NSW )
* Transition to Employment (Victoria)
* My Future: My Life (Queensland)
* Schools out 4 ever (Western Australia)
* Pathways Coordination Program (South Australia)
* Supporting Individual Pathways (Tasmania)
* Transition from School (Northern Territory)

In some instances, these programs are coordinated with the opportunities offered by DES, such as the Eligible School Leaver program.

As part of the transition-to-work programs people with disability receive mentoring, training, coaching and individual leadership development opportunities to suit their personal needs over a period between 12-24 months.

Apprenticeships

The Access Program is open to vulnerable job seekers, including young people with disability. Provides vulnerable job seekers who experience barriers to entering skilled employment with nationally recognised pre-vocational training, support and assistance

The Access Program includes a minimum of 150 hours of nationally recognised, accredited pre-vocational training linked to an Australian Apprenticeship pathway. Following the training period, participants receive individualised intensive job search assistance for up to 13 weeks. Participants who gain an apprenticeship or other employment or commence in further education or training, along with their employers, receive at least 13 weeks of post-placement support.

Compensation Schemes

There are compensation schemes at both the federal and state level which assist in the return-to-work of injured employees. They work in partnership with employees and employers to reduce the human and financial costs of workplace injuries (long and short term), disability and disease. They include:

* Federal – Comcare:

<http://www.comcare.gov.au/home>.

* NSW – Work Cover Authority of NSW:

<http://www.workcover.nsw.gov.au/Pages/default.aspx>.

* Victoria – WorkSafe Victoria: <http://www.worksafe.vic.gov.au/wps/wcm/connect/wsinternet/WorkSafe/Home/>.
* Queensland – Q-COMP:

<http://www.qcomp.com.au/>.

* Western Australia – WorkCover WA:

<http://www.workcover.wa.gov.au/Default.htm>.

* South Australia – WorkCover SA:

<http://www.workcover.com/>.

* Tasmania – Workplace Standards Tasmania: <http://www.wst.tas.gov.au/employment_info/workerscompensation/>.
* Northern Territory: NTWorkSafe:

 <http://www.worksafe.nt.gov.au/home.aspx>.

1. **Detailed information on the measures your country has adopted to promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one’s own business.**

New Enterprise Incentive Scheme

The New Enterprise Incentive Scheme (NEIS) provides assistance to eligible job seekers who are interested in starting and running a small business, through accredited small business training, business advice and mentoring, as well as ongoing income support for up to 52 weeks. NEIS is one of the Australian Government’s longest running employment activities, and has helped more than 126,000 unemployed people to start and operate a wide range of new small businesses around Australia.

Further information on NEIS, is available at the following website: <http://www.deewr.gov.au/Employment/JSA/EmploymentServices/Pages/NEIS.aspx>.

Social Enterprise Development Investment Fund

The Australian Government provided $20 million in grant funding for the establishment of the Social Enterprise Development and Investment Fund (SEDIF). The SEDIF initiative is designed to improve access to finance and business support for social enterprises. Selected funds managers received seed capital from the Australian Government which has been leveraged at least dollar for dollar with private investment to create funds that provide loans to and equity investments in social enterprises.

Social enterprises are business models which combine market trading with a social or environmental purpose. While the sector includes a broad range of organisations with diverse social missions, a subset provides employment and other opportunities for people with a disability. The SEDIF initiative helps such organisations to grow their business, become more financially stable and less dependent on grant funding which allows them to increase the impact of their work with people with disability.

Further information on SEDIF, is available at the following website:

<http://www.deewr.gov.au/Employment/Programs/SocialInnovation/SocialEnterprise/Pages/SEDIF.aspx>.

1. **Information on the measures adopted by your country to ensure that reasonable accommodation is provided to persons with disabilities in order to facilitate access to or continuance of employment.**

Please note that for the purpose of this response, the term reasonable adjustment will be used in place of reasonable accommodation.

There are number of measures adopted by the Australian Government which ensure that reasonable adjustment is provided to persons with disabilities in order to facilitate access to or continuance of employment. There are both legislative and program measures in place.

