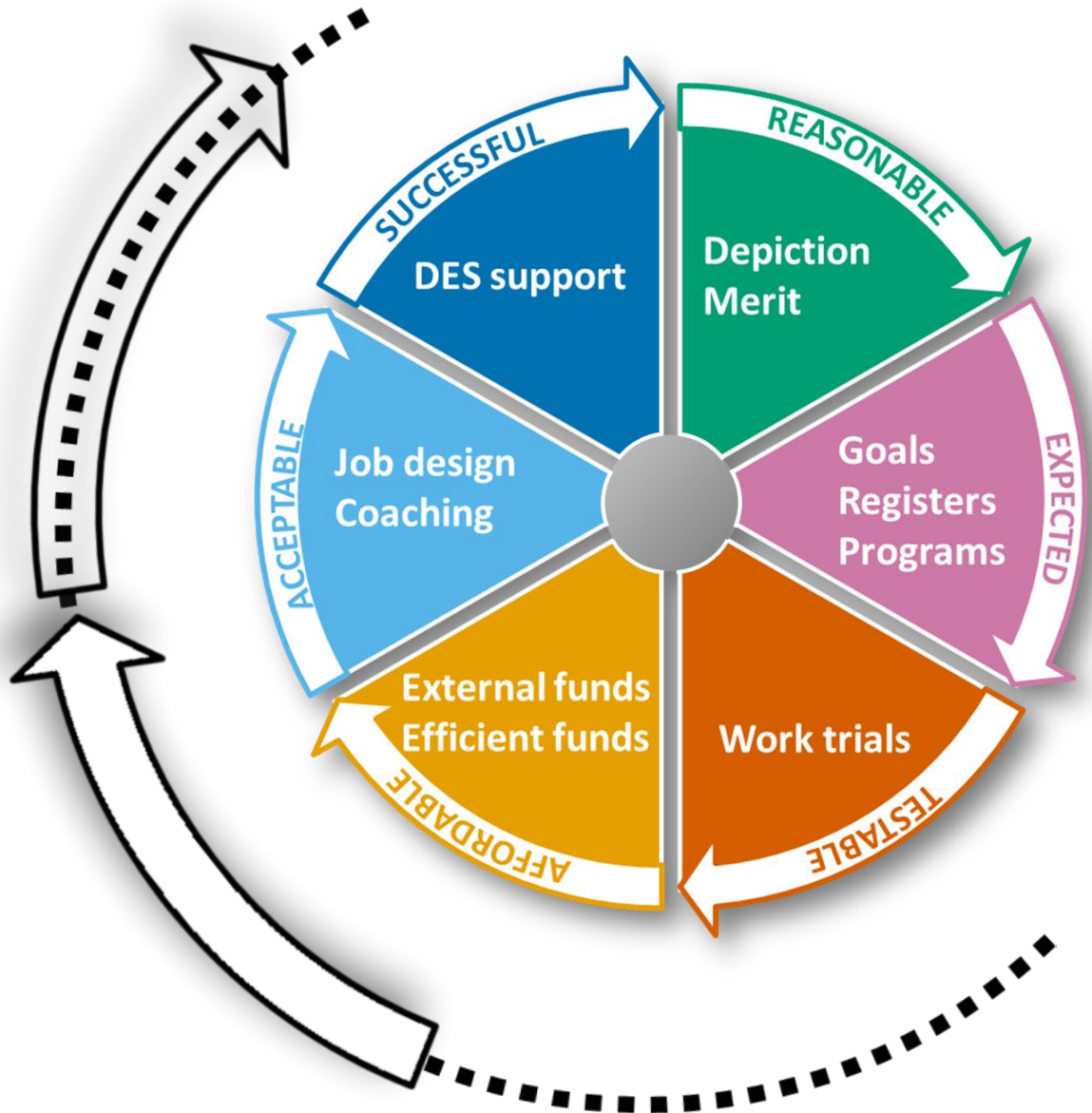




# Tasmanian State Service Evaluation Report 2012



## Recruitment of people with disability into the State Service

Conducted by:  
The Office of the State Service Commissioner

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## **Notice for Aboriginal and Torres Strait Islander people**

In many areas of Australia, it is considered offensive to publish photographs of Aboriginal and Torres Strait Islander peoples who have passed away. This publication may contain such pictures.

## **Acknowledgements**

The Office of the State Service Commissioner (OSSC) wishes to thank everyone who took the time to contribute to the development of this report.

In particular, to the Anti-Discrimination Commissioner, and to the staff of State Service agencies, the (former) Disability Bureau and Community Development Division, and the Public Sector Management Office, for their thoughts, ideas and feedback. Also to the Health and Disability National Statistical Centre of the Australian Bureau of Statistics for extra data and advice. Finally, to the OSSC project team: Jodi Molhuysen, Benn Rafferty, Belinda McDermott and Clio Simmons; and to Ian Wilcox and Roseanne Armstrong, for their support.

## **Terminology**

Every effort has been made to ensure that contemporary, respectful language is used at all times in this report. Generally, the evaluation uses the term 'people with disability', as recommended by the Department of Premier and Cabinet's Community Development Division. And, while the report does not include frequent references to many specific types of disability, it is possible that some sources may have used terminology that has fallen out of favour, that is favoured only in other countries, or that should only be used by people with disability themselves. The evaluation may not get it right every time, but in the words of the FaHCSIA/ABC 'Ramp Up' editor, Stella Young, on this same issue, *'The complexity and variety of people with disabilities in Australia is exactly why these conversations are worth having'*<sup>1</sup>.

## **Disclaimer**

The material in this report is provided for guidance and should not be relied upon as a substitute for detailed advice concerning the employment of people with disability.

When using this report, readers must note that it refers to the legislative provisions in place between June 2009 and May 2012. In addition, employment is often affected by evolving case law.

This report is intended to provide a record of the Commissioner's evaluation review of State Service recruitment practices for people with disability and recommendations arising from that review. Proposals are based on input from stakeholders and from research undertaken during the evaluation.

The Office of the State Service Commissioner has used its best endeavours to ensure the accuracy of the material at the time of writing. However, there is no guarantee that this publication is complete, correct and up-to-date at any particular point of time, or that it is relevant to the particular circumstances of any matter. In addition, some statistical data should be used with caution as estimates may have a high rate of standard error.

The views expressed in this report do not necessarily reflect the views of State Service agencies.

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<sup>1</sup> ABC *Ramp Up* website, <http://www.abc.net.au/rampup/?content=about> accessed 9 February 2012

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# Contents

COMMISSIONER'S FORWARD .....	v
<i>Glossary</i> .....	vii
EX EXECUTIVE SUMMARY .....	1
EX1 EVALUATION BACKGROUND.....	1
EX2 EVALUATION OF AGENCY PRACTICE .....	1
EX3 DEVELOPMENT OF RECOMMENDATIONS.....	3
EX3.1 <i>The employer response</i> .....	3
EX3.2 <i>Specific recruitment programs</i> .....	3
EX3.3 <i>Disability diversity</i> .....	5
EX4 METHODOLOGY AND RESEARCH FINDINGS .....	9
EX5 RECOMMENDATIONS .....	10
1. EVALUATION BACKGROUND .....	13
1.1 <i>Basis for the evaluation</i> .....	13
1.2 <i>Evaluation objectives</i> .....	15
1.3 <i>Methodology and research findings</i> .....	15
1.4 <i>Evaluation parameters</i> .....	15
2. EVALUATION OF AGENCY PRACTICE.....	18
2.1 <i>Findings in relation to agency practice</i> .....	18
3. DEVELOPMENT OF RECOMMENDATIONS .....	26
3.1 THE EMPLOYER RESPONSE.....	26
3.1.1 <i>Recruitment pathways for people with disability</i> .....	26
3.2 SPECIFIC RECRUITMENT PROGRAMS.....	29
3.2.1 <i>Findings in relation to specific recruitment programs</i> .....	29
3.2.2 <i>Work experience, work trials and work</i> .....	31
3.2.3 <i>People with Disabilities Fixed-Term Employment Registers</i> .....	34
3.2.4 <i>Graduate and cadetship programs</i> .....	40
3.2.5 <i>Flexible measures program</i> .....	42
3.2.6 <i>National Disability Employment Strategy</i> .....	44
3.2.7 <i>Recommendations for specific recruitment programs</i> .....	48
3.3 DISABILITY DIVERSITY .....	49
3.3.1 <i>Findings in relation to disability diversity</i> .....	49
3.3.2 <i>Critical role of hiring managers</i> .....	50
3.3.3 <i>Preservation of merit</i> .....	55
3.3.4 <i>Job characteristics</i> .....	56
3.3.5 <i>Diversity coaches</i> .....	62
3.3.6 <i>Depicting disability</i> .....	64
3.3.7 <i>Goals</i> .....	67
3.3.8 <i>Recommendations for achieving disability diversity</i> .....	70
3.3.9 <i>Recommendations in the planning context</i> .....	72

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4.	METHODOLOGY AND RESEARCH FINDINGS.....	73
4.1	EVALUATION METHODOLOGY.....	73
4.1.1	<i>Evaluation of agency practice (phase one)</i> .....	73
4.1.2	<i>Development of recommendations (phase two)</i> .....	76
4.2	RESEARCH FINDINGS.....	78
4.2.1	<i>Understanding disability</i> .....	78
4.2.2	<i>Measuring disability in the community</i> .....	79
4.2.3	<i>Measuring disability in the public sector</i> .....	82
4.2.4	<i>The results</i> .....	86
4.2.5	<i>Closing the gap</i> .....	93
4.2.6	<i>Labour supply and demand issues</i> .....	96
	APPENDICES.....	108
	APPENDIX 1: SELECTED BIBLIOGRAPHY .....	109
	APPENDIX 2: EVALUATION AGENCY QUESTIONNAIRE .....	112
	APPENDIX 3: ABOUT OUR COLOUR PALETTE .....	116
	APPENDIX 4: KEY ABS TABLES .....	117
	APPENDIX 5: QUALITY OF OUTCOMES .....	120
	APPENDIX 6: LABOUR FORCE DATA – UPDATE .....	121
	APPENDIX 7: TABLE OF FIGURES, CHARTS AND TABLES.....	123

# Commissioner's forward

One of the statutory functions of the State Service Commissioner, contained in subsection 18(1) of the *State Service Act 2000*, is to evaluate the application within agencies of practices, procedures and standards in relation to management of, and employment in, the Tasmanian State Service. This report presents the findings of an evaluation of agency practices around the recruitment of people with disability into the State Service.

The decision to undertake this evaluation has its origins in the State Service Act: in particular, under subsection 7(1) that outlines the State Service Principles, including an aspiration for diversity. This is specifically expressed through the Principles related to providing – a workplace that is free from discrimination and which recognises and utilises the diversity of the community it serves; a workplace that is fair, flexible and safe; and one which promotes equity in employment, including by providing a reasonable opportunity for members of the community to apply for State Service employment.

In addition, subsection 34(1)(h) of the State Service Act requires Heads of Agency to develop and implement a workplace diversity program to assist in giving effect to the State Service Principles. To support this, Commissioner's Direction No.3 – *Workplace Diversity* (CD No.3) was issued, setting out the minimum principles, standards and requirements for Heads of Agency in developing and implementing a workplace diversity program, in order to increase the diversity of the State Service workforce.

Compliance with the requirements of CD No.3 was evaluated by the Office of the State Service Commissioner (OSSC) in 2008-09. Whilst that evaluation established that most agencies had a workplace diversity program in place (and highlighted innovative agency-specific strategies and activities), it stopped short of measuring outcomes. Subsequent efforts to measure progress proved difficult, generally due to a lack of data. However, where reporting mechanisms were in place or survey data was available, it was evident that participation in State Service employment by members of various equity groups was not as significant as it could be.

In 2009-10, discussions between the Office of the State Service Commissioner and the Public Sector Management Office resulted in agreement that there was a need to advance the diversity of the State Service. This led to a decision by OSSC, as a first step, to examine the effectiveness of the various initiatives that had been introduced to facilitate the employment of people with disability into the State Service<sup>2</sup>.

The decision to focus initial efforts on the recruitment of people with disability came from a general understanding that, whilst people with disability comprise a significant proportion of the population, they are under-represented in employment. OSSC surveying also indicated that people with disability were under-represented in the State Service to a greater extent than in the workforce generally, suggesting the existence of systemic barriers to their recruitment.

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<sup>2</sup> A project to examine similar matters for Aboriginal and Torres Strait Islander peoples was posted to a forward work plan.

The evaluation confirmed these views, and subsequently revealed that the decisions, attitudes, perceptions and practices of State Service hiring managers lie at the very heart of recruitment and are the key to the recruitment of people with disability. The research suggests that managers, who have no qualms about making a reasonable adjustment for one of their team, may not think it is reasonable to make an extra effort to recruit a person with disability.

It also appears that the way State Service agencies traditionally recruit favours candidates without disability. Despite the best of intentions, small decisions by hiring managers – such as a preference for the incumbent to hold a driver's licence or a tertiary qualification, or for the simplicity of a full-time day worker – can all create real barriers for people with disability.

I commend State Service agencies for recognising that there is a shortfall in the recruitment of people with disability into the State Service and for implementing large-scale changes in recent years to try to address this. However, it appears that recruitment outcomes for people with disability remain below the expected standard. The evaluation reveals that the power to change this lies with hiring managers, who need to make appropriate decisions throughout the recruitment process to support the recruitment of people with disability. This finding provides a new context for agency strategies and may offer a way forward for some.

This year is the tenth anniversary of the release of CD No.3. It is clear that Principles such as 'the State Service utilises the diversity of the community it serves' will remain aspirational, unless there is a focussed effort to make them a reality. That effort is required of each of us, each day. Hiring managers need to start thinking: 'it is reasonable to employ people with disability', and then make all of the small decisions necessary to do so.

I urge all involved in recruitment decisions to read this report and to seek to support their next appointment as a person with disability.



Iain Frawley

ACTING STATE SERVICE COMMISSIONER

June 2012



## Glossary

<b>ABC</b>	Australian Broadcasting Corporation
<b>ABS</b>	Australian Bureau of Statistics
<b>ADE</b>	Australian Disability Enterprises Commercial businesses that provide employment for people with disability (called Business Services prior to 2008). ADEs are funded by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs <sup>3</sup> . At 30 June 2008, 537 Tasmanian ADE clients (out of about 613 'on the books') engaged in work. <sup>4</sup>
<b>Agencies</b>	In this report, State Services Agencies unless otherwise specified.
<b>APSC</b>	Australian Public Service Commissioner
<b>CENSUS</b>	The Australian Bureau of Statistics <i>Census of Population and Housing</i>
<b>Commissioner</b>	State Service Commissioner
<b>Confidence interval</b>	A statistical term. See 'margin of error'
<b>Confidence level</b>	A statistical term. Expressed as a percentage and represents how often the true percentage of the population lies within the margin of error. The 95 per cent confidence level means you can be 95 per cent certain; the 99 per cent confidence level means you can be 99 per cent certain.
<b>DAP</b>	Disability Action Plan Developed by agencies under the auspices of the Tasmanian <i>Disability Framework for Action</i> . Disability frameworks for action and agency disability action plans are featured in other public sector jurisdictions.
<b>DEDTA</b>	Department of Economic Development, Tourism and the Arts. Divisions of Heritage and Arts transferred from DEPHA to DEDTA in July 2009.
<b>DEEWR</b>	(Commonwealth) Department of Employment, Education and Workplace Relations
<b>DEN</b>	Disability Employment Network Formerly the group of providers accredited by the Australian Government to assist people with disability find employment. Replaced by the DES in March 2010, with DEN clients mainly transitioning to the DES Employment Support Services (ESS) stream.

