



Women With Disabilities Australia (WWDA)



**Submission to the Australian Senate Community Affairs
Legislation Committee on the Employment and
Workplace Relations Legislation Amendment (Welfare
to Work and other Measures) Bill 2005 and the Family
and Community Services Legislation Amendment
(Welfare to Work) Bill 2005**

November 2005

Summary of Essential Changes Required

- 1. The government amend the legislation to enable people on Newstart Allowance (NSA) to take up meaningful education courses on NSA.**
- 2. The Government acknowledge the disparity between the Job Network rewards and the workers' penalties, and take steps to adjust the NSA conditions so that the high Effective Marginal Tax Rates (EMTRs) are addressed, the withdrawal of welfare supports is reviewed, and the rate of recovery of Centrelink debt is reduced.**
- 3. The commuting distance to and from work for all women with disabilities, irrespective of where they live, be reviewed and reduced to no more than 20 km.**
- 4. The commuting distance for women with disabilities reliant on taxi for commuting to and from work be further reviewed and adjusted to take into account the high cost of commuting this way.**
- 5. In relation to women with disabilities, the NSA asset test eligibility criteria be abolished, and replaced with the criteria applicable to women with disabilities on the DSP.**
- 6. The income free areas and tax free areas, and indexation rules for women with disabilities on NSA be brought into line with those that apply to the DSP.**
- 7. Women with disabilities are not placed on NSA until they meet the 15+ hours of work eligibility criteria.**
- 8. The compliance system be reviewed to make it less punitive, and a genuine incentive system be put in place. Pro-active employment initiatives which will specifically assist women with disabilities be put in place in order to achieve participation rates equal AT LEAST to those of men with disabilities and/or able-bodied women.**
- 9. Guidelines are put in place which enable Job Network and DOES personnel to interpret the Mutual Obligation requirements for women with disabilities, so that they only be sent to job interviews for jobs which will meet their disability restrictions.**
- 10. Women with disabilities remain on AT LEAST the base rate of the NSA whilst any inquiry into the reason for not accepting or leaving a job is investigated by an arbitrator independent of the Employment Agency involved, and of the Employer.**
- 11. A mechanism for review be put in place which enables comparison of the changes in employment and financial position of disabled women and men and their able-bodied counterparts. Any Review mechanism must include a process which enables any amendments of the legislation to occur quickly and responsively.**

- 12. The Welfare to Work legislations be amended to allow appropriate allocation of resources for funding the networking of women with disabilities in employment (and seeking employment), whether on NSA or DSP or other forms of income.**
- 13. Monitoring of the uptake of Workplace Support and Workplace Adjustment allocations, plus review of the adequacy of the Employer website as a tool for employers, be included in a regular review process.**
- 14. WWDA recommends that both Bills be rejected, and that new legislation be drawn up which will achieve the Government's stated objectives.**
- 15. Women with disabilities would welcome to opportunity to appear before the Committee to present Case Studies which illustrate the veracity of our claims. In addition, we wish to participate meaningfully in the welfare reform public policy debate. Women with disabilities have the experience, skills, ideas and strategies to contribute to such a debate. All we need is the opportunity.**

1. Preamble

Women With Disabilities Australia (WWDA) is the national peak body for women with all types of disabilities [1]. WWDA thanks the Community Affairs Legislation Committee for the opportunity to make a submission to the Inquiry into the *Employment and Workplace Relations Legislation Amendment (Welfare to Work and other Measures) Bill 2005* and the *Family and Community Services Legislation Amendment (Welfare to Work) Bill 2005*. Given the short time frame between the Bills' introduction and the close of submissions for this Inquiry, WWDA's submission is necessarily brief. As a member of the 'What Women Want' Consortium (for which group of more than 64 national women's organisations, a submission to this Committee has been made by National Foundation for Australian Women), and the Australian Federation of Disability Organisations (AFDO), WWDA recommends that our Submission be considered in the context of the submissions from NFAW and AFDO, as WWDA endorses the content of both. In this context, WWDA's submission therefore deals explicitly with the position of women with disabilities in the context of welfare reform.

Further WWDA finds that the scope of the Community Affairs Legislation Committee's inquiry is extremely limited, being confined to a inquiry with particular reference to increasing participation by, and reducing welfare dependence of, parents, people with disabilities, the very long-term unemployed and mature age people through:

- (a) the provision of employment services and other assistance; and
- (b) a responsive compliance system that encourages and rewards active participation.

WWDA further contends that it is not possible to make a submission to this inquiry without reference to the *Workplace Relations Amendment (Work Choices) Bill 2005*, as the affects on women with disabilities of these three bills are interconnected.

2. Introduction

The Government's Welfare to Work Agenda provided an extraordinary opportunity to address the multiple discriminations caused by the intersection of gender and disability in relation to employment. However, the Government's welfare to work bills not only completely ignore these multiple discriminations, but actively perpetuate them by intensifying and extending restrictions and barriers to labour force participation for women with disabilities.

Women With Disabilities Australia (WWDA) shares the government's vision of a society where people with disabilities are not excluded, and where they can fully participate as citizens in the economic, social and cultural life of the nation. Consequently, any strategies which look to the principles of 'mutual obligation, self-reliance and early intervention' require a clear sense of the reality of the situations that women with disabilities face, and a commitment to addressing the barriers that stand in the way of them participating in the labour market. It is therefore a travesty and a disgrace that the Government's welfare to work bills not only demonstrate a blatant disregard of these realities, but focus instead on measures and methods which are discriminatory, onerous, stigmatising and punitive for disabled women.

Women with disabilities have a right to meaningful employment, not 'any' employment. Women with disabilities are not 'job snobs'. Research undertaken by WWDA, and indeed supported by similar research the world over, has demonstrated that women with disabilities do not need 'motivation' to take up paid employment. Those who have the capacity to work, actively seek work, and are constantly frustrated in their efforts by discrimination, and by the lack of jobs which can accommodate restrictions which arise because of their disabilities. Therefore, what they do need is the elimination of discrimination and negative stereotypes from both a gender and disability perspective which compound their exclusion from the workforce. What they do need are access to support services, social and economic opportunities, and social acceptance to enable the full participation in community life to which they aspire.