*Disability Discrimination Act 1992*

For many people with disabilities, a major barrier to equal opportunity, equal participation or equal performance at work is some feature of the work situation which could readily be altered. The removal of discrimination, as required by the DDA, requires removing this kind of barrier, by making changes to ensure equal opportunity for people with a disability.

The Australian Human Rights Commission provides comprehensive guidance on the application of the DDA and reasonable adjustment. The obligation to make reasonable adjustment not only applies to employees and applicants for employment, but extends to economic relationships covered by the DDA, including contract workers, commission agents and partnerships. The requirement to make reasonable adjustment under the DDA applies whether a person's disability was pre-existing or was caused at work and whether it is temporary or permanent.

Further information on reasonable adjustment, is available at the following website:

<http://www.hreoc.gov.au/disability_rights/faq/employment/employment_faq_1.html#adjustment>.

Employee Assistance Fund

The Employee Assistance Fund (EAF) helps people with disability and mental health conditions by providing financial assistance to purchase a range of work related modifications and services for people who are about to start a job or who are currently working, as well as those who require assistance to find and prepare for work.

Work related services and modifications available through the EAF include, but are not limited to, the cost of modifications that may be needed to a workplace, modification to work vehicles and equipment, the purchase of special work equipment, Auslan interpreting services and specialised assistance for people with mental illness and specific learning disability.

Further information on the Employee Assistance Fund, is available at the following website: <http://jobaccess.gov.au/Services/A-Z_list/Pages/EmploymentAssistanceFund.aspx>.

**Supported Accommodation Innovation Fund**

The Australian Government supports the principle that all people with disability should have the same choices and opportunities in their lives as the broader community. The Government recognised that there was a strong demand for supported accommodation for people with disability and allocated $60 million over three years to establish the Supported Accommodation Innovation Fund (SAIF) to build innovative, community-based supported accommodation places for people with disability. This new funding is in addition to $7.6 billion in funding to state and territory governments under the National Disability Agreement between 1 January 2009 and 30 June 2015 for increased and improved specialist disability services, including supported accommodation services.

Under this new initiative, funding is supporting the creation of more than 150 new supported accommodation or respite places. SAIF recognises that there are many different models for the delivery of these services. Models may include shared or individual arrangements or a mixture of various levels and types of support services as well as other particular features to suit the needs of individuals. As people with disability are all unique, no one model will suit all individuals. Therefore a tailored approach is necessary.

SAIF projects will incorporate smart accessible design and must aim to meet platinum level of the Livable Housing Design Guidelines, the highest rating achievable. Project designs will be assessed by qualified experts who will measure performance against the 16 design elements described in the Guidelines. By including user-friendly design features, the housing delivered under SAIF will seek to enhance the quality of life for all occupants and enable them to live more independently in their own home.

Work-based Personal Assistance

DES providers have access to financial help to reimburse costs for job seekers with disability who, due to their physical or neurological disability or medical condition, require regular assistance at work from either:

* specially trained personnel, either employed by the DES provider or from another agency, who provide personal assistance with feeding on personal hygiene.
* a Registered Nurse to administer medical interventions.

The financial help assists with covering the cost of providing or purchasing this specialised support for job seekers who need such assistance in the workplace and can be accessed as soon as the job seeker commences employment and for as long as the job seeker is employed and are receiving this personal assistance.

1. **Information on measures your country has to protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances.**

See response to question one.

1. **Detailed information on the poverty reduction measures, social security and income-maintenance schemes that your country has developed to provide adequate income support to persons with disabilities who, owing to disability or disability-related factors, have lost or received a reduction in their income from employment (including self-employment) or have been denied employment opportunities.**

The Australian Government’s social security system is designed to provide support to people with disability who have lost or received a reduction in their income from employment or have been denied employment opportunities.

**Disability Support Pension**

The Australian Government is committed to maintaining a sustainable and adequate safety net for people with disability who are unable to fully support themselves. The Disability Support Pension (DSP) provides financial support to people who have a physical, intellectual, or psychiatric condition that stops them from working.