<sup>3</sup> Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) website information  
[www.fahcsia.gov.au/sa/disability/progserv/providers/australiandisabilityenterprises/pages/australiandisabilityenterprises.aspx](http://www.fahcsia.gov.au/sa/disability/progserv/providers/australiandisabilityenterprises/pages/australiandisabilityenterprises.aspx) accessed 7 April 2012

<sup>4</sup> Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). (2008). *Australian Government Disability Services Census 2008*. Commonwealth. From [www.fahcsia.gov.au/sa/disability/pubs/policy/Documents/disability\\_services\\_census\\_2008/chap6.htm#t6](http://www.fahcsia.gov.au/sa/disability/pubs/policy/Documents/disability_services_census_2008/chap6.htm#t6) accessed 25 April 2012

<b>DES</b>	Disability Employment Services Current group of providers accredited by the Australian Government assist people with disability find employment. Replaced DEN and VRS in March 2010. Funded by the DEEWR <sup>5</sup> . DES operates two programs or streams, and includes the National Disability Recruitment Coordinator.
<b>DFA</b>	Tasmanian Government's Disability Framework for Action 2005-2010
<b>DFACS</b>	(Former, Commonwealth) Department of Family and Community Services Now FaHCSIA
<b>DHHS</b>	Department of Health and Human Services
<b>DIER</b>	Department of Infrastructure, Energy and Resources
<b>Disability</b>	Means an impairment, limitation or restriction that is a negative outcome in the context of the social and physical environment <sup>6</sup> . Hiring managers may understand disability as being a feature or experience of a person that is different to the norm or as something that they may need to accommodate, or adjust for, in the workplace.
<b>DMS</b>	Disability Management Services A DES provider program/stream that assists job seekers with disability, injury or ill health but without long term support needs. An element of the Australian Government's National Disability Employment Strategy.
<b>DPAC</b>	Department of Premier and Cabinet
<b>DEPHA</b>	(Former) Department of Environment, Parks, Heritage and Arts Abolished on 1 July 2009.
<b>DPEM</b>	Department of Police and Emergency Management
<b>DPIPWE</b>	Department of Primary Industries, Parks, Water and Environment Divisions of Environment and Parks were transferred from DEPHA to DPIPWE in 2009.
<b>DSP</b>	Disability Support Pension
<b>EAF</b>	Employment Assistance Fund Australian Government program to subsidise the cost of workplace accommodations made by employers, including State Service agencies. The EAF replaced the Workplace Modifications Scheme (WMS) and the Auslan for Employment from March 2010. An element of the Australian Government's EIS.
<b>Education</b>	Department of Education Did not include Polytechnic and Skills Tasmania at the beginning of evaluation period.
<b>EEO</b>	Equal employment opportunity

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<sup>5</sup> Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) website information  
[www.fahcsia.gov.au/sa/disability/progserv/providers/australiandisabilityenterprises/pages/australiandisabilityenterprises.aspx](http://www.fahcsia.gov.au/sa/disability/progserv/providers/australiandisabilityenterprises/pages/australiandisabilityenterprises.aspx) accessed 7 April 2012

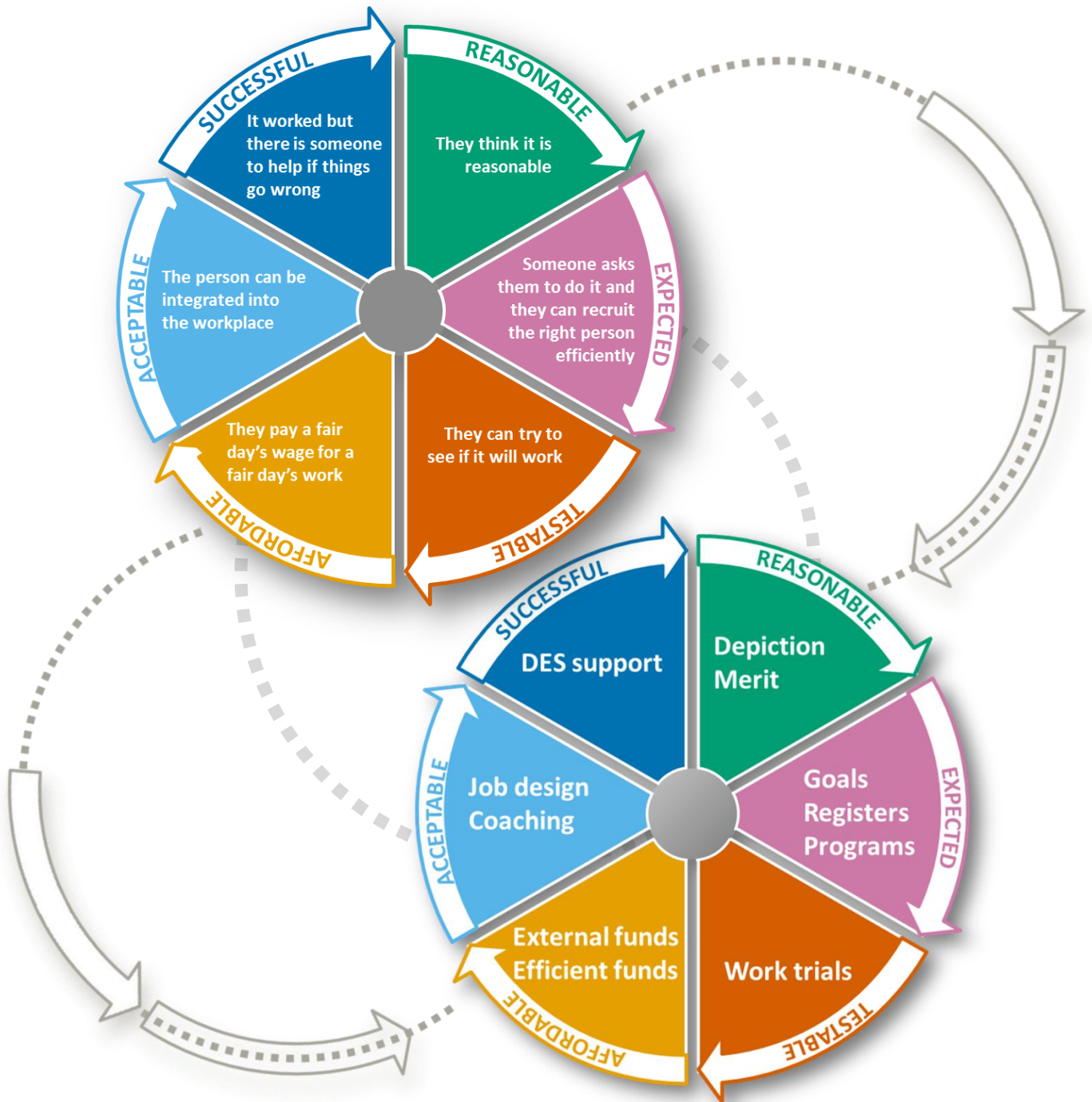
<sup>6</sup> Madden, R. and Hogan, T. (1997) *The definition of disability in Australia: Moving towards national consistency*. Australian Institute of Health and Welfare (Commonwealth). Also  
[www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=6442455474](http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=6442455474)

<b>EIS</b>	Employer Incentives Scheme An umbrella term from the Australian Government incentives to increase the employment of people with disability. Part of the National Disability Employment Strategy. Not all EIS elements are accessible by state government organisations.
<b>ESS</b>	Employment Support Service A DES provider program/stream that assists job seekers with permanent disability and long term need for ongoing support in the workplace. An element of the Australian Government's National Disability Employment Strategy.
<b>FaHCSIA</b>	(Commonwealth) Department of Families, Housing, Community Services and Indigenous Affairs
<b>Hiring manager</b>	Refers to any person with decision-making influence in the recruitment cycle. May include any or all of the following: employees, human resources practitioners, supervising staff, managers, executives and/or Heads of Agency in respect to a particular vacancy.
<b>Ibid</b>	This is a Latin word, short for 'ibidem', which means 'the same place'. Used in footnotes to refer to the preceding reference (that is, 'same as above').
<b>Integrity Commission</b>	The Integrity Commission commenced operations on 1 October 2010, after the evaluation had commenced.
<b>JCA</b>	Job Capacity Assessment Conducted by Australian Government to assess eligibility for payments/services.
<b>Job carving</b>	The act of analysing work duties performed in a given job and identifying specific tasks that might be assigned to an employee with severe disability. <sup>7</sup>
<b>Job seeker</b>	A person who is looking for work, and may include people who are employed, under-employed and unemployed.
<b>Justice</b>	Department of Justice
<b>Job in Jeopardy</b>	Australian Government program for people who are likely to lose their employment in the immediate future as a result of injury, disability or a health condition. Part of the Australian Government's National Disability Employment Strategy.
<b>Labour force</b>	Includes people who are employed and those who are unemployed. The workforce, by comparison, only includes people who are employed.
<b>Margin of error</b>	A statistical term. Describes the estimate of the accuracy of results. For example: a margin of error of seven per cent means the result will be accurate within a range of plus or minus seven per cent. Also called the 'confidence interval'.
<b>Measure</b>	In this report, refers to an act, practice, program, plan, policy, arrangement, mechanism or activity.

<sup>7</sup> Griffin, C. (1996?). *Job carving: a guide for job developers and employment specialists*, page 1, From [www.griffinhammis.com/publications/carving.pdf](http://www.griffinhammis.com/publications/carving.pdf) accessed 4 May 2012

<b>NDES</b>	National Disability Employment Strategy Which includes the Disability Employment Services (DES and NDRC) and Employer Incentives Scheme (EIS)
<b>NDRC</b>	National Disability Recruitment Coordinator A type of DES provider accredited by the Australian Government to work with large employers, including state government organisations.
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>OHS</b>	Occupational (or workplace) health and safety
<b>Open employment</b>	Means regular work for people with disability, with award-based wages and conditions, alongside people without disability.
<b>Open recruitment</b>	In this report, refers to the employer's efforts to recruit through the open labour market. As opposed to 'specific recruitment programs'. From the DES perspective, DES providers assist clients to gain open employment.
<b>OSSC</b>	Office of the State Service Commissioner
<b>PAHSMA</b>	Port Arthur Historic Site Management Authority
<b>PDAC</b>	Premier's Disability Advisory Council
<b>PDFTE Registers</b>	People with Disabilities Fixed-Term Employment Registers A specific recruitment program to facilitate employment of people with disability into the State Service through DES providers.
<b>PY10</b>	Post-Year 10 Agencies The Tasmanian Academy, Tasmanian Polytechnic and Tasmanian Skills Institute were first established under the 'Tasmania Tomorrow' reforms on 1 January 2009, corresponding with the abolition of TAFE Tasmania. Polytechnic and the Academy ceased being agencies and transferred to Education from 1 January 2011.
<b>SDAC</b>	The Australian Bureau of Statistics Survey of Disability, Ageing and Carers The principal source of data on disability in Australia. The SDAC was relied on extensively in the evaluation and, unless otherwise stated, the 2009 SDAC was used. <i>Where available at the time of analysis</i> , Tasmanian regional data was used.
<b>SET</b>	The Australian Bureau of Statistics <i>Survey of Education and Training</i>
<b>SMHWB</b>	The Australian Bureau of Statistics <i>National Survey of Mental Health and Well Being</i>
<b>Specific recruitment programs</b>	In this report, refers to the employer's efforts to recruit through a DES provider, as opposed to 'open employment'. From the DES perspective, DES providers assist clients to gain open employment.
<b>State Service Act</b>	<i>State Service Act 2000</i>
<b>Supported employment</b>	Means work in an Australian Disability Enterprise where extra or more intensive support is provided for a worker with disability.

<b>SWS</b>	Supported Wage System An element of the Australian Government's Employer Incentives Scheme that applies to many employees covered by the National Workplace Relations System. For State Service agencies, a <i>corresponding</i> system has been enacted for many occupational groups via relevant public sector industrial awards and agreements.
<b>TAO</b>	Tasmanian Audit Office
<b>TFS</b>	Tasmanian Fire Service
<b>Treasury</b>	Department of Treasury and Finance
<b>TRMF</b>	Tasmanian Risk Management Fund
<b>UN</b>	United Nations
<b>Unemployed</b>	In this report, because of the reliance on SDAC data, usually includes persons aged 15-64 years who were not employed during the reference week, and had actively looked for work at any time in the four weeks up to the end of the reference week and were available for work in the reference week.
<b>Unemployment rate</b>	The rate of unemployment divided by the rate of labour force participation (employed plus unemployed).
<b>VRS</b>	Vocational Rehabilitation Services Former group of providers accredited by the Australian Government to provide employment rehabilitation services. Replaced by DES in March 2010, with VRS clients mainly transitioning to the DES Disability Management Services (DMS) stream.
<b>WHO</b>	World Health Organisation
<b>WMS</b>	Workplace Modifications Scheme A fund to pay for workplace adjustments to support a person with disability in employment or job search. Replaced by the EAF in March 2010 as an element of the Australian Government's EIS.
<b>Work capacity</b>	In this report, usually refers to the impact of disability on labour force participation. However, work capacity may be reduced by non-disability related factors, such as a non-disabling long-term health condition, caring responsibilities or study. May also be referred to as 'benchmark hours'.
<b>Workforce</b>	Only includes people who are in paid employment. The labour force, by comparison, includes people who are unemployed and employed.



# EX Executive Summary

## EX1 Evaluation background

The *State Service Act 2000* requires Heads of Agency to establish workplace diversity programs to address employment inequity in the State Service. Agencies reported that they have implemented their disability diversity programs through their agency Disability Action Plans (DAPs), developed under the auspices of the Tasmanian Government's *Disability Framework for Action 2005-2010* (DFA).

One in five Australians has disability. Labour force data indicates that people with disability are under-represented in the labour force and over-represented in unemployment figures. As the largest employer of Tasmanians, the State Service has an opportunity to help address this disadvantage by recruiting more people with disability.

Agencies have made changes to improve outcomes for people with disability. However, there has been a growing sense among some stakeholders that the number of people with disability recruited into the State Service is too low. In addition, the results of State Service *Employee Surveys* suggest that disability diversity has not changed.

Therefore, consistent with the Commissioner's statutory functions, an evaluation of practices relating to the employment of people with disability in the State Service was undertaken as a major project under the OSSC Evaluation Program.

## EX2 Evaluation of agency practice

Commissioner's Direction No. 3 – *Workplace Diversity* (CD No.3), requires that an agency workplace diversity program addresses a broad base of diversity groups, including people with disability. As agencies reported that they implemented their disability diversity programs through their DAPs, the first phase of this evaluation focussed on this work. From the results of consultation with, and surveying of, agencies, the following was found:

- Firstly, congratulations are due to the following agencies for commendable innovations in relation to the employment of people with disability –
  - To the Premier, for the creation of the Graduate Program for People with Disabilities, implemented by DPAC, and to DEDTA, DIER, DPAC and DPEM for making placements under this program.
  - To the Community Development Division in DPAC for the facilitation and support of the Willing and Able Mentoring Program mentoring (pre-employment) program.

- To the Royal Tasmanian Botanical Gardens (DPIWE) for winning the 2010 Wise Employment Disability Confident Award (a Community and Public Sector Union award).
- To DEDTA for winning the 2011 Wise Employment Disability Confident Award.
- Unfortunately, not all agencies had implemented a DAP.
  - Two agencies had not yet developed DAPs and two had not yet fully implemented them.
- Agencies generally supported the Willing and Able Mentoring program.
  - DPEM, DPIPWE, DPAC, Treasury, DHHS, DEDTA and Education participated in the program in 2009 and 2010.
- However, the Graduate Program for People with Disability was under-subscribed.
  - DEDTA, DIER, DPAC and DPEM engaged graduates under this program, while funding had been available for six placements across the State Service.
- Agencies reported that only 0.5 per cent of vacancies were filled by people with disability.
- Use of the People with Disabilities Fixed-Term Employment Registers was not significant.
  - Six qualifying referrals were made and two placements resulted.
- Data collection is hampered by under-reporting.
- As few as two per cent of employees undertook specific disability training.
  - DEDTA, DHHS, DIER, DPEM, DPAC and Treasury offered internal training directly related to employing people with disability in 2009-10.
  - Only 409 employees participated in disability specific TTC training.
- A small number of agencies demonstrated innovation through:
  - Provision of guides for DES providers;
  - Providing support for Aboriginal and Torres Strait Islander peoples with disability;
  - Use of cadetships and traineeships for people with disability.
- Progress on accessibility has been somewhat limited, with at least some agencies having addressed accessibility in the following areas:
  - Workplace locations
  - Reviews of statements of duties
  - Accessible point of contact for job applicants
  - Reviews of recruitment processes
  - Workplace adjustment guides
  - Job advertising standards
  - Guide for selection panels
- Most agencies indicated they had implemented their DAPs in relation to cultural change (training, policies and procedures, provision of workplace adjustments, participation in specific programs, etc).
- Agencies and DES providers are aware of the continuing barriers facing people with disability. **Table 2, page 62**, highlights the similarities in DES and agency feedback on remaining barriers.