Rather than taking a 'stick' to an extremely marginalised and disadvantaged group in our society, the Australian Government must act responsibly by employing focused, gender-specific measures to ensure that disabled women experience maximum participation in the labour market on the basis of equality.

WWDA contends that it is not possible for the Committee to examine the consequences of the changes proposed in the legislation under review without having an understanding of the current situation for women with disabilities who are in paid employment, or who aspire to be in such employment. The current situation for women with disabilities is contained in APPENDICES 1 & 2 of this Submission.

Under the current proposals, women with disabilities who apply for the Disability Support Pension (DSP), and who are assessed as having the potential to work for 15-29 hours per week will be put on to the New Start Allowance (NSA). This welfare support payment was never intended for long term applicability to a person seeking to enter the workforce. WWDA is grateful to the National Centre for Social and Economic Modelling (NATSEM) for the report¹ on the extremely punitive economic losses and excessive mutual obligations and conditions being imposed on women with disabilities on the NSA compared to the DSP. For a start, it puts women with disabilities onto a lower level of welfare support which the NATSEM report revealed as initially being 20% less than the DSP. The raft of attached conditions mean that women with disabilities on NSA face more stringent economic conditions coupled with a raft of mutual obligation requirements. The income gap widens as levels of income increase, and leads to Effective Marginal Tax Rates (EMTRs) for those on the NSA of up to 75%. Over the long term, the gap between the DSP and NSA widens further because the DSP is an indexed payment, whereas the NSA is not.

The current picture for women with disabilities is abysmal. They are affected by gender and disability discrimination which detrimentally affects their levels of employment and levels of remuneration across all sectors of the workforce and across all levels of education. With respect to the legislation under review, WWDA is particularly concerned about women with disabilities with limited levels of education and skills. These women are currently either not in employment (despite long term striving to enter the workforce), or if employed, have low income, part-time, short term, casual jobs. This is the precarious end of the workforce, where people will be most affected by downward pressure on wages and conditions of employment brought about by Work Choices changes.

The income from these jobs supplements their Disability Support Pension (DSP) income. They have little prospect of supporting themselves and becoming independent of welfare supports. The current legislation, unless altered will exacerbate this condition and mean that women with disabilities are locked in poverty traps from which they cannot escape. WWDA predicts that many of these women with disabilities will develop severe mental illness, and that the cost of this to the Government will far outweigh any gains made in transferring women with disabilities to NSA.

We **reject** the government's assumption that women with disabilities are not in employment because they 'do not try hard enough' or are trying to avoid work. The current arrangements have extremely poor participation rates for women with disabilities. The current legislation will not reverse this. WWDA cannot understand how Welfare to Work will increase the participation rates of women with disabilities.

However, if the legislation is not rejected outright, we implore the committee to recommend consideration of adjustments which may make it less punitive for women with disabilities.

3. Terms Of Reference [A]: The Provision of Employment Services And Other Assistance

3.1. Meaningful (without penalty) Education Opportunities needed

The Welfare to Work legislation contains no conditions which would assist new applicants for the DSP who are similarly lacking in skills and education to undertake training which would enable them to acquire recognised qualifications. If they insist on full time study their support payment is reduced to that of Austudy (\$10 per week less than NSA) on which allowance they are not eligible for Rent Assistance and are not eligible for the Pensioner Education Supplement of \$31 a week (which is meant to help with the additional costs of study such as books, stationery and transport). It simply puts them onto a lower welfare support

¹ Harding, A, Vu, Q N, & Percival, R. *The Distributional Impact of the Welfare-to-Work Reforms on Australians with Disabilities*, NATSEM 2005

which the NATSEM report ² revealed as initially being 20% lower than the DSP, and which carries a raft of conditions which see this gap widening as levels of income increase, and leads to Effective Marginal Tax Rates (EMTRs) of up to 75%. In its current form the legislation does not allow women with disabilities on NSA to do study to gain meaningful qualifications. This lack helps lock them into a poverty trap on an unlivable income. Consideration will need to be given as to how study costs can be met, and perhaps to devise an incentive scheme to reward students on NSA.

Essential Change #1: The government amend the legislation to enable people on Newstart Allowance (NSA) to take up meaningful education courses on NSA.

3.2. Job Network and Disability Open Employment Services (DOESs) assistance for women with disabilities

WWDA has been astounded to see the relaxation of conditions under which Job Network providers may claim payment for placement of women with disabilities in employment. The announcement of these provisions by the Hon. Senator Peter Dutton, Minister for Workforce Participation is tacit admission that it is more difficult to find employment for people with disabilities, and that the affect of the Legislation will be to put more women with disabilities into the labour market than DOESs can cope with.

One pertinent example is the payment of over \$1000 to DOES's for placing a woman with disabilities in a job for 13 weeks. Under the new arrangements, the weeks do not have to be consecutive. This allows the Job Network to receive its money even when the woman with disabilities may have some 'down time' because of fluctuating health, and is an acknowledgement that women with disabilities do indeed have fluctuating health conditions and energy levels, or may need time off for treatment, therapy etc.

The irony is that in a 13 week period, working 15 hours per week at award wages the women with disabilities on NSA will have earned \$2445. The government will have immediately taken \$1443 in tax, leaving her with an additional \$1040 income. This has been earned at a great cost in energy, may have involved many hours of commuting time, and may have involved a great many other costs associated with getting to and from work.

In addition, from the NATSEM and other analysts' work, we know that loss of some welfare supports will erode this income, whilst those in subsidised housing will face substantial rent increases (conservatively at a minimum of 20c per dollar), and those with existing Centrelink debts will have these recouped at the rate of 27.5c per dollar). The combined effect could be that the woman with disabilities is out of pocket by a considerable amount.

Finally a 13 week placement is meaningless in the general scheme of women with disabilities participating in the workforce.

