

Women With Disabilities Australia (WWDA)



WWDA Final Report to the Department of Social Services (DSS)

Disability Employment Services (DES) Consumer Engagement Project

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Final Report for the Disability Employment Services (DES) Consumer Engagement Project

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Winner, National Human Rights Award 2001
Winner, National Violence Prevention Award 1999
Winner, Tasmanian Women's Safety Award 2008
Certificate of Merit, Australian Crime & Violence Prevention Awards 2008
Nominee, French Republic's Human Rights Prize 2003
Nominee, UN Millennium Peace Prize for Women 2000

Women With Disabilities Australia (WWDA) is the peak non-government organisation (NGO) for women with all types of disabilities in Australia. WWDA is run by women with disabilities, for women with disabilities, and represents more than 2 million disabled women in Australia. WWDA's work is grounded in a rights based framework which links gender and disability issues to a full range of civil, political, economic, social and cultural rights. Promoting the reproductive rights of women and girls with disabilities, along with promoting their rights to freedom from violence and exploitation, and to freedom from torture or cruel, inhuman or degrading treatment are key policy priorities of WWDA.

WWDA's human rights based approach recognises that the international human rights normative framework, including the international human rights treaties and their optional protocols, and the general comments and recommendations adopted by the bodies monitoring their implementation, provide the framework to delineate the respective obligations and responsibilities of governments and other duty-bearers in relation to the human rights of women and girls with disabilities. It is this framework that WWDA utilises to promote and indeed demand, accountability from Governments and other duty bearers in relation to recognising and addressing the violations of human rights and fundamental freedoms experienced by women and girls with disabilities.

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“If women with disabilities do not have access to transport, safe accommodation, meaningful work, freedom from violence and abuse, access to education and information - we will continue to be dependent on community services and government payments. We will continue to experience ourselves as living on the edge of our society, as being of less worth than other human beings - and our society will continue to have that perception of us.”¹

¹ Communication to WWDA.

Background

In July 2013, the then Minister for Employment Participation, Hon Kate Ellis, advised Women With Disabilities Australia (WWDA) that the Australian Government would be providing \$41,000 to a number of national disability organisations, including WWDA, to assist in improving the delivery of Disability Employment Services (DES). The specific purpose of the one of funding grant is to lift consumer engagement and knowledge of the DES program, facilitate provision of consumer advice to the Government about the needs of women with disabilities in the context of the DES, and look at ways to improve future disability employment services. The Australian Government further indicated that a major focus of the funding is to enable the Government:

'to hear about issues affecting the client group your organisation represents in order to improve DES,' in order to 'better assist this group to effectively access information on DES and to hear how we could improve program performance.'

The project commenced early in the 2013/14 financial year and was completed by 30 June 2014. WWDA's obligations in accepting the one off funding grant included:

- a consumer engagement strategy to be provided no later than 1 September 2013;
- a mid-term progress report to be provided by 1 February 2014;
- a statement or declaration that funds made available under the project were expended for the project, by 31 July 2014.

Regardless of the substantive issue, gaining public recognition of the human rights and fundamental freedoms of women with disabilities, and the violations of these rights and freedoms, is always high on WWDA's agenda. This includes undertaking systemic advocacy in an effort to reform and shape legislation, policies and programs to be more inclusive of the human rights of women and girls with disabilities. WWDA is particularly committed to working to achieve long-term sustainable systemic change – identifying and raising awareness of the human rights violations of women with disabilities, and advocating for structural reforms so that women with disabilities are able to realise their rights and freedoms on an equal basis as others.

The *WWDA Disability Employment Services (DES) Consumer Engagement Project* was undertaken in two phases, and consisted of five major project elements:

1. Development of a detailed *Disability Employment Services Consumer Engagement Strategy*;
2. Establishment and development and of effective participation, engagement and consultation mechanisms including the re-development of WWDA's Website to encompass a dedicated information portal on Employment Programs for People With Disabilities;

3. Representation at, and participation in two National Disability Employment Services (DES) Consumer Engagement Forums;
4. Systemic Advocacy Initiatives, including departmental and ministerial briefings regarding violence and abuse of women with disabilities in both open and supported employment;
5. Consultation and Engagement Forums with Women with Disabilities.

The first phase of the *WWDA DES Consumer Engagement Project* focused on the first four key Project elements. A detailed report on work undertaken in the first phase of the Project is provided in WWDA's Mid-Term Project Progress Report, which was published in February 2014 and which provides substantial information on the first phase of the Project. The Report '*Women With Disabilities Australia: Mid Term Progress Report for the Disability Employment Services (DES) Consumer Engagement Project' (February 2014)*' is available in both PDF and Word formats on WWDA's website at: <http://wwda.org.au/issues/employment/employm2011/>

WWDA's *Mid Term Progress Report* not only provides information on specific activities and deliverables of the Project (up to the end of January 2014), but highlights a range of key systemic advocacy and public policy themes that WWDA identified during the first phase of the Project. The Report includes information on systemic advocacy initiatives undertaken by WWDA in response to those issues and themes identified.