## EX3 Development of recommendations

### EX3.1 The employer response

There are a number of ways that agencies might recruit people with disability, including through specific recruitment programs. Unfortunately, there is a relatively low supply of potential candidates for such programs, especially from among job seekers assisted by DES providers. We need more and better programs. However, most people with disability are currently recruited through standard recruitment pathways, that is, through open recruitment, and this will continue to be the case. If open recruitment practices, policies and standards did not present barriers to people with disability, it is expected that agencies could employ more people with disability each year – in many cases, without the disability having been disclosed.

The development of recommendations in the report is structured around the two foci of 'specific recruitment programs' and better open recruitment through 'disability diversity', which comprise two major sections of the report.

### EX3.2 Specific recruitment programs

A summary of the research behind the development of recommendations in this section is provided by way of introduction to the discussion. The key finding in relation to specific recruitment programs is that the labour supply and demand for people with disability, in particular for those being assisted by DES providers, are both unexpectedly low. However, it was also found there were options for increasing the number of specific recruitment programs offered by State Service agencies.

#### EX3.2.1 Work experience, work trials and work

Work experience is one of the few proven ways for improving the employment prospects of people with disability. New ways that agencies could increase the number of opportunities for people with disability were identified as:

- Participating in the Australian Government funded Unpaid Work Experience Program for placements of up to four weeks for job-ready candidates.
- Using casual work 'trials' through the People with Disabilities Fixed-Term Employment Registers.

In addition, participation in a number of *pre-employment opportunities* is also encouraged, including:

- The Willing and Mentoring Program;
- Formal Student internships and vocational placements;
- Genuine volunteering arrangements.

### **EX3.2.2 People with Disabilities Fixed-Term Employment Registers**

There was an unexpectedly low level of recruitment through the People with Disabilities Fixed-Term Employment Registers (PDFTE Registers). A number of reasons for this was identified, including:

- The agency may choose not to create a fixed-term vacancy when duties are vacated – the duties may be redistributed, absorbed or not performed, or the role may no longer be considered fixed-term.
- Someone has already been identified to perform the duties – from a subsequent selection process or from within the agency.
- The vacancy has not been released for advertising or referral – subject to vacancy control.
- The vacancy is to be filled from another register or pool.
- The vacancy may not qualify for referral to the PDFTE Registers – the vacancy may not be mid-Band 4 and below (or equivalent) and for a term not exceeding 12 months.
- The manager may have other reasons for not referring the vacancy – from concerns about merit and opportunity, to the vacancy being very short-term or the manager not being aware of how to refer it.

A model process for referral of vacancies to the PDFTE Registers has been developed to encourage agencies to develop clearer policies and procedures (see **Figure 3, page 38**).

### **EX3.2.3 Graduate and cadetship programs**

Graduate and cadetship programs may be advertised at a time in the school calendar when students are preparing major assignments or sitting exams, and the period during which the application is open are typically quite short. These present barriers to all students, and especially for students with disability.

### **EX3.2.4 Flexible measures program**

The Australian Public Service (APS) Special Measures program was evaluated. This program enables an APS agency to design a job for a person with disability (an exercise usually known as ‘job carving’) who is not able to compete on merit. It was found that small but significant differences in relevant statutory frameworks between the State Service and the APS mean it is not possible to simply adopt the Special Measures model, as it stands. However, a similar State Service program could be created through a Commissioner’s Direction. Such a Direction would describe how the ‘job carving’ exercise would be undertaken. The Commissioner is expected to review the Directions with the view to possibly implementing such a program.

## EX3.2.5 National Disability Employment Strategy

The Australian Government's National Disability Employment Strategy now offers more support for State Service agencies. The strategy comprises two elements – the service providers and the employer incentives, as follows:

### Disability Employment Services (DES):

- DES providers – Deliver Disability Management Services and Employment Support Services.
- National Disability Recruitment Coordinator (NDRC) – Aims to increase the efficiency with which large firms recruit people with disability and create more opportunities for people with disability through a Memorandum of Understanding. WorkFocus Australia is the current NDRC.

In November 2011, the Premier's Disability Advisory Council recommended that DPAC develop a program facilitating relationships between disability employment organisations and agencies<sup>8</sup>.

### Employer Incentives Scheme:

- Supported Wage System – An industrial relations mechanism to facilitate wage adjustments. A corresponding system is available to State Service agencies through industrial awards and agreements.
- Ongoing Support Assessments – Ensures ongoing support is available if required.
- Employment Assistance Fund – Provides assistance for modifying physical work environments and purchasing adaptive technology and for Auslan interpreting services. EAF funding is not available where funding is provided from other sources, such as workers compensation.
- JobAccess service – Provides information and advice. JobAccess website is [www.jobaccess.gov.au](http://www.jobaccess.gov.au)
- Wage Connect - A wage subsidy scheme not currently available to State Service agencies.

The evaluation found that the rate of State Service applications for EAF funding is well below the rates of application by Tasmanian local government organisations, and other state and territory governments.

## EX3.3 Disability diversity

A summary of the research behind the development of recommendations in this section is provided by way of introduction to the discussion. The most significant finding in relation to achieving diversity in the State Service was the critical role of hiring managers<sup>9</sup>: their recruitment decision-making has been mapped, revealing why 'large firms' find recruitment of people with disability especially challenging.

<sup>8</sup> Premier's Disability Advisory Council. (2011). *Report on agency implementation of the Disability Framework for Action*. Department of Premier and Cabinet.

<sup>9</sup> Refers to any person with decision-making influence in the recruitment cycle. May include any or all of the following: employees, human resources practitioners, supervising staff, managers, executives and/or Heads of Agency in respect to a particular vacancy.

State Service jobs were also found to often include characteristics that present barriers to people with disability. Preferences for the incumbent to hold a driver's licence, be a university graduate or work full-time hours are examples. If selection is based on non-inherent requirements that are under-represented in people with disability, this may be discriminatory.

The idea of a State Service goal was evaluated. However, a suitable specific recruitment goal for the whole State Service was not identified at this time. Some facilitative and other specific goals were suggested, as a starting point, especially for small agencies.

### EX3.3.1 Critical role of hiring managers

Research revealed in the (former, Commonwealth) Department of Family and Community Services (DFCS) report *Improving Employment Opportunities for People with a Disability: Report of the Review of the Employer Incentives Strategy* (hereafter, the 'DFCS report') shows that the attitudes and behaviour of hiring managers are the most critical in the recruitment of people with disability.

The three key findings of the DFCS report were as follows:

- *Hiring manager decisions:* Some managers recruit people with disability and some do not. Hiring managers who do recruit people with disability make specific decisions that lead them to do so over-and-over again. However, if an unfavourable decision is made at any point, that manager may never recruit another person with disability. The DFCS report illustrates the decision making cycle in its "Model of Employment Decision Making" (see adaptation of the model in **Figure 6, page 51**). DFCS found that larger employers cannot easily shift through points 1 (reasonable) and 2 (expected).

The Model of Employment Decision Making provides a framework for putting the views of employers into a decision-making context, showing how particular issues and concerns can have an impact on the employer's decision to hire at critical points. The Model also indicates how an agency strategy to improve the recruitment of people with disability in the State Service must support the right decision-making at each point in the cycle. The Model may have application for other equity groups.

- *Hiring manager attitudes and perceptions:* The DFCS report also identified a number of employer perceptions of people with disability that may influence hiring manager decisions. Such notions are not relevant to the employment of an individual: even if born-out statistically (which often they are not), the notion may be wrong in relation to a particular recruit. However, it may be useful for agencies to appreciate some of the 'internal dialogue' hiring managers might have and so these findings are presented in the report.
- *Hiring practices (small firms versus large firms):* The DFCS report indicates that there is a significant difference in the attitudes and behaviour of hiring managers in *large* firms compared with those in *small* firms, in respect to the recruitment of people with disability. Larger firms tend to recruit for a specific vacancy through a formal, competitive, open recruitment process. Small firms have a more flexible approach to recruitment. Some divisions within State Service agencies behave more like small firms in relation to their recruitment of people with disability, whereas the majority of agencies appear to behave more like large firms.

### EX3.3.2 Preservation of merit

Some hiring managers may be concerned about whether merit selection is affected by decisions to set jobs aside for people with disability or to modify recruitment practices to make jobs more accessible.

The State Service Act deems that a decision relating to appointment or promotion is based on merit if an assessment of the relative suitability of candidates is the primary consideration in making the decision. The State Service Act does not prescribe how merit assessments are conducted, or who conducts them. The State Service Act does not prescribe advertising standards either. Approved State Service programs that limit the pool of candidates do not circumvent merit, because the relative suitability of more than one candidate remains the primary consideration in selection. Commissioner's Direction No. 1 – *Employment in the State Service* specifies how selection pools may be limited.

### EX3.3.3 Job characteristics

Job characteristics include:

- The duties to be performed – what the incumbent is expected to accomplish;
- Skills, qualifications and personal qualities required in relation to those duties;
- The level of responsibility associated with those duties;
- Essential requirements for the performance of those duties;
- Hours of work, location, special equipment to be operated, etc.

A review of current State Service advertising revealed that jobs are still being designed and advertised with characteristics that may not reflect the inherent requirements. Where a selection decision is based on the ability to satisfy non-essential requirements, this may be discriminatory if fewer people with disability are likely to meet the requirement. Such requirements represent real barriers to the recruitment of people with disability, and they are so widespread that they may contribute to the perception by some that current recruitment practices may be discriminatory.

To shed some light on why hiring managers may still be identifying these job characteristics as requirements, and to provide some alternatives for consideration, a number of these types of job characteristics are discussed in the report in detail, including: ways duties are to be performed; driver's licences and the like; hours of work; health and fitness standards; and education qualifications.

### EX3.3.4 Diversity coaches

The evaluation found that a number of the 'perceived barriers' to the recruitment of people with disability are only likely to be addressed through one-on-one coaching of hiring managers by skilled individuals. Almost all stakeholders expressed a view that agencies should engage 'disability officers' to address a broad range of issues in the recruitment and employment of people with disability.

Diversity and equity support functions could be amalgamated (where this has not already occurred) into a 'diversity coach' role, together with diversity and equity risk management functions. It is envisioned that a diversity coach would carry agency responsibility for implementing the agency's equity and diversity agenda on behalf of the Head of Agency, including:

- Proactively assisting hiring managers.
- Sourcing Australian Government transfers (EAF funding) for workplace accommodations (modifications and adjustments) and leverage additional EAF funding for accommodations that would otherwise cause 'unjustifiable hardship'.
- Managing a central fund for accommodations in the form of assistive technology and equipment. Monitor the movement of portable accommodations between units and agencies to reduce waste.
- Coordinating disability specific training, services and minor building works, to minimise cost and maximise EAF contributions. Training should initially focus on hiring managers who do a lot of the hiring, and on others who most frequently participate in recruitment panels.

The evaluation was concerned that agencies would need to find ways to fund the role of diversity coach in the current operational environment. However, implementing the above would increase the efficiency with which all workplace accommodations (modifications or adjustments) are managed, and significantly increase Australian Government transfers to pay for them.

### EX3.3.5 Depicting disability

Individual employees should decide whether and how their disability is depicted. However, State Service agency websites and publications should depict disability in a (positive) incidental way, in order that the material is seen to be inclusive of people with disability. At present, disability is generally invisible in this material.

One way of achieving a better result, would be to ensure that images of a model depicting the disability are accompanied by additional images of the same model that do not depict the disability. This way, the focus is on the person (being active, working, studying, being in a relationship, etc) and not on the disability. To support this, ideally the 'disability' category in the Tasmanian government image library should include images of the same models (or employees, where agreed) in which the disability is not observable.

Where an agency is not able to obtain suitable images of employees with visible disability, going about their usual duties, they should consider sourcing suitable images from among the hundreds of high-quality royalty-free stock photos of employees with disability that are widely available at very low prices online.

### EX3.3.6 Goals

The evaluation established that whole-of-Service specific goals may not be appropriate for the State Service and several arguments to support this view are provided in the report.

However, hiring managers will recruit people with disability if they are expected to do so, therefore, agencies should raise this expectation by establishing their own facilitative goals and other forms of specific goals for recruitment. Facilitative goals are those that support better recruitment outcomes, but fall short of requiring specific levels of recruitment, for example: 100 per cent of genuine qualifying vacancies referred to the People with Disabilities Fixed-Term Employment Registers, or 10 per cent of images modelling employment to reflect disability diversity. Agency specific goals need to take into account a number of factors that may be unique to that agency – such as workforce characteristics, local labour supply and demand, etc. The report identifies sources of guidance for agencies on how to determine specific goals.

Some small agencies may struggle to carry out the necessary rigorous analysis to develop specific goals in the short-term. A reasonable diversity goal for these agencies, as a starting point, may be one constructed on the number of people in their agency reporting a disability requiring a workplace adjustment (data may be provided upon request from the Commissioner's *Employee Survey*), compared with the number of people requiring a workplace adjustment in the general Tasmanian workforce (about 7.5 per cent). The specific goal might be to close the gap between these two figures through a range of specific recruitment programs and better open recruitment.

## EX4 Methodology and research findings

The report details the evaluation methodology and research findings in this separate technical section. In particular, a range of statistics around disability, relevant findings from the Australian Bureau of Statistics 2009 *Survey of Disability, Ageing and Carers* and the Commissioner's 2010 *Employee Survey* are examined in detail. Concerns about labour supply and demand are also explored more fully in this section. These aspects of the evaluation may be of interest to specialist policy officers or to others wanting to examine the supporting evidence in relation to a particular finding.

## EX5 Recommendations

### EX5.1 Recommendations for specific recruitment programs

As a general comment, while DES Disability Management Services (DMS) clients are not necessarily precluded from most State Service specific recruitment programs for people with disability, agencies would ideally direct vacancies to the DES Employment Support Services (ESS) client base. One reason for this is that people from the DMS program may not have disability. Agencies should also record from which pool candidates are sourced – DES ESS or DES DMS – so the impact of recruitment from the two programs can be analysed. The recommendations in relation to specific recruitment programs are as follows:

#### EX REC-1 Work experience, work trials and work

That agencies offer more short-term opportunities for people who are *job ready*, either through the Australian Government funded Unpaid Work Experience Program (UWEP) for free placements of up to four weeks, or through the People with Disabilities Fixed-Term Employment Registers, for shorter work trials in the form of casual employment (from a few hours to a few days) and fixed-term placements of up to and including 12 months.

#### EX REC-2 People with Disabilities Fixed-Term Employment Registers

That agencies implement a policy that requires managers to refer all genuine qualifying vacancies to the People with Disabilities Fixed-Term Employment Registers. Assessment would take account of all approved reasons for non-referral and would ideally be supported with an agency-specific decision-tree, flowchart or checklist to assist busy hiring managers to make the correct decision. An example of such a flowchart is provided in **Figure 3, page 38**, of this report.

#### EX REC-3 Graduate programs

That agencies consider more accessible vacancy notice periods and better timing for advertising, including using an expression of interest approach to the recruitment of graduates and cadets as a precursor to formal applications.

#### ES REC-4 Flexible measures (program)

The introduction of a 'flexible measures' program should be considered to allow 'job carving' within the merit framework. If such a program is implemented, it is recommended that agencies develop guidance material in the use of the program within the context of their individual diversity plans.

#### EX REC-5 More efficient and more external funding

That each agency centralises its funding for workplace accommodations and ensures that full use is made of available Australian Government monies.