To be eligible for DSP, a person must have a permanent physical, intellectual or psychiatric impairment. The person must also be unable to do any work of at least 15 hours a week at or above the relevant minimum wage, or be re-skilled for any work, for at least the next two years.

The Australian Government recognises the barriers that many people with disability face when trying to find and keep work. The Australian Government is improving support for Australians with disability to help them into work where possible, while continuing to provide an essential safety net for people who are unable to fully support themselves. Working helps boost people’s self-esteem, improves social contact, provides more income and leads to improved health and financial security. The Australian Government is committed to ensuring people with disability can access these opportunities wherever they are able.

1. **Information on efforts that your country has undertaken to ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others.**

See response to question one.

In addition, under the Fair Work Act, all Australian employees are free to choose to be or not to be a union member along with the choice of whether or not they wish to participate in collective activities.

Under the general protections provisions of the FW Act, it is unlawful for a person to take adverse action, such as dismissal or refusing to employ or demoting a person, because that person is or is not a union member, or engages or does not engage in lawful industrial activity. In addition, it is prohibited to take adverse action against employees exercising a workplace right or acting as a representative of employees in the workplace. These protections extend to all employees in the national workplace relations system.

In addition, employees who are not national system employees continue to be protected from dismissal for reasons including union membership or non-union membership and participation in union activities under Part 6-4 of the FW Act. These protections are not subject to any exemptions or qualifying periods.

All Australian employees continue to be protected against unlawful termination, for example, dismissal on the grounds of union membership.

Under the FW Act, it is unlawful for anyone to try to stop a working person (whether by threat, pressure, discrimination, victimisation or termination) from exercising their free choice to join and be represented by a union, or participate in collective activities. Employees can seek remedy from the Act if they believe they have been coerced into exercising or not exercising their workplace rights, including to bargain collectively.

1. **Information on the measures adopted by your country to closely consult with and actively involve persons with disabilities and their representative organisations in the development, implementation and monitoring of legislation and policies to promote and protect access to employment opportunities for persons with disabilities.**

Across Australian Government departments there are a range of advisory groups with broad representation from disability consumer and carer groups that provide advice on the establishment, implementation and evaluation of programs that assist people with disability.

There are several national disability peak organisations that are funded by the Australian Government. They organisations contribute to government policies about disability issues affecting Australian families and communities, carry information between government and the community on social policy issues and represent constituent views. Some of the peak organisations include:

**National disability organisations**

The Australian Government funds 13 national disability organisations to contribute to the development of public policy and legislation. National disability organisations provide advice to government on how policies and programs, including those related to employment, impact on the lives and experiences of people with disability, carers and service providers. The organisations also carry information between government and the community on social policy issues.

Further information, including a complete list of Australian Government funded disability peak organisations, is available at the following website:

<http://www.fahcsia.gov.au/our-responsibilities/disability-and-carers/program-services/consultation-and-advocacy/national-disability-peak-bodies>.

National People with Disabilities and Carers Council

The National People with Disabilities and Carer Council (the Council), is a peak advice mechanism with 29 members, who represent a diverse range of backgrounds and experience.  It includes people with disability and their families, carers, industry and union representatives and academics. The formation of this Council creates a single advisory body on the inter-related issues of disability and caring relationship.

The Council:

* provides advice and information to the Australian Government on issues affecting people with disability, their families and carers in Australia;
* provides advice and information to the Australian Government on the implementation of the National Disability Strategy and the National Carer Strategy;
* consults and provides input to the design and development of key reforms to improve services and access to services for people with disability; and
* provides advice on specific matters referred to it by the Australian Government.

Further information on the Council, is available at the following website: <http://www.fahcsia.gov.au/our-responsibilities/disability-and-carers/program-services/consultation-and-advocacy/national-people-with-disabilities-and-carer-council>.

DES Reference Group

The DES Reference Group provides strategic advice to the Australian Government on the future of DES, including future service arrangements, performance, contracts and industry development. The advice of the Reference Group is a key part of forming sound, evidence-based policy for the future of DES.

The Reference Group comprises members who represent a broad range of stakeholders, including disability employment services peak industry organisations, providers, consumers, employers, unions, academia and government departments. The Reference Group meet at least three times a year.