The second phase of WWDA's *Disability Employment Services (DES) Consumer Engagement Project* specifically concentrated on consulting and engaging with women with disabilities regarding their access to and experience of, disability employment services in Australia. Women With Disabilities Australia (WWDA) collaborated with its affiliate networks of women with disabilities in Western Australia, South Australia, the Australian Capital Territory and Queensland, to conduct focus group forums for women with disabilities in each of these localities.

The main objectives of the Forums were to:

- Identify issues affecting women with disabilities in relation to their access to, and use of, Disability Employment Services (DES);
- Identify ways that future Disability Employment Services can be improved to better meet the needs of women with disabilities;
- Provide information to women with disabilities about the DES Program; and,
- Identify any other issues that impact on women with disabilities seeking, finding and maintaining employment.

This Report is provided from WWDA to the Department of Social Services (DSS) to report on the work undertaken on the WWDA's *Disability Employment Services (DES) Consumer Engagement Project* for

the period February 2014 – 30 June 2014. This Report compiles the four detailed reports from the Forums held with women with disabilities in Western Australia, South Australia, the Australian Capital Territory and Queensland. This Report complements and builds on WWDA's *Mid Term Progress Report for the Disability Employment Services (DES) Consumer Engagement Project* (February 2014).

The Context

Australian Governments have committed, internationally and domestically, to enshrine gender equality into legislative and policy frameworks, and implement parallel strategies in order to promote gender equality and denounce discrimination against women. In recognition of the fact that women with disabilities face multiple discriminations and human rights violations and are often profoundly more disadvantaged than disabled men, Australia has agreed to take all appropriate measures, including focused, gender-specific measures to ensure that women and girls with disabilities experience full and effective enjoyment of their human rights. The need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities is expressly stated in the United Nations *Convention on the Rights of Persons with Disabilities (CRPD)*, to which Australia is a party.

In addition to the CRPD, Australia is a party to seven core international human rights treaties, all of which create obligations to address discrimination against women, including women with disabilities. WWDA's work, grounded in a rights based framework which links gender and disability issues to a full range of civil, political, economic, social and cultural rights, reflects and emphasises Australia's obligations to these international human rights treaties in the context of gender and disability.

It is widely recognised that women with disabilities in Australia are significantly disadvantaged in employment in relation to access to jobs, in regard to remuneration for the work they perform, and in the types of jobs they gain. Working-age women with disabilities who are in the labour force are half as likely to find full-time employment (20%) as men with disabilities (42%); twice as likely to be in part-time employment (24%) as men with disabilities (12%); and regardless of full-time or part-time status, are likely to be in lower paid jobs than men with disabilities.²

A 2004 *Senate Inquiry into Poverty and Financial Hardship* concluded that women with disabilities are also affected by the lower wages paid to women relative to men and are more likely to be in casual jobs with little job security.³

In 2009 the Parliament of the Commonwealth of Australia undertook a national Inquiry into Pay Equity and associated issues relating to female participation in the workforce. The Report of the Inquiry '*Making It Fair*'⁴ recommended, amongst other things that:

² Australian Bureau of Statistics, 'Labour Force Characteristics of People with a Disability' in *Year Book Australia* (2006); Sue Salthouse, 'Jumping Through Hoops — Welfare and Industrial Relations Reform Implications for Women with Disabilities' (Paper presented at the What Women Want Workshop — A Workshop on the Effect of the Federal Government's Recent Policy Changes on Women of Working Age, Canberra, 12 July 2005) www.wwda.org.au/w2wjuly05.htm.

³ In '*Disability Rights Now*' Civil Society Report to the United Nations Committee on the Rights of Persons with Disabilities; August 2012.

⁴ Commonwealth of Australia (2009) *Making it Fair: Pay equity and associated issues related to increasing female participation in the workforce*. Report of the House of Representatives Standing Committee on Employment and Workplace Relations. Accessed online December 2012 at: http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=ewr/payequity/report.htm

'the Government as a matter of priority collect relevant information on workforce participation of women with disabilities to provide a basis for pay equity analysis and inform future policy direction.'

This recommendation has never been enacted.

Successive Australian Governments have recognised that there is a significant gender gap in support and assistance for people with disabilities, with disabled women's access to disability support services substantially less than disabled men's access, across all age groups.⁵ In so doing, Governments have acknowledged that this gender gap in support and assistance often perpetuates other inequalities in everyday life experienced by many Australian disabled women, including for example, their access to, and experiences of, the paid workforce.