## EX5.2 Recommendations for achieving disability diversity

The recommendations in relation to achieving diversity and open recruitment are as follows:

### EX REC-6 Critical role of hiring managers

That agencies recognise and document the critical importance of hiring managers, and provide them with the facts and tools they need to recruit people with disability, by implementing the range of measures indicated in this report to help ensure the correct decision-making at each point in the recruitment decision-making cycle.

**Figure 8, page 70**, illustrates how all recommendations (those relating to specific recruitment programs and those relating to diversity and open recruitment) support better decisions by hiring managers at each point in the recruitment cycle.

### EX REC-7 Preservation of merit

That agency selection policies and procedures clearly explain that merit is not compromised simply by limiting the pool of candidates in accordance with Commissioner's Directions.

### EX REC-8 Job characteristics

That agency recruitment information only refers to essential requirements.

Where a requirement is considered an essential part of the job, this is made clear.

Agencies consider what is to be done in the job and the level of expertise, rather than how or when it is done, or what education qualification should be held.

Agencies develop health and fitness requirements that address only the essential requirements of the job, taking account of the implications for induction, maintenance and failure to maintain entry standards.

That non-essential requirements are not the basis of selection, where this may disadvantage a person with a particular attribute, such as disability.

For nominal full-time vacancies, unless an inherent requirement of the job, advertising defaults to an inclusive description such as "Permanent full-time day [or shift etc] work. Notwithstanding, hours per fortnight may be negotiated with the successful applicant."

### EX REC-9 Diversity coaches

That agencies examine ways to combine and expand functions related to the recruitment and management of diversity groups, to ensure that the needs of hiring managers are better supported.

That responsibility for co-ordinating workplace accommodations for each agency, including the preparation of funding applications to the Australian Government's Employment Assistance Fund, be centrally located with the diversity function.

### **EX REC-10**    **Depicting disability**

That agencies include depictions of ‘employees with disability’ (depicted by models) in mainstream media, but without focussing on disability and while respecting that actual individual employees should decide whether – and how – their disability is depicted.

### **EX REC-11**    **Goals**

That agencies implement a range of facilitative goals to support the recruitment of people with disability, by specifying those specific goals in the agency diversity programs and/or Disability Action Plans.

That agencies internally set a specific goal or goals for disability diversity through recruitment. That agencies unable to obtain the necessary data to support the rigorous analysis required to internally set such a target, adopt the general standard of 12 per cent (based on disability diversity in the Australian and Tasmanian workforces, as may change from time to time) or 7.5 per cent requiring a workplace adjustment.

## **EX5.3**    **Recommendations in the planning context**

Agencies could reflect this report’s recommendations through their existing planning frameworks through their Workplace Diversity Programs and Disability Action Plans.

The Office of the State Service Commissioner will do all it can to facilitate the implementation of the report’s recommendations.

# 1. Evaluation background

One in five Australians has disability. Most disability is not visible. Disability may be permanent, episodic or temporary. Many people acquire disability through illness, injury or ageing, while others are born with it. Some people with disability receive medical or technological intervention that removes the cause or functional impairment, but for others, disability is lifelong. Different people with the same condition have different experiences of disability; so knowing what type of disability a person has tells us little about what adjustments they might need, if any. People are more likely to experience disability as they age, so at some point in our lives, most of us can expect to experience disability, or be close to someone who does.

Labour force data indicates that people with disability are under-represented in the labour force and over-represented in unemployment figures. As the largest employer of Tasmanians, the State Service has an opportunity to help address this disadvantage by recruiting more people with disability.

## 1.1 Basis for the evaluation

In 2000, the Tasmanian Parliament determined a set of Principles, under section 7 of the *State Service Act 2000*, reflecting an enduring approach to public administration that goes to the heart of the Westminster model and underpins a contemporary State Service. Those principles deal with service quality, ethics, conduct, accountability, impartiality and employment. Nine of the State Service principles concern employment in particular, as follows (subsection 7(1) of the State Service Act), "...the State Service...":

- (b) "... is a public service in which employment decisions are based on merit";
- (c) "... provides a workplace that is free from discrimination and recognises and utilises the diversity of the community it serves";
- (g) "... develops leadership of the highest quality";
- (h) "... establishes workplace practices that encourage communication, consultation, cooperation and input from employees on matters that affect their work and workplace";
- (i) "... provides a fair, flexible, safe and rewarding workplace";
- (j) [with subsection (ja)] "... plans for and promotes effective performance management in which Heads of Agencies, officers and employees are accountable for the performance of their functions and exercise of their powers";
- (k) "... promotes equity in employment";
- (l) "... provides a reasonable opportunity to members of the community to apply for State Service employment"; and
- (m) "... provides a fair system of review of decisions taken in respect of employees".

These concepts are similar to those that apply in other Australian Public Sector jurisdictions, including in the Australian public service<sup>10</sup>.

Several of the principles relating to employment are relevant to the recruitment of people with disability into the State Service. Commissioner's Direction No. 3 – *Workplace Diversity* (CD No.3), released in 2002, supports these principles. CD No.3 directs agencies to "...put in place measures to:

- (i) help provide a workplace free from all forms of discrimination and harassment, whether direct or indirect (subsection 7(c)) in a manner consistent with all Tasmanian and Commonwealth law;
- (ii) recognise and utilise the diversity available in the workplace and the community it serves (subsection 7(1)(c));
- (iii) promote equity in the workplace (subsection 7(1)(l)); and
- (iv) provide a reasonable opportunity to members of the community to apply for State Service employment (subsection 7(1)(k))."

Agencies reported that they have implemented their workplace disability diversity programs through their individual agency Disability Action Plans developed under the auspices of the Tasmanian Government's *Disability Framework for Action 2005-2010* (DFA)<sup>11</sup>. The DFA represents a serious commitment by the Tasmanian Government at the highest levels to a vision for Tasmania as an inclusive and caring community. This policy helps Australia meet its obligations under Article 27 of the United Nations Convention on the Rights of Persons with Disabilities, to take steps to employ persons with disability in the public sector.

Agencies have made changes to improve outcomes for people with disability. However, there has been a growing sense among some stakeholders that the number of people with disability recruited into the State Service is too low. In addition, the results of the Commissioner's State Service *Employee Surveys* of 2005, 2007 and 2010 suggest that disability diversity has not changed.

Based on this information, and consistent with the Commissioner's statutory functions, it was decided to undertake an evaluation of practices relating to the employment of people with disability across all agencies as a major project under the OSSC Evaluation Program. This current evaluation follows recent evaluations on *Recruitment in the State Service* (2010), which focussed on merit, and on *Agency Workplace Diversity Programs* (2008), which was essentially a 'compliance audit' of the performance of agencies against CD No. 3. Reports for both evaluations are published at the OSSC website at [www.osscc.tas.gov.au](http://www.osscc.tas.gov.au)

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<sup>10</sup> Refer to the *State Service Act 2000* and the *Public Service Amendment Bill 2012* Explanatory Memorandum  
[http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fems%2Fr4763\\_ems\\_2a5b8cca-a9a1-40d8-83b8-28ec313b47a7%22](http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fems%2Fr4763_ems_2a5b8cca-a9a1-40d8-83b8-28ec313b47a7%22) accessed 3 May 2012

<sup>11</sup> At the time of writing this report, the DPAC was reviewing the DFA.

## 1.2 Evaluation objectives

The purpose of this evaluation was two-fold. Firstly, it sought to evaluate the effectiveness of agency strategies to facilitate the recruitment of people with disability into the State Service. This was done by:

- Reviewing the scope and application of recruitment strategies described in agency DAPs;
- Reviewing employment statistics for the State Service and measuring the level of recruitment of people with disability, including the uptake of specific recruitment programs.

Secondly, it sought to identify the nature of barriers restricting employment opportunities for people with disability in the State Service, and how these barriers could be addressed. This was done through a combination of an extensive literature search and stakeholder consultation.

## 1.3 Methodology and research findings

A detailed explanation of the evaluation methodology and research findings is provided in a later section of the report, dedicated to this purpose commencing at **page 73**.

## 1.4 Evaluation parameters

The evaluation outcomes focus on employer recruitment strategies, rather than on government policy in relation to the employment of people with disability generally.

### 1.4.1 Recruitment

At first, the evaluation examined strategies to support the *employment* of people with disability, including:

- Strategies to support promotion and career development;
- Training and education strategies;
- Job retention strategies;
- Workplace adjustments or accommodations; and
- Recruitment strategies.

The decision to limit the scope of the evaluation to 'recruitment' was mainly due to stakeholder view that, in order to make the greatest gains, effort should focus on increasing the recruitment of people with disability.

### 1.4.2 Employer strategies

The literature abounds with strategies to improve employment outcomes for people with disability that rely on changes to government policy. Finding suitable recruitment strategies that could be implemented by Australian employers was quite a challenge. Unfortunately, a number of worthy proposals put forward by some stakeholders were simply outside of the Commissioner's capacity to facilitate, influence or evaluate. Therefore, the research focussed on job capacity, employment restrictions, unemployment rates and workforce characteristics, and on identifying employment strategies that agencies could implement.

### 1.4.3 Best practice

Best practice is a superior method or innovative practice that contributes to the improved performance of an organisation, usually recognised as 'best' by peer organisations<sup>12</sup>.

For example: the evaluation noted that some education institutions in Australia had implemented best practice in relation to the inclusion of people with disability. Best practice in the education sector is supported by the 2005 Australian Government *Disability Standards for Education* (the Standards), and the corresponding national codes of practice for students with disability. These Standards clarify the rights of students with disability to access and participate in education and training, and they give education providers guidance on how they can meet their legal obligations.

Unfortunately, while draft national standards on the employment of people with disability were prepared in 1998, they never proceeded towards authorisation, as there was no consensus among stakeholders for their adoption<sup>13</sup>. The evaluation was limited by the lack of best practice by Australian employers in this area, but a number of relevant 'good practice guides' were examined.

### 1.4.4 Evaluation of measures: necessary, achievable, measurable and affordable

The recommendations in this report should complement, rather than replace, existing agency strategies. Furthermore, given the reality of current agency operational and financial environments post-global financial crisis, the recommendations in this report were tested against an evaluation framework, as illustrated in **Figure 1, next page**.

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<sup>12</sup> See for example <http://commetrics.com/articles/good-practice-or-best-practice-what-shall-it-be/> accessed 14 February 2012

<sup>13</sup> According to the Human Rights and Equal Opportunity Commission (HREOC), website accessed November 2011

Figure 1: Illustration of evaluation framework used to test recommendations



## 2. Evaluation of agency practice

### 2.1 Findings in relation to agency practice

Section 34(1) of the State Service Act prescribes 12 functions for Heads of Agency, and one of those is to develop and implement a workplace diversity program to assist in giving effect to the State Service Principles (under subsection (1)(h)). Commissioner's Direction No. 3 – *Workplace Diversity* (CD No.3), requires that the workplace diversity program address a broad base of diversity groups, including people with disability. Agencies are also required to evaluate the effectiveness and outcomes of their workplace diversity programs annually, and to review programs at least every four years. Agencies reported that they have complied with these requirements with respect to people with disability, under the auspices of the Tasmanian Government's *Disability Framework for Action 2005-2010* (DFA)<sup>14</sup>.

The first phase of this evaluation focussed on the work undertaken by agencies under the DFA. The evaluation included an examination of quantitative data provided by agencies, together with qualitative responses and commentary, so it was not possible to merely present a table of results. The precise methodology and rationale for this part of the evaluation is described in the separate 'Methodology and research findings' component of this report.

According to the DFA, the Tasmanian Government was working towards ensuring that people with disability had the same access to employment opportunities within the State Service as other Tasmanians. In particular, Heads of Agencies were required to:

- Provide a workplace free from all forms of discrimination and harassment, whether direct or indirect in a manner consistent with all Tasmanian and Commonwealth laws; and
- Provide reasonable opportunity to a member of the community to apply for State Service employment.

The DFA said that these requirements were [to be] implemented through the following actions:

- Requiring agencies to put workplace diversity programs in place, including measures to ensure compliance with relevant legislation and performance indicators to demonstrate progress – reviewing State Service practices and processes with a view to improving the potential for people with a disability to obtain employment;
- Ensuring public sector managers are skilled in managing staff with a disability by providing training in workplace diversity for managers and supervisors;

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<sup>14</sup> At the time of writing this report, the DPAC was reviewing the DFA.



- Implementing a State Service fixed-term employment program using employment brokers that specialise in the case management of people with a disability seeking employment.

In addition to the above requirements, the State Service statutory framework (including CD No.3) and/or contemporary employment and recruitment practice, raise other expectations in relation to the recruitment of people with disability. Furthermore, those other frameworks have application to a broader base of people with disability<sup>15</sup>.

The following draws together and reports the level of activity in the above areas.

### 2.1.1 Congratulations

The following actions to assist and recruit people with disability should be commended:

- The creation of the Graduate Program for People with Disabilities by the Secretary of the DPAC, under delegation from the Commissioner, and implemented by the Public Sector Management Office. In 2009-10, two positions were filled under the program [DEDTA and DIER]<sup>16</sup> and in 2010-11, two fixed-term positions were filled [DPAC and DPEM]. PSMO should also be commended for seeking an exemption for the program from the Anti-Discrimination Commissioner<sup>17</sup>.
- The facilitation and support by the Community Development Division (formerly by the Disability Bureau) of the Willing and Able Mentoring Program, and the support across government for this worthwhile pre-employment program. Five agencies participated in WAM in 2009 [DPEM, DPIPWE, Education, DPAC and DHHS], and five participated in 2010 [Treasury, DPAC, DHHS, DEDTA and Education]. In 2010, there were more State Service places offered than applicants to fill them.
- The Royal Tasmanian Botanical Gardens [DPIWE] received the 2010 Wise Employment Disability Confident Award (a CPSU Award) for employing two people with disability on an ongoing basis through an approved program and positively promoting how disability can bring new potential and diversity to the workplace.
- DEDTA received the 2011 Wise Employment Disability Confident Award (a CPSU Award) in recognition of the many initiatives in place for staff, including:
  - Dedicated staff roles in the Liveable Places unit, Corporate Support, Arts Tasmania, and Sport and Recreation Tasmania;
  - Disability awareness training;
  - A highly responsive facilities unit responsible for arranging workspace modifications; and
  - Communications initiatives.

<sup>15</sup> The DFA applied to people with disability as defined by the *Disability Services Act 1992*.

<sup>16</sup> Refer to glossary for explanation of agency acronyms

<sup>17</sup> An exemption ensures that the organisation does not have to defend its decision to limit the program before the Anti-Discrimination Tribunal, should there be a complaint.

### **2.1.2 Not all agencies had implemented a Disability Action Plan**

At the end of 2010, twelve of the fourteen agencies surveyed had developed DAPs – with eight fully implemented, two developed but not implemented and two partially developed. Two smaller agencies [PAHSMA and TAO] did not have a DAP. Only three agencies (21 per cent) [DEDTA, DPAC and Treasury] indicated that they had consulted disability advocacy groups as part of the development of their DAPs.

### **2.1.3 The Willing and Able Mentoring program is well supported**

Although it is a mentoring program, rather than a work experience program, participants view the Willing and Able Mentoring program (WAM) positively. WAM matches tertiary students with disability to a mentor in an organisation in the area in which the student hopes to establish a career. In Tasmania, WAM is a partnership between the Tasmanian State Service and the National Disability Coordination Officers. Several private sector and non-government organisations also provide mentors for the program.

Altogether, seven different agencies participated in the program in 2009 and 2010 [DPEM, DPIPWE, Education, DPAC, DHHS, Treasury and DEDTA]. Some other agencies have participated in previous years and have indicated that they will again.

In 2010, there were more State Service places offered than there were applicants to fill them.

### **2.1.4 The Graduate Program for People with Disability was under-subscribed**

The Graduate Program for People with Disabilities was launched in 2010 as a key component of the State Service Disability Employment Program, to run for two-years. The program offered permanent or fixed-term employment opportunities that were advertised openly but only available to candidates with disability, as defined. Five vacancies were advertised and ultimately four agencies employed four graduates under the program [DEDTA and DIER in 2010, and DPAC and DPEM in 2011]. Participation levels were below the budget allocation, which aimed at funding six positions over the two years of the program.