Essential Change #2: The Government acknowledge the disparity between the Job Network rewards and the workers' penalties, and take steps to adjust the NSA conditions so that the high Effective Marginal Tax Rates (EMTRs) are addressed, the withdrawal of welfare supports is reviewed, and the rate of recovery of Centrelink debt is reduced.

3.3. Reasonable commuting distances

The only concession thus far extended to women with disabilities, is that in rural areas whereby the commuting distance to work has been reduced from 90km to 40km. Travel by bus in a rural area, 40 km commuting distance could add a total of 2 hours to the length of the working day. For many women with disabilities, the energy and time expended in getting up and ready for work is already high (for someone requiring carer assistance, a 2-hour lead time is common). A similar length of time is required at the other

² Harding, A, Vu, Q N, & Percival, R. *The Distributional Impact of the Welfare-to-Work Reforms on Australians with Disabilities*, NATSEM 2005

end of the day. This means that 3 hours spent in the workplace could mean a 9-hour day. This does not take into account any time needed for shopping, cooking, maintaining household etc.

Essential Change #3: The commuting distance to and from work for all women with disabilities, irrespective of where they live, be reviewed and reduced to no more than 20 km.

3.4. Mobility Allowance & Reasonable Commuting Distance

The Mobility Allowance for women with disabilities who are unable to use public transport has been increased by almost \$15 to \$50 per week. This amounts to \$10 per day for someone working 5 days per week. Used in conjunction with a State/Territory 50% taxi subsidy voucher, and assuming a flag fall of approximately \$3, the break even commuting distance for such women with disabilities is about 4.5 km. In some State/Territories some women with disabilities qualify for a 75% fare reduction. This increases the break even commuting distance to about 7km.

Essential Change #4: The commuting distance for women with disabilities reliant on taxi for commuting to and from work be further reviewed and adjusted to take into account the high cost of commuting this way.

3.5. Eligibility Conditions & Waiting period before NSA payments commence

Eligibility for NSA depends on the level of ‘liquid assets’ of the applicant. These are drawn down at the rate of \$1000 per week for a maximum of 13 weeks until they are at \$2500 for single women with disabilities and \$5000 for women with disabilities in a relationship. This is an unjust requirement, especially if women with disabilities are leaving situations of domestic violence. In the majority of cases, women’s refuges are not adapted for women with disabilities, and this makes their escape from domestic violence even more problematic. It also leaves women with disabilities with no ‘buffer’ if their NSAs are cut off for any reason or payment of the NSA is delayed by an administrative difficulty in Centrelink.

Essential Change #5: In relation to women with disabilities, the NSA asset test eligibility criteria be abolished, and replaced with the criteria applicable to women with disabilities on the DSP.

3.6. Income free areas and tax free areas, and indexation according to CPI

The NATSEM report found that under the NSA the “income free area” (the amount allowed to be earned before the welfare support payment starts to be reduced) is not indexed annually. The DSP is indexed annually according to the Consumer Price Index (CPI). In 2006, it is estimated that the difference will be \$31, with the rate set at \$62pw for those on the DSP and \$31 for those on NSA. The gap between the two levels will continue to grow. This is unreasonable and unjust.

In addition, people on the DSP have a much higher tax free area, and a second area of concessional tax rates. The actual rates of the DSP are indexed to the CPI or Male Average Weekly Earnings (MAWE) whichever is the greater. This means that the DSP will continue to grow whereas the NSA will not. This is unreasonably punitive for women with disabilities.

Essential Change #6: The income free areas and tax free areas, and indexation rules for women with disabilities on NSA be brought into line with those that apply to the DSP.

3.7. 2-year eligibility component

The Comprehensive Workplace Capacity Assessors (CWCAs) may assess a woman with disabilities as not being work ready at the time of the assessment, but that she has the potential to work for 15+ hours per week after up to 2 years of some form of rehabilitation. She is placed on the NSA for the period of her rehabilitation. WWDA contends therefore, that at the time of assessment the woman **does not meet** the minimum NSA hours of work, and should be placed on the DSP, and her workplace capacity reviewed at 6-monthly intervals.

Essential Change #7: Women with disabilities are not placed on NSA until they meet the 15+ hours of work eligibility criteria.

4. Terms Of Reference [B]: A Responsive Compliance System That Encourages And Rewards Active Participation

The proposed compliance system is certainly responsive, but in a regressive and punitive way. It offers nothing to encourage active participation in the workforce. It contains no rewards for active participation. Instead it carries a raft of mutual obligations which will be virtually impossible for women with disabilities to meet. WWDA cannot understand why, in the long weeks of presenting evidence to the Government of the inequitous nature of the Welfare to Work reforms for women with disabilities, that there has been only one small concession proposed for people with disabilities in rural areas.

4.1. Competition in the workplace

If women with disabilities were able to compete equitably for jobs in the open market place then this would be reflected in participation rates at least equal to those of able bodied women. The fact that there is a large disparity between the two rates demonstrates that this is not the case. Women with disabilities will not compete successfully with any other group on NSA (men with disabilities, able bodied men, and able bodied women).

Essential Change #8: The compliance system be reviewed to make it less punitive, and a genuine incentive system be put in place. Pro-active employment initiatives which will specifically assist women with disabilities be put in place in order to achieve participation rates equal AT LEAST to those of men with disabilities and/or able-bodied women.

4.2. Consideration of job choice restrictions

Women with disabilities face a raft of job choice restrictions. These operate irrespective of their place of living. The job choices, across the board, are fewer in remote, regional and rural Australia. In these locations women with disabilities will find it much harder to get jobs compared to any other group.

Essential Change #9: Guidelines are put in place which enable Job Network and DOES personnel to interpret the Mutual Obligation requirements for women with disabilities, so that they only be sent to job interviews for jobs which will meet their disability restrictions.

4.3. Breaching Considerations

Women with disabilities can face immediate loss of NSA for 8 weeks for refusing to take a job offered – irrespective of whether it is suitable and ‘do-able’, given the restrictions imposed by their disabilities. They face immediate loss of NSA for 8 weeks for leaving a job ‘voluntarily’. They therefore cannot leave a

workplace where they are subjected to sexual harassment or violence. Since there is a high incidence of both these things in the workplace for women with disabilities, this is an unfair condition.