1. **Recent statistical data on the number of persons with disabilities employed in the public sector, disaggregated on the basis of age, sex and type of disability.**

Accurate diversity profiling in the public sector workforce depends on two key factors: promoting self-identification by employees of their diversity status and maximising the size of the sample from which diversity information is collected. As such, data collection on people with disability relies on self-disclosure, and it is possible that the figures provided are understated.

Australian Public Service

In the APS, 2.9 per cent of employees currently identify themselves as having disability in official agency databases (which equates to almost 4500 ongoing APS employees). The available data is not disaggregated on the basis of age, sex, and type of disability.

The Australian Public Service Commission acknowledges these numbers are likely to be an underestimate as the proportion of employees who identify themselves as having disability has been declining since 1999 and does not reflect the proportion of people with disability in the wider community.

1. **Is your country involved in international cooperation programmes related to the promotion of work and employment opportunities for persons with disabilities? Please describe the ways the programmes are inclusive of and accessible to persons with disabilities.**

International Programmes

The Australian Government recognises that to meet our obligations under the Convention on the Rights of Persons with Disability and achieve the Millennium Development Goals, it is essential that international cooperation not only reaches people with disability but also empowers them to play an active role in development processes. In July 2011, enhancing the lives of people with disability was highlighted as one of 10 development objectives in Australia’s aid policy, [An Effective Aid Program for Australia](http://www.ausaid.gov.au/makediff/Pages/aid-policy.aspx)*.* This demonstrates the Government’s strong commitment to disability-inclusive development.

Including people with disability is a priority for Australia’s aid program, with key programs, strategies and initiatives listed below.

**East Timor Roads for Development Program**

AusAID’s Roads for Development program is a four year program supporting labour based rehabilitation and maintenance of rural roads in Timor-Leste. The design process for the Roads for Development program aspired to best practice incorporation of social safeguards. The design team recognised that maximising the benefits of the program required attention to the transport needs of people with disability, as well as providing equal opportunities for participation in the employment generated by labour-based works. As a result, the program will include activities that promote the participation of people with disability in the workforce for road works. A realistic and staged approach will be taken, initially targeting particular road sub-projects and contractors through appropriate contract clauses and training. Disabled Peoples’ Organisations will be consulted throughout implementation of the program.

**Cambodian Disabled People’s Organisation**

AusAID support to the Cambodian Disabled People’s Organisation has contributed towards their monitoring and advocacy efforts on the employment of people with disability. This includes the development of a position paper on the implementation of the employment articles of National Law on the Protection and Promotion on the Rights of Persons with Disabilities (forthcoming), as well as on skills training for people with disability in the agricultural sector (completed and available at <http://www.cdpo.org/download/position-paper/Position-Paper-Eng-Dec-2011.pdf>).

**Supporting the Royal Government of Cambodia to develop laws**

Cambodia is a focus country for the implementation of AusAID’s Development for All strategy. As part of our support for Cambodia’s efforts towards disability inclusive development, Australia is assisting the government to develop and implement disability rights legislation which specifically references employment of persons with disabilities (including reasonable adjustment).

**Supporting reasonable adjustment measures**

To ensure that people with disability play an active and central role in Cambodia’s efforts towards disability inclusive development, AusAID has provided funding support for reasonable adjustment to enable the Disability Action Council to recruit a staff member with disability into the organisation.

**ASEAN Disability Forum**

AusAID supports the ASEAN Disability Forum meeting to discuss employment of people with disabilities. Aligned with the priorities of AusAID’s Development for All strategy, Australia plays a role in supporting leadership of people with disability. In the Asian region, we engage with a range of regional mechanisms including ASEAN. Through our partnership agreement with the Cambodia Disabled Peoples Organisation, we support CDPO’s efforts to mainstream disability issues into the ASEAN Community. With our funding support CDPO, in partnership with DPI/AP, was recently able to conduct a meeting of the ASEAN Disability Forum, which took place in Phnom Penh in March 2012. This meeting included a session on employment, looking at Cambodian legislation as an example.