In 2010, the United Nations *Committee on the Elimination of Discrimination against Women* (CEDAW), in its country review of Australia, expressed concern at the continued disadvantage experienced by women with disabilities with regard to educational and employment opportunities; including the limited access to job opportunities for disabled women.⁶ The CEDAW Committee had identified this as a major issue of concern in its 2006 review of Australia, but the Australian Government did not act upon these concerns and/or implement the relevant recommendations from the Committee.⁷ In 2010, the CEDAW Committee once more re-iterated that the measures taken by the Australian Government to enhance the participation of women with disabilities in public life, including their access to employment opportunities, remains inadequate. The Committee recommended that the Australian Government undertake a comprehensive assessment of the situation of women with disabilities in Australia; adopt urgent measures to ensure that women with disabilities are better represented in decision-making and leadership positions; and employ special measures with clear time frames, to ensure the equal participation and representation of women with disabilities in public and political life.⁸

These recommendations are yet to be taken up by Australian Governments.

In October 2013, the *Committee on the Rights of Persons with Disabilities* in its Concluding Observations following its Review of Australia's compliance with the *Convention on the Rights of Persons with Disabilities* (CRPD), recommended that the Australian Government:

⁵ Australian Government (2013) *Women's Budget Highlights 2013-14*. Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), Canberra.

⁶ The Committee further expressed its concern at the slow progress in ensuring the equal participation of women with disabilities in leadership and decision-making positions, in public and political life as well as their equal access to education, employment and health.

⁷ UN Committee on the Elimination of Discrimination against Women, *Concluding comments of the Committee on the Elimination of Discrimination against Women: Australia*, 3 February 2006, CEDAW/C/AUL/CO/5.

⁸ Committee on the Elimination of Discrimination against Women (2010) *Concluding observations of the Committee on the Elimination of Discrimination against Women: Australia*. CEDAW Forty-sixth session, 12 – 30 July 2010.

'adopt initiatives to increase employment participation of women with disabilities by addressing the specific underlying structural barriers to their workforce participation'.⁹

The CRPD Committee further expressed its 'regret' at the low level of disaggregated data collected and publically reported on persons with disabilities, particularly the lack of data about the specific situation of women and girls with disabilities. The Committee recommended that the Australian Government develop nationally consistent measures for data collection and public reporting of disaggregated data across the full range of obligations contained in the Convention, and that all data be disaggregated by age, gender, type of disability, place of residence and cultural background. The CRPD Committee further recommended that the Australian Government:

'commissions and funds a comprehensive assessment of the situation of girls and women with disability, in order to establish a baseline of disaggregated data against which future progress towards the Convention can be measured.'¹⁰

In giving the Australian Government's Closing Statement to the CRPD Committee as part of Australia's Review, Mr Peter Woolcott (Australian Ambassador, Permanent Mission to the United Nations) said:

'We recognise that women, children and Indigenous Australians with disabilities may face multiple intersecting disadvantage. The Australian Government is taking steps to ensure the specific needs of these vulnerable groups are considered during the development and implementation of relevant policies and programs....'¹¹

Despite the concerns expressed by the United Nations treaty monitoring bodies regarding the continued disadvantage experienced by women with disabilities in Australia with regard to employment, successive Australian governments have failed to implement the treaty monitoring bodies recommendations in this area. There is also no evidence to indicate that the Australian Government is taking 'steps' to increase employment participation of women with disabilities. In practice, this means that women with disabilities in Australia continue to experience marginalisation, exclusion from, and discrimination in the Australian labour market – a situation that has remained unchanged for more than two decades.¹²

⁹ Committee on the Rights of Persons with Disabilities (2013) *Concluding observations on the initial report of Australia, adopted by the Committee at its tenth session* (2-13 September 2013); UN Doc. CRPD/C/AUS/CO/1; Available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FAUS%2FCO%2F1&Lang=en

¹⁰ Ibid.

¹¹ Frohmader, C. (2013) *Report from the United Nations Committee on the Rights of Persons with Disabilities (CRPD) 10th Session - Review of Australia, Geneva, 2-13 September 2013*. Available at: http://www.wwda.org.au/WWDA_CRPD_Review_Australia_ReportOct13.pdf

¹² UN Committee on the Elimination of Discrimination against Women, *Concluding comments of the Committee on the Elimination of Discrimination against Women: Australia*, 3 February 2006, CEDAW/C/AUL/CO/5.

Attached Reports from the Consultation and Engagement Forums with Women with Disabilities

Four separate Reports accompany this document. These Reports have been retained as stand-alone reports to enable networks and groups of women with disabilities, and other key stakeholders, to use the reports within their own jurisdictions to advance the human rights of women with disabilities in relation to employment.

The Reports accompanying this document, and which make up WWDA's Final Report to the Australian Department of Social Services (DSS) for the *Disability Employment Services (DES) Consumer Engagement Project* are:

Report One: Queensland Disability Employment Services Forum for Women With Disabilities – hosted by Women With Disabilities Australia and Queenslanders With Disability Women's Network

Report Two: South Australia Disability Employment Services Forum for Women With Disabilities – hosted by Women With Disabilities South Australia (WWDSA)

Report Three: Western Australia Disability Employment Services Forum for Women With Disabilities – hosted by Women With Disabilities Western Australia (WWDWA)

Report Four: Australian Capital Territory (ACT) Disability Employment Services Forum for Women With Disabilities - hosted by Women With Disabilities ACT (WWDACT)