Essential Change #10: Women with disabilities remain on AT LEAST the base rate of the NSA whilst any inquiry into the reason for not accepting or leaving a job is investigated by an arbitrator independent of the Employment Agency involved, and of the Employer.

5. Additional Considerations

5.1. Review of Welfare to Work

If the legislation goes ahead, there is an imperative need for comprehensive, regular review of the affect it is having on achieving its stated aims. This review must be done by an independent body/ies, such as the Australian Bureau of Statistics and/or the Australian Institute of health and Welfare. The legislation needs to be drafted in an adaptable way so that changes which are needed as a result of the review process can be incorporated. The review process needs to include mechanisms for analysis of the data disaggregated by gender, and disaggregated by ability (women with disabilities, men with disabilities, able bodied men, and able bodied women).

Essential Change #11: A mechanism for review be put in place which enables comparison of the changes in employment and financial position of disabled women and men and their able-bodied counterparts. Any Review mechanism must include a process which enables any amendments of the legislation to occur quickly and responsively.

5.2. Support Groups for women with disabilities

Women with disabilities become very isolated in their workplaces. Co-workers may not understand their disability and may not be able to understand the challenges they face on a day-to-day basis. Women with disabilities who are job seekers need similar networking with each other and with those already in the workplace. It is essential that the Welfare to Work legislation make provision for resources to enable such networks to be established and maintained.

Essential Change #12: The Welfare to Work legislations be amended to allow appropriate allocation of resources for funding the networking of women with disabilities in employment (and seeking employment), whether on NSA or DSP or other forms of income.

5.3. Workplace Support, Workplace Adjustments and Employer Education/Information

In the May Budget 2005, money was allocated to enable employers of women with disabilities (and people with disabilities) to make reasonable adjustments to the work location to accommodate the needs (such as installing a ramp, or purchasing a screen reader program) of their employees with disabilities. Similarly, money was allocated to enable carer support to be hired to assist a woman with disabilities to eat her lunch or do other daily living activities in the workplace which the woman with disabilities is not able to do independently. Current anecdotal evidence from professional women with disabilities in the workplace indicates that neither of these options (also available in other years) are taken up, and that in many places women with disabilities pay for their own support, or are forced to seek alternative employment because workplace adjustments are not paid. Money was also allocated for the development of a website to give employers of women with disabilities appropriate information about their employment of women with disabilities. WWDA is concerned that this is not an adequate way of encouraging employers to take on women with disabilities, or to find out appropriate information.

Essential Change #13: Monitoring of the uptake of Workplace Support and Workplace Adjustment allocations, plus review of the adequacy of the Employer website as a tool for employers, be included in a regular review process.

6. Implementation Mechanisms

WWDA has great concerns that the Comprehensive Workplace Capacity Assessors will not have the training and capability to adequately assess women with disabilities. WWDA's concerns about the level of training of Job Network personnel is that this will also fall short of what is necessary to enable them to work with their clients with disabilities to find suitable jobs. WWDA bases this on the anecdotal evidence brought to its attention about mismatches made by supposedly 'expert' personnel in DOES.

7. Conclusion

The long, and by no means exhaustive, list of changes necessary to make the Welfare to Work legislation workable for women with disabilities, and enable the Bills to bring about the Government's stated aims of reducing the dependency of women with disabilities on welfare supports, and increasing their ability to contribute to superannuation and therefore to their living costs into their retirement, indicates that the legislation will fail in its aims, and in the process will do irreparable harm to large numbers of women with disabilities who will be trapped in situations of permanent unemployment at NSA rates which put their income substantially below any measure of a 'poverty line'.

Income support is a basic human right and essential for social and economic development (WHO 1997). Women with disabilities are already among the poorest of all groups in society. For the Australian Government to be enacting legislation which will see a significant number of disabled women poorer than they already are, is a serious and callous attack on their fundamental human rights.

It is abhorrent that the Government of Australia would willingly implement a system which not only attacks the well-being of disabled women, but will lead to sharply increased levels of poverty of disabled women in Australia.

Essential Change #14: WWDA recommends that both Bills be rejected, and that new legislation be drawn up which will achieve the Government's stated objectives.

Essential Change # 15: Women with disabilities would welcome to opportunity to appear before the Committee to present Case Studies which illustrate the veracity of our claims. In addition, we wish to participate meaningfully in the welfare reform public policy debate. Women with disabilities have the experience, skills, ideas and strategies to contribute to such a debate. All we need is the opportunity.

Appendix 1: The Position of Women With Disabilities in Australia - A Snapshot

Women with disabilities are, from the government record, one of the most marginalised and disadvantaged groups in Australia. Women with disabilities are ignored in Government legislation, policies and programs. Their issues and needs are neglected within services and programs across all sectors. They are excluded from social movements designed to advance the position of women, and the position of people with disabilities (Frohman 2002).

The issues which affect women with disabilities are manifold and include issues related to citizenship, education, employment, housing, violence, health, poverty, telecommunications, sexuality, reproductive rights and human rights. Negative stereotypes from both a gender and disability perspective compound the exclusion of women with disabilities from support services, social and economic opportunities and participation in community life (Meekosha 2000; Frohman 2002). Analysis of data available from a variety of sources, gives us the following information about women with disabilities in Australia.