**The Pacific Islands Forum Secretariat advocacy on ILO Convention 159**

Advocating for the signing and ratification of the International Labour Organisation Convention 159 (ILO 159) is a key area of action for the Pacific Islands Forum Secretariat under their partnership with AusAID to implement the Pacific Regional Strategy on Disability. In 2012 this has included continued support for disability policy development (FSM, Kiribati, Niue, Tonga, Tuvalu); disability policy reviews (Solomon Islands, PNG); ratification, implementation and reporting on UN Conventions (CRPD and ILO 159 on decent work); and legislative reviews (Samoa, Solomon Islands and PNG).

**The Australia-Pacific Technical College (APTC)**

APTC is committed to enhancing vocational training opportunities for students with disability across the Pacific.The Australia-Pacific Technical College is committed to providing equitable opportunities for people with disability to access vocational training programs within an inclusive environment. Focusing on student’s abilities, the APTC has developed and strengthened the skills of people with disability to access better employment opportunities through a variety of courses tailored to maximise individual’s learning outcomes. Women with disability are particularly encouraged to learn a trade and improve their employment prospects. This initiative provides people with disability across the Pacific with access to the skills needed to enhance their future employment opportunities as part of a more competitive regional workforce. In total 18 students with disability from across the Pacific have enrolled in APTC courses (with 10 graduates as at 2012).

The APTC’s dedication to inclusive education for students with disability is an example of how mainstream development initiatives can be implemented to further enhance opportunities accessible to people with disability. Importantly, the APTC translates their Access and Equity policy into action, allocating 10 per cent of their budget to ensuring buildings are accessible and AUD$100,000 per annum for reasonable adjustments to support students with disability. Prioritising the inclusion of people with disability in mainstream vocational initiatives ensures access to the skills needed to enhance their future employment opportunities, and positions people with disability as economically productive contributors to their communities.

**Pacific Disability Forum**

As the regional peak body for Pacific Disabled Persons Organisation, the Pacific Disability Forum’s leadership in strengthening the capacity and voice of Pacific Islanders with disability at national, regional and international levels has supported PIFS advocacy on the UN and ILO Conventions. PDF also employs people with disability. Six youth from across the Pacific to participate in an inaugural internship program aimed to equip young leaders with disability with the skills to run a DPO. This internship provides opportunities for young leaders with disability across the Pacific to develop their skills and experiences and promote options for future employment.

**Australia Awards**

Australia Awards encourage opportunities for people with disability to access scholarships assistance.Increasing numbers of people with disability are accessing Australia Awards. The 2011 Australian Development Scholarships promotional and application process strategies that targeted people with disability generated greater interest than in previous years. A total of 19 applicants self-identified as having disability and satisfied the initial eligibility and compliance checks. Of these, four (two female and two male) were selected for the 2012 intake for studying in national development priority areas of education, social science, law and health.

**Australian Development Research Awards**

Australian Development Research Awards (ADRA): Travelling together – Inclusive Roads research project employs and builds capacity of people with disability as researchers.*Travelling Together: Disability Inclusive Road Development in Papua New Guinea* is a three year (May 2010 - April 2013) research project funded by AusAID, under the Australian Development Research Awards (ADRA) program. The project examines access to road infrastructure in Papua New Guinea by people with disability. A key principle of the project is that people with disability are partners in the research and that they participate fully in every phase of the project. In each of five locations, one male and one female data collector were recruited (10 data collectors in total). All of the data collectors were people with disability who lived in the location under study. The data collectors participated in two weeks of training to build their capacity and skills in the implementation of research tools. While not only providing short term employment, this project prioritised building the skills and capacity of people with disability to engage in future research and employment opportunities.

**Marist Champagnat Institute**

 The Marist Champagnat Institute in Fiji has been supporting access to vocational education for students with disability, with assistance through AusAID’s Access to Quality Education initiative and specialist volunteers from the Australian Volunteers for International Development program. The Suva based secondary school is the only school in Fiji that specialises in teaching vocational and mainstream curriculum to young people with disability and learning difficulties. Students of all abilities learn side by side, with smaller class sizes enabling students to achieve their learning outcomes in a more supportive environment.