### **2.1.5 Agencies reported 0.5 per cent of vacancies filled by people with disability**

Agencies advised that they filled 1,910 permanent vacancies in the State Service in 2009-10, with three of these filled by people with disability (one full-time and two part-time vacancies). This represented less than 0.2 per cent of all permanent vacancies filled. Similarly, agencies advised that there were 2,082 fixed-term vacancies filled in 2009-10, with 18 of these filled by people with disability (four full-time and 14 part-time vacancies). This represented less than 0.9 per cent of all fixed-term vacancies. It is presumed that the disability status of these 21 people had been disclosed at recruitment.

### 2.1.6 Use of the People with Disabilities Fixed-Term Employment Registers was not significant

Prima facie, 772 of the 2,082 fixed-term State Service vacancies (37 per cent) qualified for referral to candidates on the People with Disabilities Fixed-Term Employment Registers (PDFTE Registers) in 2009-10 as being Band 4 or below and for a period of 12 months or less. Of those 772 vacancies, agencies only referred six vacancies, culminating in two placements [two part-time, fixed-term roles within DPIPWE]. This represents a filling rate of under 0.3 per cent of all potential referrals. Related findings show that:

- Four agencies (29 per cent) [DPEM, TAO, TPT and Polytechnic] indicated that their human resource personnel and operational managers were unaware of the Public Sector Management Office material concerning the use of the PDFTE Registers.
- Around 64 per cent of agencies had not developed a communications strategy to ensure that the PDFTE Registers were promoted to managers, with most claiming the reason for not doing so was the belief that there were insufficient suitable vacancies and insufficient suitable candidates.
- Only five agencies (36 per cent) [DEDTA, DHHS, DPAC, DPIPWE and Treasury] indicated that they had developed internal procedures around the use of the PDFTE Registers.

### 2.1.7 Data collection is hampered by under-reporting

Feedback from agencies confirmed the view that data on the employment and recruitment of people with a disability was inherently difficult to quantify, primarily due to 'non-disclosure' and problems defining disability. Limited data relating to the recruitment of employees with a declared disability was recorded to meet the Commissioner's annual reporting requirements. Some agencies indicated that they relied on the Commissioner's *Employee Survey* for their base measurement of disability diversity.

### 2.1.8 As few as two per cent of employees undertook specific training

Annual reporting<sup>18</sup> data indicates that about 547 employees participated in a range of diversity training in 2009-10. About 160 managers and supervisors attended workplace discrimination training and 326 attended workplace conflict training (these figures may include 49 senior managers who undertook anti-bullying and harassment training). In addition, 61 attended other workplace diversity related training. Agencies did not distinguish between internal and external training in reporting this data.

The above training includes internal training by six agencies (43 per cent) [DEDTA, DHHS, DIER, DPEM, DPAC and Treasury] directly related to employing people with disability.

<sup>18</sup> Office of the State Service Commissioner. (2010). 2009-2010 State Service Commissioner's Annual Report. Tasmanian Government. pp 23-24

All State Service agencies, except the Tasmanian Fire Service and the Port Arthur Historic Site Management Authority, participated in TTC disability specific courses. To support agency disability training, The Training Consortium (TTC) established a panel of providers to develop and deliver a suite of disability awareness training courses. The training was built around three core themes:

- One aimed at developing employee confidence to interact and work with colleagues with disability;
- A second aimed at enabling managers and supervisors to develop an understanding of the issues and needs of people with disability (both in the workplace and in the broader community);
- A third to raise awareness and participant knowledge about mental health issues, and how to develop knowledge and skills to build supportive settings and environments for employees with mental illness within the workplace.

As indicated, over the two-year period from July 2009 to June 2011, most agencies participated in TTC courses but only 409 employees (including supervisor/managers) participated, with nearly 90 per cent of that training activity occurring in the 2010-11 financial year<sup>19</sup>. This is less than two per cent of State Service employees, which compares unfavourably with more than 14,500 employees who participated in performance management training over a similar period.

Some agencies stated that their general workplace diversity training included a component on disability awareness.

### **2.1.9 Innovation was demonstrated by a small number of agencies**

Some innovative practices were noted:

- Two agencies (15 per cent) [DPIPWE and Treasury] had developed protocols or procedures to ensure DES providers encouraged their clients to apply for permanent employment.
- DPAC indicated it provided specific advice and assistance to people with disability from among Aboriginal and Torres Strait Islander peoples.
- Three agencies (21 per cent) indicated that they had used cadetships or traineeships to increase employment opportunities for people with disability during 2009-10. Other agencies cited financial reasons for not offering such programs.

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<sup>19</sup> In the same two-year period, 14,528 employees and supervisors/managers participated in performance management training. Office of the State Service Commissioner. (2010). 2009-2010 and 2010-11 State Service Commissioner's Annual Report. Tasmanian Government.

### 2.1.10 Progress on accessibility has been somewhat limited

There was only limited progress to improve accessibility in premises, job design, advertising and recruitment:

- All agencies indicated that their **workplace locations** were generally accessible for job interviews and employment, or that alternatives were usually available for specific access needs. However, agencies were unable to explain the results of access audits they may have undertaken.
- Ten agencies (71 per cent) indicated that they had a process in place to review **statements of duty** (including selection criteria) to avoid discrimination. (Refer to later discussion of 'job characteristics').
- Three agencies (21 per cent) [Education, DPIPWE and TAO] indicated that they routinely include a statement in **job advertisements** outlining an inclusive diversity/disability recruitment policy. However, most agencies did not promote an inclusive work environment in their specific job applicant and general career information, within statements of duty and through agency 'values' statements.
- Nine agencies indicated they had provided an **accessible single point of contact** for job seekers with disability, but five agencies (36 per cent) [DHHS, DIER, DPEM, DPAC and Treasury] indicated they had not. Most agencies indicated their human resources units provided this function, but all agencies agreed there was no real promotion of the availability of this resource.
- Five agencies (36 per cent) [DEDTA, DPAC, DPIPWE, Treasury and TAO] indicated they had undertaken a formal review of recruitment and selection processes in order to identify systemic and/or procedural barriers to recruiting people with disability. Some other agencies believed that associated measures they had completed – such as general disability awareness training, specific selection panel training and improved selection quality control procedures – adequately addressed this.
- Three agencies (21 per cent) [Education, DHHS and Treasury] had developed a **guide for selection panels** in relation to people with disability. Most agencies argued that the quality assurance review of selection reports prior to approval was enough to avoid discrimination of any kind.
- Five agencies (36 per cent) [Education, DIER, DOJ, Treasury and TAO] had developed a **workplace adjustment guide** to support employees with disability and those returning to work with an acquired disability. (Refer to later discussion of 'National Disability Employment Strategies').

### **2.1.11 Agencies are trying to achieve cultural change**

While progress to develop and implement inclusive work practices and procedures for people with disability was limited, most agencies claimed they had taken positive action to develop an inclusive work culture. Agencies argued that the evidence for this is:

- The development and implementation of workplace diversity programs and DAPs;
- Their participation in specific programs, such as the Willing and Able Mentoring program;
- The development of agency values programs and capabilities frameworks with diversity principles;
- Participation in workplace diversity and disability awareness training;
- The promotion of the State Service Principles;
- Their inclusive and non-discriminatory recruitment procedures and practices;
- Their provision of workplace adjustment services and supporting equipment.

Whilst this position has some validity, it does not appear that these or similar activities have been consistently or effectively implemented across all State Service agencies.

### **2.1.12 Agencies confirm that some barriers to the recruitment of people with disability remain**

Barriers identified by State Service agencies related to:

- A general lack of understanding and awareness of the needs of people with disability, and therefore, a general reluctance to recruit them.
- A perception that people with disability are always difficult and demanding employees that strain management resources, or that people with disability would be difficult to accommodate, due to accessibility and support requirements beyond a reasonable adjustment.
- A view that inherently systemic recruitment processes and practices unintentionally discriminate against the recruitment of people with disability.
- Past negative experiences with employing people with disability.

There was also a perception that some of the Disability Employment Services organisations could take a more pro-active approach to engaging with agencies, and to identifying and pursuing suitable vacancies for their clients from advertisements, including other agency fixed-term employment registers.

### 2.1.13 Disability Employment Services (DES) providers also perceive some barriers remain

Barriers identified by DES providers related to:

- Ignorance and reluctance, including an assumption that people with disability would be less capable of performing satisfactorily, especially in pressured working environments that are short on resources.
- A lack of confidence in (and awareness of the needs of) people with disability, including a fear that the employee might be easily offended and/or behave inappropriately and/or underperform.
- Similarly, a tendency for hiring managers to focus on the 'type' of disability rather than the particulars of an individual's condition, work capacity and support needs.
- A lack of interest and direction from senior management and hiring managers to making a commitment to employ people with disability.
- The existence of recruitment hurdles, such as the need to address selection criteria and to understand and communicate bureaucratic jargon, combined with restrictive (potentially discriminatory) job requirements and conditions.
- State Service agencies are either unaware or under-utilise the People with Disabilities Fixed-Term Employment Registers.
- Most State Service agencies appear reluctant to provide work trial opportunities for people with disability.
- A lack of government or agency commitment to reasonable disability employment specific goals.
- No real understanding by agencies or hiring managers of the arrangements and funding attached to supporting the placement of people with disability into employment.
- A lack of commitment, funding and/or administrative flexibility within government agencies to allow for the creation of specific roles for people with disability by combining unfulfilled or under-resourced work tasks (commonly known as 'job carving').

Refer to **Table 2, page 62**, for a summary of the concerns raised under 2.1.12 and 2.1.13 above.

## 3. Development of recommendations

### 3.1 The employer response

The evaluation found that over 40 per cent of Tasmanians have disability or a health condition, compared with only seven per cent of employees in the State Service<sup>20</sup>. An important reason for this was age. While an individual's age tells us almost nothing about them, there is a statistical link between age and disability status, and between age and labour force status. About 98 per cent of the Tasmanian workforce is aged 15-64 years, and the State Service workforce has a similar broad age profile.

Given certain similarities between the State Service and Tasmanian workforces, a reasonable comparison between the prevalence of disability in these workforces could be made. Using Australian Bureau of Statistics (ABS) data on disability for the Tasmanian workforce, and the Commissioner's *Employee Survey* data on disability (and long-term health conditions), the shortfall in the number of people with disability in the State Service was found to be up to five per cent. This shortfall is mostly for people requiring a workplace adjustment<sup>21</sup>. So there are at least 700 fewer employees with disability in the State Service than one would expect to find, given its age profile.

#### 3.1.1 Recruitment pathways for people with disability

There are a number of ways that agencies may currently engage a person with disability:

- Most commonly, advertising a vacancy and selecting the most meritorious candidate, and that person happens to be a person with disability (open recruitment). Disability status may not be disclosed.
- Engaging a person through an agency-based register or the Aboriginal and Torres Strait Islander Fixed-Term and Casual Employment Register, and the person happens to be a person with disability (open recruitment). Disability status may not be disclosed.

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<sup>20</sup> Refer to analysis in the 'Methodology and research findings' section of this report.

<sup>21</sup> The State Service is more urban than the Tasmanian workforce and it has a different skills profile (though supported employment does not appear to be a significant factor), but the State Service is a lot older. Furthermore, the State Service is a big part of the Tasmanian workforce. Data issues such as non-disclosure and under-reporting affect both sets of data. Measures of workplace restriction, limitation or adjustment can be compared with more confidence.



- Engaging a person through the People with Disabilities Fixed-Term Employment Registers (PDFTE Registers), generally by referring a Band 1 to mid-Band 4 fixed-term vacancy of less than 12 months to one or more Disability Employment Services (DES) providers (this is a specific recruitment program for people with disability).
- Some opportunities were available under the auspices of the 2009-10 Graduate Program for People with Disabilities (where vacancies were advertised openly but applications were only accepted from people with disability<sup>22</sup>, as defined – a specific recruitment program).
- The Department of Education has also recently quarantined a place for a pre-service teacher with disability under its Partnerships in Teaching Excellence<sup>23</sup> scholarship program (successful and satisfactory progress by the person against a number of requirements ultimately leads to permanent employment – another type of specific recruitment program).

Under normal circumstances, some people with disability may secure a job by responding to an expression of interest, but at the time of writing this report, this option is not available to non-State Service employees under vacancy control measures that have been imposed due to financial constraints.

### 3.1.1.1 Specific recruitment programs

If recruitment practices were fully accessible, people with disability might only require a reasonable adjustment to ensure equal access to employment. However, prevailing recruitment practices are not fully accessible, so expert assistance through Disability Employment Services is available to assist people with severe disability overcome discriminatory barriers. The response of the State Service as an employer has been to offer a range of specific recruitment programs that facilitate recruitment of people with disability through DES providers.

Current data suggests there are about 1,700 job seekers with permanent disability registered as clients in the DES Employment Support Services stream (which is the preferred intake group for State Service specific recruitment programs). A further 2,200 people with (temporary) disability, injury or ill health are also registered with DES providers (in the Disability Management Services stream). The number of unemployed job seekers in these two groups is not known, and perhaps as few as half the DES clients are actively being assisted to find employment at any time<sup>24</sup>. Specific recruitment programs are expected to enable an average agency to employ several people with severe disability each year, though mainly in fixed-term jobs.

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<sup>22</sup> Approval for this program was granted by OSSC in 2010. The Anti-Discrimination Commissioner had also granted an exemption for this program.

<sup>23</sup> Approval for this program was granted by the OSSC in 2009.

<sup>24</sup> Disability Employment Services Data, From

<http://www.deewr.gov.au/lmip/default.aspx?LMIP/DisabilityEmploymentServicesData> This compares with about 1,250 job seekers registered as DEN clients in 2009, of whom 770 were actively being assisted to find employment, and 500 Tasmanians with disability who indicated they were being assisted to find employment in the ABS 2009 *Survey of Disability, Ageing and Carers*.

### 3.1.1.2 Open recruitment

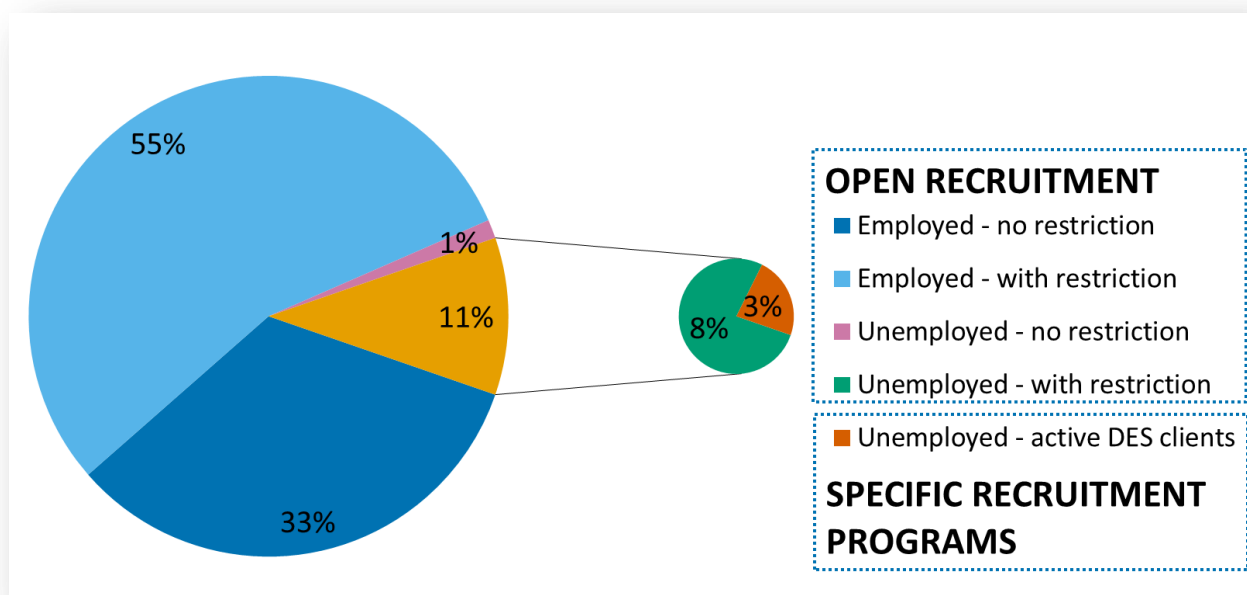
The majority of job seekers with disability do not want or need assistance to find work. All these job seekers really expect is to be given a ‘fair go’ in the open recruitment market. However, prevailing State Service recruitment practices, policies and standards still present barriers to people with disability. The employer’s response must be to remove those barriers.