- There are 3.9 million people in Australia with a disability, making up 20% of the total population. The proportion of males and females with a disability is similar (around 10% each) although it varies across age groups.
- There are 1.9 million women with disabilities in Australia. There are more women with disabilities in the older age groups, most notably those 79 years onwards.
- Of the 1.1 million people with a profound or severe core activity restriction, 616,000 are women with disabilities (56%). Among older people with disabilities, the rates of severe and profound disability are markedly greater for females.
- Over 57% of women with disabilities living in households need assistance to move around or go out, shower or dress, prepare meals, do housework, undertake property maintenance or paperwork, or communicate.
- Women with disabilities are less likely to be in paid work (or looking for work) than other women, men with disabilities or the population as a whole. In 1998, the labour force participation rate of women with disabilities was 45.5%, compared to 60.3% for men with disabilities. In 2003, the rate increased marginally for women with disabilities to 46.9%, and decreased slightly for men with disabilities to 59.3%. However, a stark contrast can be seen in the unemployment rates for the same period. In 1998, 8.6% of women with disabilities were unemployed, compared to 13.5% of men with disabilities. In 2003, the unemployment rate for disabled men dropped significantly to 8.8%, whilst the unemployment rate for disabled women remained virtually the same at 8.3%. In 1998, the unemployment rate of non-disabled women was 8.0% compared to 7.7% for non-disabled men. In 2003, the rate dropped significantly for both non-disabled women (5.3%) and men (4.8%).
- In 1997-98 Commonwealth Government funded open employment services assisted over 31,000 people with disabilities in their efforts to find and maintain jobs on the open labour market. 66.6% of those assisted were men with disabilities. Little appears to have changed. From 1 January to 30 June 2003, Commonwealth Government funded open employment services assisted over 35,000 people with disabilities in their efforts to find and maintain jobs on the open labour market. 65% of those assisted were men with disabilities (AIHW 1999; WWDA 2004).
- Overall, 71% of women with disabilities are now completing Year 10 or higher in secondary education, compared to 68% of men with disabilities and 87% of able-bodied students. Similarly their completion rates of post secondary education are now comparable to those of men with disabilities (ABS 2004, DEST 2002). However, the success of women with disabilities in education is not reflected in improved employment prospects, and their participation and remuneration rates are lower than for men with disabilities and for their able-bodied counterparts. Women with disabilities report that they often feel they have been 'parked' in yet another training course (WWDA 2003).
- Women with disabilities earn less than their male counterparts. 51% of women with a disability earn less than \$200 per week compared to 36% of men with a disability. Only 16% of women with a disability earn over \$400 per week, compared to 33% of men with a disability.
- There is a higher incidence of incapacity (10.2%) for unemployed females in Australia compared to unemployed males (7.6%). This applies consistently across all age groups. Unemployed females have a one-third greater incidence of incapacity than unemployed males. The higher incidence of incapacity for

unemployed females is more pronounced for those under 50 year's age, and especially for 30-39 and under 21 year olds.

- Women with disabilities are substantially over-represented in public housing, comprising over 40% of all persons in Australia aged 15-64 in this form of tenure. Women with disabilities are less likely to own their own houses than their male counterparts.
- Women with disabilities pay the highest level of their gross income on housing, yet are in the lowest income earning bracket. Some women with disabilities pay almost 50 per cent of their gross income on housing and housing related costs. Over 20% of women with disabilities living in public housing are dissatisfied with the service they receive from their State or Territory housing authority.
- Women with disabilities spend more of their income on medical care and health related expenses than men with disabilities.
- Women with disabilities have a consistently higher level of unmet need than their male counterparts across all disability levels and types. Women with disabilities are less likely to receive appropriate services than men with equivalent needs or other women. 60% of recipients of disability support services funded under the Commonwealth/State Disability Agreement are men with disabilities.
- Women with disabilities are less likely than women without disabilities to receive appropriate health services, particularly breast and cervical cancer screening programs, bone density testing, menopause and incontinence management. In Australia, 41% of women with disabilities with core activity restriction aged 70-75 have never had a mammogram. Almost 30% of women with disabilities aged 70-75 with core activity restriction have never had a pap smear. Of those women with disabilities aged 70-75 core activity restriction who have had a pap smear, 39% have not had regular pap smears (every 2 years). These figures are likely to be much higher for women with disabilities with different disability types (e.g.: intellectual, cognitive, psychiatric, deaf/hearing impaired, blind/visually impaired) across all age groups.
- Girls and women with disabilities are more likely to be unlawfully sterilised than their male counterparts. Between 1992-1997 at least 1045 girls with disabilities in Australia have been unlawfully sterilised. Comparisons with other data sources suggest that the true number is much greater, perhaps by a factor of several times.
- Regardless of age, race, ethnicity, sexual orientation or class, women with disabilities are assaulted, raped and abused at a rate of at least two times greater than non-disabled women. Statistics indicate that 90% of women with intellectual disabilities have been sexually abused. 68% of women with an intellectual disability will be subjected to sexual abuse before they reach 18.
- Women with disabilities are more likely to be institutionalised than their male counterparts.
- Women with disabilities are often forced to live in situations in which they are vulnerable to violence. They are more likely to experience violence at work than other women, men with disabilities or the population as a whole.
- Access to telecommunications is a major area of inequity for women with disabilities in Australia. A national survey in 1999 found that 84% of women with disabilities are restricted in their access to telecommunications. 49% of women with disabilities are restricted by issues of affordability; 76% by poor design of telecommunications equipment; 20% by lack of training; 20% by lack of information; and 18% by discrimination.

(Sources: HREOC 2005; ABS 2003; Anderson 1996; Frohmader 1998; WWDA 1998; WWDA 1999, ABS 2003, ABS 1993, AIHW 1998, AIHW 1999, AIHW 2000, AIHW 2002, Currie 1996, Brady & Grover 1997, Temby 1997, Cooper & Temby 1997, Horsley 1991, Binstead 1997, Rutnam, Martin-Murray & Smith 1999, Warburton et al 1999).

Appendix 2: Gender, Disability & Employment – The Context, Current Picture and Barriers

1. Gender & Disability in Australia - The Context

There are 1.9 million women with disabilities in Australia. They are not only one of the most socially disadvantaged groups in society, but also clearly one of the most marginalised, neglected, excluded and isolated. Women with disabilities are ignored in Government legislation, policies and programs. Their issues and needs are neglected within services and programs across all sectors. They are excluded from social movements designed to advance the position of women, and the position of people with disabilities. The issues which affect women with disabilities are manifold and include issues related to citizenship, employment, education, housing, violence, health, poverty, telecommunications, sexuality, reproductive rights and human rights. In Australia in 2005, it remains a fact that women with disabilities continue to encounter discrimination on several levels, each of which restricts their options and opportunities for equal participation in the economic, social, and political life of society. Negative stereotypes and discrimination against women with disabilities – on the basis of gender and as people with disabilities - compound women with disabilities exclusion from support services, social and economic opportunities and participation in community life. There is nothing in the Government's welfare reform bills which will address these facts.

2. Gender, Disability & Employment - The Current Picture

Paid employment is a critical component in enabling women with disabilities to support themselves financially and to build self-esteem and achieve social recognition. Employment is the best defense against poverty, and it is well recognised that women with disabilities are among the poorest of all groups in society and are significantly poorer than men with disabilities. Although men and women with disabilities are subject to employment discrimination because of their disabilities, women with disabilities are at a further disadvantage because discrimination based on gender is combined with that based on disability.

Current Australian data regarding women with disabilities and employment give us the following picture:

- In 1998, 8.6% of women with disabilities were unemployed, compared to 13.5% of men with disabilities. In 2003, the unemployment rate for disabled men dropped significantly to 8.8%, whilst the unemployment rate for disabled women remained virtually the same at 8.3%.
- In 1998, the unemployment rate of non-disabled women was 8.0% compared to 7.7% for non-disabled men. In 2003, the rate dropped significantly for both non-disabled women (5.3%) and men (4.8%).
- In 1998, the labour force participation rate of women with disabilities was 45.5%, compared to 60.3% for men with disabilities. In 2003, the rate increased marginally for women with disabilities to 46.9%, and decreased slightly for men with disabilities to 59.3%.
- In 1997-98 Commonwealth Government funded open employment services assisted over 31,000 people with disabilities in their efforts to find and maintain jobs on the open labour market. 66.6% of those assisted were men with disabilities. Little appears to have changed. From 1 January to 30 June 2003, Commonwealth Government funded open employment services assisted over 35,000 people with disabilities in their efforts to find and maintain jobs on the open labour market. 65% of those assisted were men with disabilities
- Overall, 71% of women with disabilities are now completing Year 10 or higher in secondary education, compared to 68% of men with disabilities and 87% of able-bodied students. Similarly their completion rates of post secondary education are now comparable to those of men with disabilities (ABS 2004, DEST 2002). However, the success of women with disabilities in education is clearly not reflected in improved employment prospects, and their participation and remuneration rates are lower than for men with disabilities and for their able-bodied counterparts.

With one of the lowest rates of labour force success and one of the highest rates of poverty, women with disabilities clearly stand out as the group in need of greater opportunities for employment. Yet despite the

obvious marginalisation and exclusion of women with disabilities in the labour market, no initiative has been taken to reverse or address this imbalance. There is nothing in the Government's welfare reform bills which will address this imbalance.

3. Gender, Disability & Employment – The Barriers

Women's right to the same employment opportunities as men is internationally fostered under the United Nation's Convention for the Elimination of (all forms of) Discrimination Against Women (CEDAW). However the inequities and barriers which exist for women in the workplace are exacerbated for women with disabilities. There are fewer employment openings, and women with disabilities are overrepresented in poorly paid jobs.

A number of barriers stand in the way of women with disabilities increasing independence, capacity building and taking up paid employment. These barriers include:

- Lack of understanding of the complexity and nature of disability
- Negative social attitudes & discrimination including employers' and co-workers' attitudes
- Cost of disability
- Poverty
- Lack of access to education and training
- Inaccessible and unresponsive employment services
- Poor job design and inflexible work arrangements
- Experience of abuse, violence and harassment
- Insecure housing & accommodation
- Lack of attendant care
- Inadequate or expensive transport
- Cost of equipment & assistive devices
- Responsibility for domestic and parenting duties
- Lack of, inaccessible & inflexible childcare
- Lack of awareness about rights
- Lack of self confidence, assertiveness, and low self-esteem
- Inaccessible built environment
- Restricted access to information & communication technologies
- Lack of portability of state funded programs

On behalf of its constituents, WWDA has actively and consistently identified these barriers with the Australian Government as part of our contribution to the welfare reform debate over the past few years. It is shameful that the Government has chosen to ignore the narratives and lived experiences of disabled women seeking employment in Australia. In doing so, the Australian Government has been (and continues to be) an active player in the ongoing marginalization, exclusion and silencing of disabled women.

3.1. Lack of understanding of the complexity and nature of disability

Some disabilities are episodic and/or fluctuating in nature, and this can contribute to unstable work patterns for disabled women. On the one hand, income support programs assume that disabilities are permanent and stable, when this is clearly not the case. On the other hand, one only needs to look at the number of times women with a disability are reviewed, re-assessed, asked to fill in more forms and get certificates of proof of disability from their doctors, for a range of benefits, services and support; to see that bureaucracies are confused by the complexity. Disability can be permanent, temporary, episodic, intermittent, and perceived. Many women with disabilities, especially those with chronic illnesses may be unable to work every day and can't usually predict when they might have energy and/or fitness to work and when not. Instead of pushing themselves, they need to be incredibly attuned to their bodies and decide hour by hour what they need to do to care for themselves that day. However society, as reflected in the workplace, is not currently structured to accommodate fluctuating capacities to participate. It continues to demand that we either perform or produce in order to be recognized as contributing economically. For the majority of women with disabilities, the time and energy taken to get ready for and travel to work far exceeds that of their colleagues and need this to be understood. Whilst rigid thinking about workplace structures persists, it constitutes a major barrier to employment for many women with disabilities.