Removing barriers to the recruitment of people with disability will increase our attractiveness to all job seekers with disability – whether employed, underemployed or unemployed. With better open recruitment practices, policies and standards, it is expected that agencies could employ many more people with disability – in many cases, without the disability having been disclosed. The potential impact of making improvements to open recruitment is much greater than the potential impact of specific recruitment programs. This is because the pool of candidates in open recruitment is vastly bigger: in 2009<sup>25</sup>, there were over 28,000 Tasmanians with disability already in some form of employment and over 80 per cent of unemployed job seekers with disability said they were not being assisted to find employment by a disability employment services organisation.

The development of recommendations in this report is structured around the two foci of ‘specific recruitment programs’ and better open recruitment through ‘disability diversity’, as described in the next two major sections of this report.

**Figure 2, below**, illustrates how small the DES recruitment pathway is (specific recruitment programs) compared with all potential job candidates (including open recruitment of employed, underemployed and unemployed job seekers).

**Figure 2: Potential Tasmanian job seekers, by recruitment pathway<sup>26</sup>**



<sup>25</sup> ABS 2009 *Survey of Disability, Aging and Carers*, similar data not available in the DEEWR reporting of DEN/VRS/DES caseloads

<sup>26</sup> Tasmanians with disability aged 15-64 years, from 2009 SDAC and DEEWR data

## 3.2 Specific recruitment programs

Workplace diversity is not achieved without intervention, and specific recruitment programs enable effort to be focussed on those people with disability being assisted by Disability Employment Services (DES) providers to find employment in the State Service, in particular those with permanent disability who may require ongoing support. The evaluation considered some relevant findings concerning specific recruitment programs.

### 3.2.1 Findings in relation to specific recruitment programs

The evaluation established that stakeholders expect specific recruitment programs to facilitate the employment of people who are accessing professional assistance to find employment in the State Service.

However, the most significant finding in relation to specific recruitment programs concerned low labour supply and demand. It was found that, of the 61,400 Tasmanians with disability aged 15-64 years in 2009:

- 27 per cent of these had no employment restriction;
- 40.6 per cent had an employment restriction; and
- 32.6 per cent were permanently unable to work.

Furthermore, disability is not the only barrier to employment for people with disability – work capacity is impacted by non-disabling illness and injury, caring responsibilities, study programs, location, ageing and lifestyle choices. Therefore in 2009, of the 3,100 unemployed Tasmanians with disability, only 500 said they were actively being assisted by a disability employment services provider<sup>27</sup>. This is a much smaller number than expected.

Moving forward to 2012, we know that the DES caseload includes clients at different stages of support, and accessing different levels of support. The DES Employment Support Services program (ESS) is for people with *permanent* disability who require ongoing support in the workplace, whereas the DES Disability Management Services (DMS) program is for people with (temporary) disability, injury or ill health but without the need for long-term support. DMS clients with less need for ongoing support in the workplace are not precluded from State Service specific recruitment programs, though DES ESS clients should be the priority group for recruitment efforts by agencies. A further challenge for the DES ESS group is that average ESS client is younger (compared with the State Service workforce and average DMS client) and has fewer hours of work capacity than the average DES DMS client.

<sup>27</sup> In the Australian Bureau of Statistics. (2011). *Survey of Disability, Ageing and Carers, 2009* employment services clients are categorised as having a 'severe employment restriction'. DEEWR historical DEN caseload data showed 772 active DEN clients in June 2009. See discussion under 'Methodology and research findings' section.

The evaluation also found that State Service agencies typically recruit only about 1.5 per cent of all unemployed Tasmanians (with and without disability). This is consistent with the finding that about 80 per cent of advertised fixed-term jobs are assigned to existing employees. In addition, vacancies may not be filled through specific recruitment programs (such as the People with Disabilities Fixed-Term Employment Registers) because managers want to give people in the community a reasonable opportunity to apply for State Service employment, in line with the relevant State Service Principle<sup>28</sup>, or for other reasons.

All of these factors mean that the specific supply of, and demand for, people with severe disability through specific recruitment programs (and in particular from the DES ESS stream), are both low. However, there are certain Australian Government funded programs that can be used by agencies to provide work experience, and there are options for new State Service programs.

## We could offer more opportunities



<sup>28</sup> Subsection 7(1)(l) of the State Service Act

## 3.2.2 Work experience, work trials and work

Work experience, in any form, demystifies disability in the workplace and boosts the 'employment confidence' of people with disability. It can also afford the employer and Disability Employment Service provider, if relevant, an opportunity to assess whether a person is 'job ready'. Work experience directly addresses a key decision making point for hiring managers (they can try to see if it will work). Consequently, work experience is one of the few proven ways for improving the employment prospects of people with disability.

Unfortunately, the days of agencies being able to freely offer any kind of work experience are gone, but ways that State Service agencies could provide more opportunities for people with disability were found.

### 3.2.2.1 Work trials in casual employment

Work trials in the private sector are analogous to a very short (single shift) probation period and are always paid because they are always *employment*. They are common in the hospitality and retail industries, where a person might 'try out' for a shift in a bar, restaurant or shop so the employer can assess their suitability for future casual engagements.

The closest arrangement to a work trial in the State Service is probably employment through an approved **employment register**, where an initial casual placement may help the agency determine suitability for future casual placements. This may also enable the agency to make a further merit assessment.

The 'People with Disabilities Fixed-Term Employment Registers' do not preclude casual employment, as casual employment under the State Service Act is a form of fixed-term employment<sup>29</sup>. In addition, people with disability should be encouraged to apply for any agency-based fixed-term/casual employment register for which they are suitably qualified.

### 3.2.2.2 Unpaid Work Experience Program (UWEP)

UWEP is a (Commonwealth) Department of Education, Employment and Workplace Relations funded program<sup>30</sup>. It is *deemed* not to be employment, a training place or an apprenticeship. Under UWEP, a State Service agency may *host* a person at no cost for up to four (4) weeks only. Placements are made through an authorised provider, so for people with disability placement is through a DES provider. All UWEP 'wage' and insurance costs are borne by the Australian Government.

<sup>29</sup> DiFalco, J., Public Sector Management Office, 7 February 2012

<sup>30</sup> Some DES providers offer their own work experience placements (for example: WISE 'Work Trial Agreements'), but these may require an up-front commitment to ongoing employment which would make them unsuitable for use in the State Service. Previously, DES providers were able to facilitate free work experience trials of up to 3 months, but funding is no longer available for state government agencies to host these trials.

UWEP placements are not allowed to reduce the employer's workforce or the hours of work of existing employees, or to replace employment. Australian Government rules provide that 'UWEP activities should ideally offer the job seeker a likelihood of a paid employment outcome either with the host organisation *or employment elsewhere*<sup>31</sup>. The expectation from agencies should be that UWEP participants are virtually 'job ready' and are suitably qualified for the placement.

It is envisioned that agencies could offer UWEP placements to cover duties where there is no expectation otherwise that the duties will be temporarily assigned/back-filled. Unlike most other work experience arrangements, UWEP participants *should* be undertaking productive work.

### 3.2.2.3 Willing and Able Mentoring program (WAM)

This mentoring program is not a work experience program<sup>32</sup>, but participants are involved in activities in the workplace. WAM guidance material suggests the following as examples of what this might include:

- Discussing the mentee's professional goals and the mentor's work experience;
- Gathering information about the career environment and building professional networks;
- Experiencing the workplace culture through observing staff meetings, "shadowing" a member of staff for an appropriate (short) period of time to experience a typical role of an employee, site visits and other relevant on-the-job activities;
- Developing skills to present a professional profile;
- Refining job application and interview skills through a mock job application process and interview.<sup>33</sup>

Again, while mentors need to be careful to ensure that participants are not asked to undertake productive work that might be inappropriate in the context of WAM<sup>34</sup>, WAM does have a role in assisting participants to become 'job ready'.

### 3.2.2.4 Student internships and vocational placements

Such placements have the characteristic that they are a part of the education or training course. Student internships and vocational placements arranged through the education institution are *not employment*. Usually, the education institution covers insurance costs associated with these undertakings, and no wages are payable. While these programs do not provide genuine work experience, they are commendable and have their place in assisting students with disability to become 'job ready'.

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<sup>31</sup> This statement was read from the DEEWR knowledge base, but unfortunately is not published. The DEEWR Incident number for the phone call was 120207-001641 on 7 February 2012.

<sup>32</sup> DPAC website information. From

[http://www.dpac.tas.gov.au/divisions/cdd/programs\\_and\\_services/willing\\_and\\_able\\_mentoring\\_program](http://www.dpac.tas.gov.au/divisions/cdd/programs_and_services/willing_and_able_mentoring_program)

<sup>33</sup> Ibid

<sup>34</sup> "Watch Willing and Able Mentoring Program Tasmania 2010" movies at YouTube at <http://www.youtube.com/watch?v=Yv3f6c-ihlw>

### 3.2.2.5 Volunteering

Genuine volunteering is not employment. According to ‘Volunteering Australia’<sup>35</sup>, formal volunteering is an activity that takes place through not-for-profit organisations/projects, and is undertaken:

- To be of benefit to the community and the volunteer;
- Of the volunteer’s own free will and without coercion;
- For no financial payment; and
- In designated volunteer positions only.

The Department of Premier and Cabinet has developed “Guidelines for State Agency Management of Volunteer Activity” for State Service agencies, and the scope of those guidelines clearly excludes “short-term work experience opportunities in agencies”, which is consistent with the Australian Government guidelines. However, volunteering is commended to people with disability as a way to enhance their job readiness.

## FEATURE

### Informal unpaid work experience

Informal unpaid work experience is possible, but unfortunately the scope of the State Service insurance coverage is linked to the scope of the “Guidelines for State Agency Management of Volunteer Activity”; so the evaluation was advised that even genuine unpaid work experience (where no productive work is undertaken) may not be covered by State Service insurance arrangements. In relation to personal accident cover, for example, according to the Tasmanian Risk Management Fund website<sup>36</sup>:

“Where there is no employment relationship between an agency and a person but the circumstances are such that the agency wishes to offer the person cover for no-fault personal injury, the Fund may provide personal accident cover. In these circumstances, the agency must discuss cover with Treasury.”

### Other Australian Government and State government sponsored programs

There are a large number of work experience programs sponsored by government, such as the *Green Corp*, *Work for the Dole* and *Partnerships to Jobs*<sup>37</sup>. People with disability may engage with those programs, but the evaluation did not seek to determine whether State Service agencies are eligible to host participants under all of these other, non-disability specific, programs.

<sup>35</sup> From DPAC website [http://www.volunteeringaustralia.org/html/s01\\_home/home.asp](http://www.volunteeringaustralia.org/html/s01_home/home.asp) accessed February 2012

<sup>36</sup> Tasmanian Risk Management Fund website accessed in March 2012

<sup>37</sup> A Tasmanian Government program delivered through the Department of Economic Development, Tourism and the Arts, DEDTA website accessed May 2012

### 3.2.3 People with Disabilities Fixed-Term Employment Registers

Numbers of appointments of people with disability (disclosed at the time of recruitment) appear to be low when compared with numbers of appointments generally. During the review period, two people with disability were engaged on a part-time fixed-term basis through agency-initiated referrals to the People with Disabilities Fixed-Term Employment Registers (PDFTE Registers), although 3,992 vacancies arose.

The evaluation examined this in detail.

#### 3.2.3.1 Use of the PDFTE Registers

Commissioner's Direction No. 1 – *Employment in the State Service* establishes rules for how agencies may source a *pool* of candidates for vacancies. CD No.1 provides that, for fixed-term duties up to and including 12 months, the Head of Agency *may* select a person who is registered on a fixed-term employment register approved under section 18(1)(b) of the State Service Act<sup>38</sup>.

The 'PDFTE Registers' meet these requirements as whole-of-government fixed-term employment registers for people with disability. The PDFTE Registers are for mid-Band 4<sup>39</sup> (Band 4-R2-1) and below fixed-term vacancies (and equivalent). Qualifying vacancies may be referred to these registers, which are maintained by DES providers in accordance with rules established by the Public Sector Management Office.

In the evaluation period, agencies advised that there were 772 fixed-term vacancies available for a term of 12 months or less and at Band 4 or below (the number of those in Band 4 but above Band 4-R2-1 is not known). However, only two part-time appointments arose from the referral of six vacancies to the PDFTE Registers. Stakeholders were highly critical of this outcome, but the reasons for this extremely low referral and filling rate are now more clearly understood.

It was found that, while unassigned duties arise every day in agencies, few of these circumstances translate to a vacancy that is suitable for filling from the PDFTE Registers (under vacancy control measures, even fewer genuine suitable vacancies would arise).

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<sup>38</sup> Refer Commissioner's Direction No.1 – *Employment in the State Service*, clause 6(1)(b). The approval of all fixed-term employment registers is a function of the Commissioner undertaken by the Public Sector Management Office under delegation.

<sup>39</sup> Previously designated General Stream Band 4-R2-A, but now Band 4-R2-1. Refer to the *Tasmanian State Service Union Agreement 2008* and *Tasmanian State Service Award*



### 3.2.3.2 Reasons a vacancy may not be referred to the PDFTE Registers

There are a number of possible reasons why a fixed-term vacancy might not be referred to the PDFTE Registers, as follows:

#### **Reason 1: The agency may choose not to create a fixed-term vacancy**

The agency may decide that the duties can be wholly or partly redistributed or absorbed or that they do not need to be performed. The agency may decide that the duties are not, or are no longer, expected to be fixed-term in nature.

#### **Reason 2: Someone has already been identified to perform the duties**

The agency may have already identified a suitable candidate for the duties and so there is no need to create a vacancy, or to advertise or refer a vacancy to a register, in order to fill it. An agency may be able to identify a candidate: –

- **Through a subsequent selection.** A subsequent selection means the candidate was selected from the order of merit determined in a recent selection process for the same type of vacancy. In these cases, the candidate may be internal or external to the agency. CD No. 1 deals with subsequent selections.
- **From within the agency.** Under section 34(1)(e) of the State Service Act, a Head of Agency may vary the duties assigned to a State Service employee in that agency. Decisions about variation of duties are subject to clause 2(b) of Commissioner's Direction No. 2 – *State Service Principles* (CD No. 2), which require (non-appointment and promotion) employment decisions to be unbiased and transparent, and based on work related qualities and effective organizational performance. Variation of duties comes in three forms:
  - Variation at level: The Head of Agency may vary the duties of an employee at their same salary level for an indefinite period.
  - Variation at a higher level: There are restrictions under CD No.1 on how long an employee can perform 'higher duties' before the duties must be advertised or referred to an employment register. Higher duties are usually paid when a person acts in their supervisor's or manager's role, but not usually for a substantively vacant role (such as a special new project).
  - Variation for more responsible duties: More responsible duties are higher duties paid for a substantively vacant role (such as a special new project or fixed-term undertaking).

#### **Reason 3: The vacancy has not been released for advertising or referral**

Longer-term fixed-term vacancies, and most fixed-term vacancies that continue beyond the initial expected term, must eventually be advertised or referred to a register for filling or re-filling. Since 2009, vacancies have been managed or controlled due to concerns about the State budget, including through Ministerial Directions:

- *Ministerial Direction No. 19 – State Service Vacancy Referral Process (SSVRP)* was released in May 2009 and revoked in May 2010. This Ministerial Direction established vacancy management arrangements across agencies to assist with State Service budget management.
- *Ministerial Direction No.25 – State Service Vacancy Control Process (SSVCP)* was issued after the evaluation period, in August 2011, but it remains in force at the time of writing this report. Under this Ministerial Direction, a vacancy must be centrally approved for advertising (in the State Service as an expression of interest or externally) or referral to a register, and prior to selection a candidate may be identified from the State Service-wide pool of surplus and potentially surplus employees.