3.2. Negative social attitudes & discrimination including employers' and co-workers' attitudes

Negative social attitudes are a major barrier for women with disabilities seeking and securing employment. Much of the discrimination experienced by women with disabilities is based on an implicit notion that they are not the same as other women and so cannot be expected to share the same rights and aspirations. Although men and women with disabilities are subject to employment discrimination because of their disabilities, women with disabilities are at a further disadvantage because discrimination based on gender is combined with that based on disability. Disabled women who are from a non English speaking background or who are Aboriginal or Torres Strait Islanders, are often subject to a triple disadvantage. Women with disabilities have to deal with abuse, neglect and being deprived of their entitlements. They are often given marginal jobs far below their capacity. They are denied opportunities for further training and job advancement. They are often poorly paid; have few occupational and health standards; and are often unable to enforce industrial rights. Women with disabilities have reported being typically treated like children and not given credit when they had performed well on the job because attitudes in their workplace were such that no one believed that they could have actually done the job on their own (Fawcett 2000). It is not unusual for able-bodied workers to believe that men and women with disability are on the 'other side of the counter', and to isolate women with a disability when they discover they are colleagues on the 'same side of the counter'. Employers often report uncertainty about how to manage staff relations where there is a worker with disability. Employment services are unsure how to 'sell' workers with a disability to employers.

3.3. Cost of disability

Women with disabilities face a multitude of costs relating to their disability. In order to be truly self-sufficient, both women and men with disabilities know that they need to earn a premium above what others earn in order to meet the costs of their disability. These costs include for example: transport/travel; personal care; medical & health costs; consumables; housing related costs; home tasks (including domestic cleaning and maintenance); aids & equipment; and so on. The prohibitive costs of disability can make it virtually impossible for some women with disabilities to take up employment and/or to remain in employment. For example, women with disabilities who take up paid employment lose eligibility for any entitlements (such as Health Care Card, Pharmaceutical Benefits etc) after one year. For many women with disabilities, remaining on income support is the most rational response to the reality of their situation.

3.4. Poverty

Women with disabilities are among the poorest of all groups in society. Employment is the best defence against poverty, yet poverty is a fact of life for many women with disabilities in Australia. The impact of poverty on the health status and quality of life experienced by women with disabilities is undeniable. It constitutes a major barrier to their being able to be 'work ready'.

3.5. Lack of access to education and training

Women with disabilities have expressed their frustration at their lack of access to education and training programs, voicing a feeling of segregation from the education system (WWDA 2004). Rising education fees coupled with cuts to disability programs, and lack of means to meet disability-related education costs such as specialised transport and carer support, serve to further exclude them from study (NCOSS and WRANA 2004). The disparity between government funding of private education and funding of disability programs in education is also a critical issue for women with disabilities (NSW Department for Women 2004).

3.6. Inaccessible and unresponsive employment services

Overall, women with disabilities face a barrier of lack of information about employment services available to them and their right to use these services. Data shows that Commonwealth Government funded open employment services are more likely to assist men with disabilities (than women with disabilities) in finding employment, and the percentage of women with disabilities being assisted by these services continues to decline. Research has also shown that the outcomes for women with disabilities assisted through employment services are different to the outcomes for men with disabilities – women with disabilities are steered towards the traditional areas of female employment, such as clerical and keyboarding positions. Employment services are often unskilled and lacking awareness about the many and complex issues relating to employment for women with disabilities e.g. how to assist a person using a wheelchair, how to guide a person with vision loss/blindness; knowing what information technologies might be beneficial to women with disability moving into the workforce.

3.7. Poor job design and inflexible work arrangements

Flexible work conditions and environments are critical for women with disabilities. The capacity to vary and/or share hours is vital in gaining and retaining a job. Our current system rewards people who work full-time and penalizes people who work part-time. The more money the disabled woman earns, the more money she loses in income support. Instead of being rewarded for the accomplishment of working when she can, the disabled woman is punished for not working hard enough. Lack of creativity and inflexibility on the part of most employers and an inability to explore beyond the conventional has resulted in a restricted or closed working environment for many disabled women (Hanson 2002).

3.8. Experience of abuse, violence and harassment

Violence against women with disabilities has been identified as not only more extensive than amongst the general population but also more diverse in nature than for women in general. Often, women with disabilities are reluctant to report being abused and/or sexually harassed, either because they are unaware that it is illegal or are afraid of the consequences if they do report it, such as allegedly making a difficult situation worse, or being branded a 'troublemaker'. Women with disabilities who are abused and/or sexually harassed in the workplace may not have adequate information about their right to a safe and secure workplace and may be seen by other workers or the employer as 'an easy target' and therefore perceived as less likely to report being harassed. Some women with disabilities may feel that their job security would be threatened if they were to take action. Women with disabilities who do take action and report being sexually abused and harassed are often not believed, and can be sacked for making complaints while the offender goes unpunished. Women with disabilities are also at greater risk of all forms of domestic violence. The ramifications of this are that self esteem is lowered and disability conditions exacerbated, along with increased incidence of mental and physical ill health. Lack of a supportive domestic environment diminishes their ability to enter the workforce.

3.9. Insecure housing & accommodation

Housing situations are precarious for many women with disabilities. In fact, women with disabilities who are not able to maintain stable housing independently and who need supportive services and accommodations to meet their needs - are considered to be of the highest risk for homelessness. Access to decent accommodation is at crisis point for many women with disabilities. Secure and appropriate accommodation is critical to being able to focus on job seeking. There is a shortage of appropriate housing stock for women with physical disabilities in state based housing, in the private rental market and in real estate. Stability and lease longevity is needed so that work can be found in a logistically feasible location.

3.10. Lack of attendant care

Attendant care is virtually non-existent in the workplace. This prevents those women with disabilities who require attendant care at their place of work from even seeking employment. Additionally, research undertaken by WWDA (2001) has shown that many women with disabilities are unable to get the level of attendant care services they require to meet their most basic needs (toileting, showering, dressing, and eating). Models are available that can demonstrate the importance and usefulness of providing this type of employment support e.g. Interwork (SA).

3.11. Inadequate or expensive transport

For many women with disabilities, access to transport may mean the difference between paid work or staying at home. Many women with disabilities need assistance to use public transport or cannot use it at all. Taxis or private cars are therefore the only alternative. These are very expensive forms of transport, and beyond the reach of many women with disabilities. The high costs of transport varies across the nation with some states providing greater levels of financial assistance (e.g. SA Journey To Work Scheme and the 75% vouchers for those who are unable to use public transport and rely exclusively on accessible taxis). The high costs of transport also erodes the economic gains made through having a job. The unreliability of disability transport in remote, rural, and regional Australia as well as in capital cities further adds to the need for flexibility in workplace arrangements.

3.12. Cost of equipment & assistive devices

Many women with disabilities require equipment to enable them to live independently. Mobility aids such as wheelchairs and crutches, as well as specialised computer equipment are needed to enable women with disabilities to obtain jobs or undertake education or training courses. The government subsidies which are available are usually not adequate to meet the needs of many women with disabilities, who therefore must pay for this equipment themselves. Some disabled women require specialised or expensive equipment to

enable them to do the housework or care for children. Some 'labour-saving' devices such as microwaves, automatic washing machines and dryers can be essential items for women with disabilities yet they are expensive because they are considered to be luxury goods and are heavily taxed. This equipment is consequently beyond the reach of many women with disabilities.

3.13. Responsibility for domestic and parenting duties

Women with disabilities experience the demands of family responsibilities and child care along with their disability. The often fatiguing nature of disability, coupled with child care, can result in women with disabilities being even less likely than women without disabilities to work for pay while their children are very young (Fawcett 2000). Women with disabilities are clearly more likely than any other group to spend more time on unpaid household tasks, regardless of their living arrangements, leaving them with less time and energy to pursue paid employment. Those who try to do both increase their risk of becoming ill, which may result in their needing time off work or even losing their job entirely. Research has shown that men living with disabilities are more likely to ask for help for basic activities (e.g.: cooking, cleaning, bathing etc) whereas women are expected to take care of themselves (and often others as well). Women with disabilities are expected to keep up the regular demands of women's unpaid work despite their disability (UNPAC).

3.14. Lack of, inaccessible & inflexible childcare

Women with disabilities who have children face an added dimension in seeking employment or getting to work – getting the children to child care. For women with disabilities, the need for accessible, available, affordable and convenient child care is as great, if not greater, than for women without disabilities. Inaccessible child care sites can further complicate this situation, particularly for single mothers with disabilities and mothers reliant on public or disability transport. Mothers with disabilities require child care that can respond flexibly to diverse patterns of working, and other forms of participation (including evenings, nights and weekends). Women with disabilities may also have children with disabilities who require access to mainstream childcare.

3.15. Lack of awareness about rights

The ability to assert one's right to say no to unreasonable requests or to demand access to relevant information is an essential component of the job seeking process. It empowers those who are seeking education, training or employment opportunities both to make informed choices and to act on those choices. Women with disabilities face the double disadvantage of contending with service providers and others in the community who see women with disabilities as incapable of self-determination. This problem is compounded if these women are dependent on others for personal care, accommodation or economic security. Learning how to be assertive (and develop a positive self-image) is a crucial prerequisite for women with disabilities to become economically independent.

3.16. Lack of self confidence, assertiveness, and low self-esteem

Shown from birth, either through neglect or through over-protection, that they have little value or are unable to do much, girls with disabilities grow up with the burden of that stigma and expect little of themselves. This is exacerbated by families and educators having few expectations of girls and women with disability. Even a woman who becomes disabled later in life will have her own sense of self-worth eroded by the prevailing attitude that she has become a useless dependant. Isolation and confinement based on culture and traditions, attitudes and prejudices often affect women with disabilities more than their male counterparts. Language has a role to play; it can be used to either empower and grow confidence, or to denigrate and undermine.

3.17. Inaccessible built environment

The built environment remains inaccessible to many people with disabilities. Many workplaces, businesses, community gathering places, and service providing organisations are inaccessible to people with disabilities, making this an obvious barrier to women with disabilities increasing independence, capacity building and taking up paid employment. This can obviously narrow the choice of workplaces available to them. The majority of workplaces do not have accessible sanitary facilities or staff/meal areas, resulting in longer trips to the toilet at break times, and requiring assistance from colleagues/co-workers e.g. with getting a cup of coffee. The current consideration by the Federal Government to allow an exemption to the lift requirements in two and three storey buildings (in the proposed Disability Standards on Access to Premises) is clearly just one example of policy decisions 'adding' to the barriers that people with disabilities already face. Potentially restricting workers with a disability to 'ground floor workplaces' will put an unreasonable and inequitable

restriction on their right to apply for the full range of employment positions that they are qualified to perform.

3.18. Restricted access to information & communication technologies

New technology is changing the nature of the workplace and work itself (Roulstone 1998). Employers may hold the misinformed view that expensive technology effectively eliminates impairment whereas simple adaptation or assistance may be far more useful (French 1994). Technology should not be introduced in order to avoid addressing many other basic workplace culture and attitude issues. Many women with disabilities are restricted in their access to information and communication technologies (ICT) due to cost, poor design and lack of connectivity of ICT equipment, lack of responsibility in addressing disability issues on the part of telecommunications service providers, and lack of appropriate information about telecommunications equipment and services (WWDA 1999, 2004).

3.19. Lack of portability of state funded programs

Disabled people who require support through funded programs (such as home help; personal care) can be severely restricted in terms of being able to move from State to State due to the fact that the funded programs may not be portable between the various States and Territories. A person with a disability moving from one State to another could receive a significant decrease in service unrelated to needs but simply because of that particular State's eligibility criteria or resource constraints.

Endnotes

[1] Women With Disabilities Australia (WWDA) is the peak organisation for women with all types of disabilities in Australia. It is a not-for-profit organisation constituted and driven by women with disabilities. It is the only organisation of its kind in Australia and one of only a very small number internationally. WWDA is inclusive and does not discriminate against any disability. WWDA is unique, in that it operates as a national disability organisation; a national women's organisation; and a national human rights organisation (more information about WWDA can be found at the organisation's extensive website: www.wwda.org.au).



*Winner Australian Human Rights Award 2001
Winner National Violence Prevention Award 1999
Nominee, French Republics Human Rights Prize 2003
Nominee, UN Millennium Peace Prize for Women 2000*

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