### **Reason 4: The vacancy is to be filled from another register**

The vacancy may be filled from another register, such as the Aboriginal and Torres Strait Islander Casual and Fixed-Term Employment Register or an approved agency-based register.

Several agencies have created their own fixed-term (including casual) employment registers for occupations in which casual and fixed-term work regularly arise in the agency, as this is usually far more efficient than advertising each time. Agency fixed-term employment registers cover about 30 occupational groups<sup>40</sup>. In some cases, agency-based registers are managed by external recruitment agencies. Managers instrumental in creating these registers, or who are familiar with their operation, may simply not consider using an alternative source of candidates. Other means of recruiting fixed-term employees in some professions, such as professional pools for nurses and teachers, have also been approved by the Commissioner.

Furthermore, it appears that agencies have not used the PDFTE Registers for casual vacancies, to date<sup>41</sup>.

### **Reason 5: The vacancy may not qualify for referral to the PDFTE Registers**

Only a limited number of all vacancies qualify for referral to the PDFTE Registers. Only vacancies classified at Band 4-R2-1 (or equivalent) and below, which are also for a term of 12 months or less, are able to be referred to the PDFTE Registers.

Of all fixed-term appointments made during the evaluation period, about 16 per cent did not qualify for referral to the PDFTE Registers, as they were for a period greater than 12 months<sup>42</sup>.

Furthermore, over half of the remaining vacancies, and 47 per cent of all fixed-term vacancies, did not qualify for referral to the PDFTE Registers as they were for jobs classified above Band 4 or equivalent. There may have been even more that did not qualify as they were classified in Band 4 but above Band 4-R2-1.

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<sup>40</sup> Refer to relevant Office of the State Service Commissioner annual reports

<sup>41</sup> While clause 9 of Commissioner's Direction No.1 – *Employment in the State Service* limits casual employment to approved 'casual' employment registers (and to pools established following advertising), the PDFTE Registers qualify administratively as casual employment registers because fixed-term employment under the State Service Act includes casual employment.

<sup>42</sup> State Service Commissioner's annual reports and Evaluation Report: Recruitment in the State Service (2010)

Only 37 per cent of all fixed-term appointments *at most* appeared to be for jobs that would have qualified for referral to the PDFTE Registers purely based on duration and classification.

**Reason 6: The manager may have other reasons for not referring the vacancy**

- Sometimes vacancies may be advertised to give people in the community a reasonable opportunity to apply in accordance with the relevant State Service Principle. There does not appear to be much in the way of clear statements by agencies about the relative priority given to equity and diversity in recruitment, compared with providing a reasonable opportunity for people in the community to apply for State Service employment. Ideally, priorities should be clearly articulated in agency PDFTE Registers policy and procedures.
- Some managers cite preservation of merit as a reason for not referring vacancies to a register. There is an extensive discussion of merit elsewhere in this report, but it suffices to say here that merit is not compromised by approved programs that merely limit the pool of candidates in accordance with CD No.1<sup>43</sup>. Consistent with merit, each DES provider assesses the relative suitability of more than one candidate in relation to vacancies by examining their clients' work-related qualities and capacities to achieve outcomes. The fact that some managers have a concern about this may be a factor in a decision not to refer a suitable vacancy to the PDFTE Registers.
- Agencies may not attempt to fill many of their one-month to three-month long vacancies through recruitment because they perceive it to be inefficient to do so. However, such vacancies have been filled in the past, because DES providers do ask agencies to identify potential vacancies that may be suitable for particular registered clients and then fill them under the auspices of the PDFTE Registers<sup>44</sup>.
- Finally, there is a lack of appropriate agency policy and procedure around the use of the PDFTE Registers. Only five agencies reported that they developed procedures at all, and some agencies implemented policies that severely restrict referral to the PDFTE Registers. This may be an attempt by agencies to ensure that managers looking to use the register consider the full range of alternatives for dealing with a vacancy.

The evaluation has produced a model flow chart in **Figure 3, next page**, illustrating how agencies may confidently require hiring managers to identify and refer 'genuine qualifying vacancies' to the PDFTE Registers. Agencies are encouraged to adapt this tool to their own circumstances, for example, they may prefer to take a more proactive approach and prioritise the PDFTE Registers over certain agency-based registers.

<sup>43</sup> That is, approved by the State Service Commissioner.

<sup>44</sup> WISE employment reported it placed nine people in 2009-10 into 6 months or 3 month positions, compared with agency-initiated placements being generally for 12-month.

**Figure 3: Model flowchart supporting referral of vacancies to the PDFTE Registers**



## FEATURE

**Incumbency advantage**

In a 2003 report on staff selection in government agencies<sup>45</sup>, Acting Tasmanian Auditor-General David Baulch found that applicants with at least 6-month incumbency possessed a decisive advantage over other applicants (in the sample studied, where 16 per cent of applicants were long-term incumbents, they were selected every time). The Acting Auditor-General concluded that other applicants have virtually no chance of unseating a long-term incumbent. He also acknowledged that there are situations where it is expedient for a person to act in a position long-term, and expressed concern at the waste and frustration of undertaking a selection process in such cases where the incumbent is highly efficient and could continue in the role. Never-the-less, he recommended that agencies advertise vacancies as soon as possible to minimise the incumbency advantage.

More recent data confirms there is an incumbency advantage<sup>46</sup> (refer to the 'Methodology and research findings' section of this report):

While referral to the PDFTE Registers does not obligate the agency to select a person with disability for the vacancy, nor prevent the agency from advertising the vacancy elsewhere, DES clients may be even less likely than other external candidates to be appointed over a competitive incumbent.

**Internal candidates**

Restrictions on external advertising and referral of vacancies do make it difficult for people who are not already employees to obtain employment in the State Service, including anyone with disability. However, there is evidence to suggest that managers exercised a preference for internal candidates even before vacancy management or control became a requirement<sup>47</sup>:

- Just prior to the evaluation period, it was found that 54 out of 75 fixed-term vacancies of a duration of 12 months or less that were sampled (about 72 per cent) were advertised internally as an expression of interest, with five of these being advertised in more than one agency.
- At the same time, only three out of 75 vacancies sampled were filled from a fixed-term register, mainly by the one agency, and some of these referrals may have resulted in the selection of a person who had performed the same duties previously.

Ordinarily, such a preference may reflect a desire to provide job satisfaction and career development opportunities to employees, or a desire to take the most efficient and effective route to filling a particular vacancy.

<sup>45</sup> Auditor-General Special Report No. 49 Staff Selection In Government Agencies, Tasmanian Audit Office, 2003. From <http://www.audit.tas.gov.au/publications/reports/specialreport/pdfs/specialrep49.pdf> accessed April 2012

<sup>46</sup> State Service Commissioner's annual reports and Evaluation Report: Recruitment in the State Service (2010)

<sup>47</sup> State Service Commissioner's annual reports and Evaluation Report: Recruitment in the State Service (2010)

## 3.2.4 Graduate and cadetship programs

Graduate and cadetship programs are types of specific recruitment programs available to agencies. Some opportunities for graduates with disability were created under the 2009-10 Graduate Program for People with Disability, where vacancies were advertised openly but applications were only accepted from people with disability<sup>48</sup>, as defined. The general approach to the recruitment of graduates and cadets in the State Service may present additional challenges to those with disability, some of these may be easily addressed.

### 3.2.4.1 Difficulties for students

Throughout the course of their academic training, the contemporary approach to the assessment of academic performance of undergraduates is to provide them with a schedule of the formal assessment tasks that they will face. 'Spot tests' are now virtually unheard of. The most successful students are usually those who carefully schedule the series of assessment tasks, including examinations, to ensure that sufficient time is allowed for each.

With this approach to academic life now being entrenched in student culture, it is easy to understand why students often submit poor quality job applications for State Service vacancies following less than 9-days' notice of the closing of the vacancy: any major academic assessment task they had scheduled at around the same time would certainly be prioritised. These short time frames also place extra pressure on DES providers, who would need to schedule more time to assist a number of their clients.

Disability support staff at the University of Tasmania acknowledge that students frequently struggle to prepare an application for a State Service vacancy that is of the requisite standard. And, while free workshops are scheduled to assist students who want help with their job applications, many students leave the task of preparing their application too late to participate. This is particularly problematic for those students with disability who need extra assistance (or a workplace accommodation) in relation to the job application and/or selection process.

When job advertisements are posted toward the end of the academic year, this can often coincide with university exam periods, which presents an additional burden.

### 3.2.4.2 Vacancy notice period and timing

While State Service graduate and cadetship programs are not widely offered at present, those agencies who do experience success with these programs tend to offer students an opportunity to pre-register interest ahead of the advertising of the cadetships or graduate placements. Registered students receive notification by email as soon as the vacancies are formally advertised, which maximises the time that the students have to finalise their applications. This is a good approach.

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<sup>48</sup> By approval of the Anti-Discrimination Commissioner and the State Service Commissioner

However, a better approach may be to also offer a longer period between advertising and closing which would make the selection process more accessible to students with disability. A preliminary closing date for expressions of interest, followed by a final closing date for formal applications, may be even more desirable, as it could enable agencies to initiate discussions about support (such as University workshops or DES provider assistance) and accommodations with students in an identified candidate pool. This refinement has been implemented in several other jurisdictions.

It is also worth noting that programs specifically for graduates with disability are worthwhile because graduates with disability are less likely to have obtained part-time employment during the course of their studies, thus making it more difficult for them to demonstrate their claims against the selection criteria<sup>49</sup>.

## Vacancies with longer notice periods are more accessible



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<sup>49</sup> Management Advisory Committee. (2006). *Employment of People with Disability in the APS*. Australian Public Service Commission. Commonwealth.

## 3.2.5 Flexible measures program

Some stakeholders were keen to see some vacancies set aside or ‘quarantined’ for people with disability. The evaluation considered a number of programs that are currently offered in this and other jurisdictions that stakeholders had suggested could be adapted to this purpose.

### 3.2.5.1 Special Measures in the APS

In July 2010, the Australian Public Service (APS) Commissioner amended the Public Service Commissioner’s Directions 1999<sup>50</sup> to provide greater flexibility for APS agencies to employ people with disability. The program, called Special Measures, enables an APS agency to design a job for a person with disability who is not able to compete on merit (an exercise usually known as ‘job carving’). The agency could then appoint that person as a permanent or fixed-term employee at any classification level *without the need to advertise or to test the person against the claims of other applicants*.

The APS Special Measures program reflects a more flexible approach to the recruitment of people with disability, which is known to be more effective than the approach to recruitment that usually applies in the public sector. The evaluation examined the APS Special Measures in order to assess the potential applicability to the State Service.

It was found that small but significant differences in statutory frameworks mean it is not possible to simply adopt the APS Special Measures model, as it stands. However, it is expected that the Commissioner will review the Directions with a view to implementing such a program in the future. Changes would need to remove the requirement to advertise a vacancy, and then describe how a ‘job carving’ exercise would be combined with an assessment of the *relative suitability* of more than one DES client against the range of duties identified by the agency. Such a process is illustrated in **Figure 4, next page**. Agencies would be encouraged to develop policies around such a program to ensure it is implemented effectively.

**“Government needs to show leadership in this area and if that means targeted employment strategies within government, that should happen, and it should happen as a priority.”**

***Tasmanian Anti-Discrimination Commissioner***<sup>51</sup>

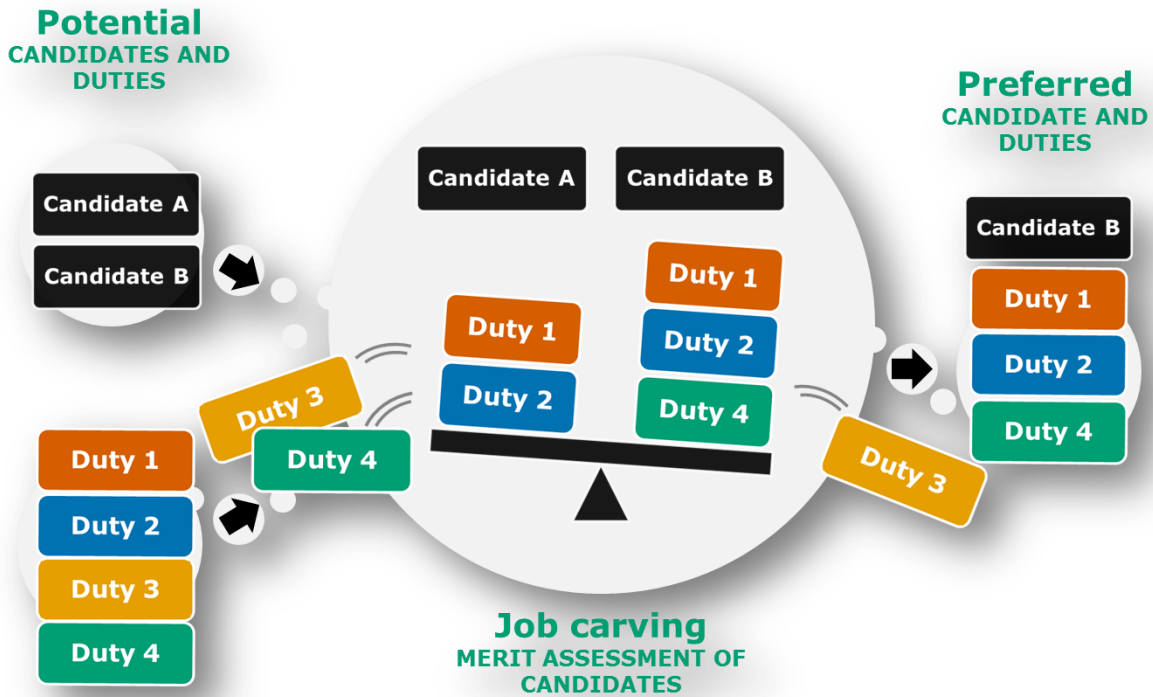
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<sup>50</sup> Australian Public Service Commissioner. (2010). Australian Public Service Commissioner Circular 2010/2: Engagement of people with disability through disability employment service providers. Commonwealth. From <http://www.apsc.gov.au/publications-and-media/current-circulars-and-advises/2010/circular-20102> accessed 2011-12

<sup>51</sup> Media release ‘Overdue to give people with disability a fair go in work’, 30 November 2011, Robin Banks, Tasmanian Anti-Discrimination Commissioner



Figure 4: Possible State Service 'flexible measures' process



FEATURE

**Tagged positions**

'Not about me without me', is a long-standing mantra of disability advocates. This is simply a view that people with disability should be *directly* involved in making decisions that affect them. This may be achieved through consultation and engagement of people with disability. It may also be achieved by having people with disability employed in decision-making roles; such roles would be analogous to State Service *Aboriginal Identified* positions under *Ministerial Direction No. 12* (MD No. 12).

However, the evaluation found that having disability does not automatically instil an understanding of the needs and issues facing people with disability, and those needs and issues are so diverse that the experience of one individual with disability is unlikely to inform them, except in a general way, of the experiences of others with disability – even when the same type of disability is experienced.

**Identified positions**

Certain government roles require the occupant to demonstrate the ability to communicate sensitively and effectively with members of a particular EEO group, and/or require them to have an understanding of contemporary issues and/or protocols affecting the EEO group; such roles would be analogous to State Service *Aboriginal Tagged* positions under MD No. 12.

State Service agencies already have the capacity to create vacancies that require candidates to have particular skills and abilities in relation to dealing with disability and people with disability. The Commissioner sees no particular benefit in registering this type of vacancy under a distinct program at this time.

## 3.2.6 National Disability Employment Strategy

The Australian Government established a co-ordinated approach to disability employment in 1997, and has regularly reviewed its strategy since then<sup>52</sup>. The strategy is as follows:

### 3.2.6.1 Disability Employment Services

#### DES Providers (formerly DEN)

The Australian Government funds a large number of approved Disability Employment Services providers (DES replaced the Disability Employment Network in March 2010) to case manage eligible job-seekers. This component of the strategy is based on two distinct demand-driven programs:

- **Program A (Disability Management Services)** — for job seekers with disability, injury or a health condition who require the assistance of a disability employment service but are not expected to need long-term support in the workplace.
- **Program B (Employment Support Services)** — for job seekers with permanent disability and with an assessed need for more long-term regular ongoing support in the workplace.

DES providers also assist certain school leavers, 'Job in Jeopardy' participants and 'Special Class Clients' (victims of the Bali Bombings, the Tsunami in December 2004, and the London Bombings).

DES providers receive payments for client outcomes measured at around 13 weeks and 26 weeks.

The evaluation found DES providers believe State Service agencies could increase their recruitment of people with disability. Some DES Providers felt they had needed to 're-educate' most of the hiring managers and agency contacts that they dealt with. They felt that hiring managers did not know the purpose and benefits of the PDFTE Registers. DES providers reported some success in directly marketing candidates to agencies, with those candidates being then recruited for short periods under the auspices of the PDFTE Registers. DES providers were keen to promote the fact that they are available as a resource to agencies and can provide advice and support.

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<sup>52</sup> Most of the material excluding findings was taken directly from: Department of Employment, Education and Workplace Relations. (2010). *The Future of Disability Employment Services in Australia Discussion Paper*. Commonwealth. AND Department of Family and Community Services (DFCS). (2003). *Improving Employment Opportunities for People with a Disability: Report of the Review of the Employer Incentives Strategy*. Commonwealth

### Satisfaction with disability employment services

The Australian Government had conducted an evaluation of the case-based funding model after it was first introduced in 2005. The evaluation report found that on average, about seven in 10 DEN clients were satisfied with the overall quality of assistance and service provided by their DEN<sup>53</sup>.

Research on Australian employer attitudes and perceptions with respect to the employment of people with disability was also conducted by DEEWR's Employment Monitoring and Evaluation Branch<sup>54</sup> in 2010, and DEEWR found 86 per cent of employers were satisfied with DES services<sup>55</sup>.

### National Disability Recruitment Coordinator service

The National Disability Recruitment Coordinator (NDRC) is an Australian Government funded service for large employers (more than 100 employees). The NDRC aims to increase the efficiency with which large firms recruit people with disability and to create more job opportunities for people with disability through a Memorandum of Understanding. The main functions of the NDRC are to broadcast information about the employer's vacancies to DES providers in their area, pool and quality check applications, and refer the applications to the employer. The NDRC enables employers with centralised recruitment processes to effectively link with providers in different localities. WorkFocus Australia is the current NDRC.

The evaluation found that DES providers have a mixed response to NDRC involvement. Despite some frustrations, DES providers that have good access to parts of some State Service agencies may prefer to avoid the additional administrative requirements and shared access to limited vacancies that comes with the involvement of the NDRC. For DES providers that are struggling to deliver services to the required standard, NDRC involvement may also be unwelcome.

Critically for State Service agencies, the evaluation also found that the full range of services offered by the NDRC are now available to all government agencies due to a change in policy in December 2010<sup>56</sup>. WorkFocus has established productive MOUs with individual APS agencies, and would like to discuss the possibility of entering similar arrangements with individual State Service agencies, despite having been unable to obtain whole-of-government MOUs at Australian or State Government levels to date<sup>57</sup>. In November 2011, the Premier's Disability Advisory Council recommended DPAC develop a program facilitating relationships between the DES and agencies<sup>58</sup>.

<sup>53</sup> DEEWR. (2006). *Cased-Based Funding Final Report*. Commonwealth. From [www.workplace.gov.au/NR/rdonlyres/CD56F630-D11D-4700-B1D5-F97B3A8C075B/0/CBFfinalreport.pdf](http://www.workplace.gov.au/NR/rdonlyres/CD56F630-D11D-4700-B1D5-F97B3A8C075B/0/CBFfinalreport.pdf) accessed 2012

<sup>54</sup> Employment Monitoring and Evaluation Branch (2011) *Employer perspectives on recruiting people with disability and the role of Disability Employment Services*. DEEWR.

<sup>55</sup> Page 14, *Ibid*

<sup>56</sup> Some APSC circulars and publications have not been updated to reflect this change. JobAccess can confirm.

<sup>57</sup> Agencies may contact Lucy Macali, Manager, National Disability Recruitment Coordinator (NDRC), 261-263 Broadway, Reservoir, Victoria 3073, T 03 9469 3044 F 03 9469 3058, E [lmacali.ndrc@workfocus.com](mailto:lmacali.ndrc@workfocus.com), [www.jobaccess.gov.au](http://www.jobaccess.gov.au) for further information.

<sup>58</sup> Page 15, Premier's Disability Advisory Council. (2011). *Report on agency implementation of the Disability Framework for Action*. Department of Premier and Cabinet. From [www.dpac.tas.gov.au/\\_data/assets/pdf\\_file/0010/157096/2011\\_Report\\_on\\_Agency\\_Implementation\\_of\\_the\\_DFA.pdf](http://www.dpac.tas.gov.au/_data/assets/pdf_file/0010/157096/2011_Report_on_Agency_Implementation_of_the_DFA.pdf) accessed 30/4/2012

### 3.2.6.2 Employer Incentives Scheme

Disability Employment Services are supported by the Employer Incentives Scheme, which comprises the following:

#### **Supported Wage System (SWS)**

The SWS provides an industrial relations mechanism that enables employers to employ people who are unable to work at full wage rates due to their disability. SWS assessments are conducted by independent assessors, who determine a rate of work productivity that is used to set a SWS participant's rate of pay.

The evaluation found that some stakeholders did not support the concept of a SWS because individual productivity varies significantly between people *without* disability too. However, given that award wages are based on a benchmark work value and that employee performance is managed through education, training and discipline to achieve the desired level of productivity, the SWS is just another type of reasonable accommodation made only in cases where the disability impacts productivity in a way that cannot/should not be addressed through performance management.

#### **Ongoing Support Assessments**

In both Programs A and B (DMS and ESS), 'Ongoing Support' in the workplace will be available for as long as the participant is assessed by an assessor as requiring it. OSA assessors independently assess the Ongoing Support needs of participants to determine whether such support is required, and which level will best suit the needs of the participant and employer.

#### **Employment Assistance Fund (EAF)**

The EAF incorporates the Auslan for Employment service and the Workplace Modifications Scheme into a single fund. The EAF provides assistance for employers of people with disability, employees and job seekers, to modify physical work environments and purchase adaptive technology and Auslan interpreting services. Assistance under the EAF extends to providing specialist support for employees with mental illness and learning difficulties. EAF funding is not available where funding is provided from other sources, such as workers compensation.

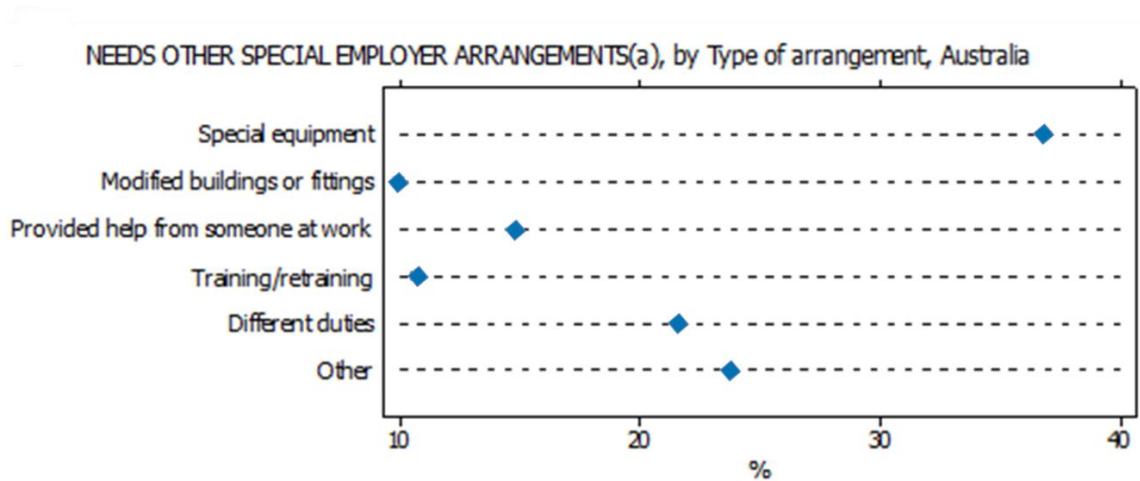
The evaluation found that, of working Australians with disability who need special employer arrangements (apart from part-time work and flexible leave), 37 per cent need special equipment and 22 per cent need to be allocated different duties<sup>59</sup>. This is illustrated in the **Figure 5, next page**<sup>60</sup> (which is an ABS extract).

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<sup>59</sup> ABS 2009 *Survey of Disability, Ageing and Carers*, From <http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4446.0Main%20Features92009?opendocument&tabname=Summary&prodno=4446.0&issue=2009&num=&view=>

<sup>60</sup> Ibid

**Figure 5: Reported actual need for employer accommodations for workers with disability**



The evaluation found that Tasmanian local government organisations, which comprise just eight per cent of public sector employment in the State, submitted 12 applications for EAF funding in the 16 months from 1 March 2010 to 30 June 2011. By comparison, the State Service, which has six times as many employees, submitted only 27 applications during the same period. Furthermore, 17 of those applications were from the Polytechnic and two primary schools, that is, from education institutions subject to Australian Government standards to support students with disability. The rate of State Service applications for EAF funding is also well below the rates of application by other state and territory governments.

This represents a significant missed opportunity for the State Service to secure Australian Government transfers to cover the costs of reasonable workplace adjustments that are already being made. In addition, further Australian Government monies may be available to fund building works and other adjustments that would not otherwise be made because of 'unjustifiable hardship'.

Centralising funding for workplace accommodations, as has been done in many Australian Public Service agencies, could help ensure that full use is made of available Australian Government monies.

### **JobAccess service**

The JobAccess service provides an information and advice service on disability employment related matters. It contributes to increasing the employment and retention of people with disability by offering help and workplace solutions for people with disability and their employers. Since 1 March 2010, the JobAccess service has managed the Employment Assistance Fund. The JobAccess website is [www.jobaccess.gov.au](http://www.jobaccess.gov.au)

### **Wage Connect**

Wage Connect is a wage subsidy scheme that forms part of the Australian Government's Employment Incentives Scheme, but at present Wage Connect is not available to State Service agencies.

### 3.2.7 Recommendations for specific recruitment programs

As a general comment, while DES Disability Management Services program (DMS) clients are not necessarily precluded from most State Service specific recruitment programs for people with disability, agencies would ideally direct vacancies to the DES Employment Support Services (ESS) client base in the first instance. One reason for this is that people from the DMS program may not have disability. Agencies should also record which pool candidates are sourced from – DES ESS or DES DMS – so the impact of recruitment from the two programs can be analysed.

The following are recommendations in relation to specific recruitment programs for people with disability.

#### **REC-1 Work experience, work trials and work**

That agencies offer more short-term opportunities for people who are *job ready*, either through the Australian Government funded Unpaid Work Experience Program (UWEP) for free placements of up to four weeks, or through the People with Disabilities Fixed-Term Employment Registers, for shorter work trials in the form of casual employment (from a few hours to a few days) and fixed-term placements of up to and including 12 months.

#### **REC-2 People with Disabilities Fixed-Term Employment Registers**

That agencies implement a policy that requires managers to refer all genuine qualifying vacancies to the People with Disabilities Fixed-Term Employment Registers. Assessment would take account of all approved reasons for non-referral and would ideally be supported with an agency-specific decision-tree, flowchart or checklist to assist busy hiring managers to make the correct decision. An example of such a flowchart is provided in the body of this report

#### **REC-3 Graduate programs**

That agencies consider more accessible vacancy notice periods and better timing for advertising, including using an expression of interest approach to the recruitment of graduates and cadets as a precursor to formal applications.

#### **REC-4 Flexible measures (program)**

The introduction of a 'flexible measures' program should be considered to allow 'job carving' within the merit framework. If such a program is implemented, it is recommended that agencies develop guidance material in the use of the program within the context of their individual diversity plans.

#### **REC-5 More efficient and more external funding**

That each agency centralises its funding for workplace accommodations and ensures that full use is made of available Australian Government monies.

## 3.3 Disability diversity

The State Service must recognise and utilise the diversity of the community it serves, yet the evaluation found there is a shortfall in the representation of people with disability in State Service, of up to five per cent. This is despite a strong commitment to fairer outcomes for people with disability by the Tasmanian Government.

Whilst specific programs allow agencies to direct assistance to the DES client base in particular, specific recruitment programs will not be able to correct the under-representation of people with disability in the State Service. This is due to shortages in labour supply and demand in the closed 'people with disability' labour market. The vast majority of job seekers with disability are competing with jobseekers without disability in the open labour market. State Service agencies will perhaps unknowingly recruit many more people with disability if they can remove the barriers that currently exist in 'open recruitment'.

The evaluation considered some relevant findings, as well as why many agency strategies do not appear to be leading to improved outcomes at this time.

### 3.3.1 Findings in relation to disability diversity

The evaluation found that people with disability are less likely to be able to meet some common job specifications, like holding a driver's licence or an education qualification, especially a tertiary qualification. People with disability requiring workplace modifications are also more likely to work part-time, and about one third of Australian job seekers generally, including people with and without disability specifically look for part-time work.

Given the interest from stakeholders in specific goals for the recruitment of people with disability, the evaluation looked at how this might be done and whether it could be effective for the State Service. It was found that specific goals for employing people with disability *can* work in the public sector, but there were too many unknowns for the evaluation to determine a suitable specific goal for levels of recruitment for the whole State Service, at this time. Facilitative goals and some specific goals were identified as a starting point.

However, the most significant finding in relation to achieving diversity in the State Service concerned 'hiring managers'. Research established that hiring managers make six critical decisions that lead to the recruitment of people with disability, or not. The research also showed that hiring managers in 'large firms' do not often get past the first decision point of thinking it is reasonable to hire people with disability.

### 3.3.2 Critical role of hiring managers

Agency Disability Actions Plans all articulate a strong commitment by the Head of Agency to take action to improve employment outcomes for people with disability. Despite this, outcomes remain below the required standard, especially as most jobs offered to people with disability are fixed-term, and often for very short periods.

The research shows that, while leadership on these issues is essential to success, the attitudes and behaviour of *hiring managers* are the most critical in the recruitment of people with disability. This is explained in the (former, Commonwealth) Department of Family and Community Services (DFCS) report “*Improving Employment Opportunities for People with a Disability: Report of the Review of the Employer Incentives Strategy*” (hereafter, the ‘DFCS report’)<sup>61</sup>. The DFCS report is of particular interest because it placed employers at the centre of investigations, though DFCS also engaged with other key stakeholder groups in developing the report.

In the State Service, agency human resource practitioners may facilitate and broker recruitment, but they do not usually make decisions about *whom* and *how* to recruit for a particular vacancy. These decisions, while influenced by policies and procedures, are typically made by line managers (supervisors, managers and directors – collectively ‘hiring managers’) and it is these decisions that are the most critical to employment outcomes.

An analysis of the DFCS report, informed by a significant body of other research, reveals three key findings that became of particular interest to the evaluation concerning: hiring manager decisions, hiring manager perceptions, and small firm versus large firm recruitment practices. These findings, and their implications for the State Service, are examined below.

#### 3.3.2.1 Hiring manager decisions

The DFCS report explains that some managers recruit people with disability and some do not. Further, it explains that the managers who do recruit people with disability appeared to think differently than those that do not. An analysis of recruitment decision-making by DFCS revealed that hiring managers who do recruit people with disability make specific decisions that lead them to do so over-and-over again. However, if an unfavourable decision is made at any point, that manager may never recruit another person with disability. The DFCS report illustrates the decision making cycle in its “Model of Employment Decision Making” (see adaptation of the model in **Figure 6, next page**).

DFCS found that larger employers cannot easily shift through decision points 1 (reasonable) and 2 (expected). They need to put in place appropriate human resource policies and procedures before they can readily start recruiting people with disability. For some managers who had no experience of workers with disability, it could take a long time to “think it is reasonable” – the starting point of the cycle.

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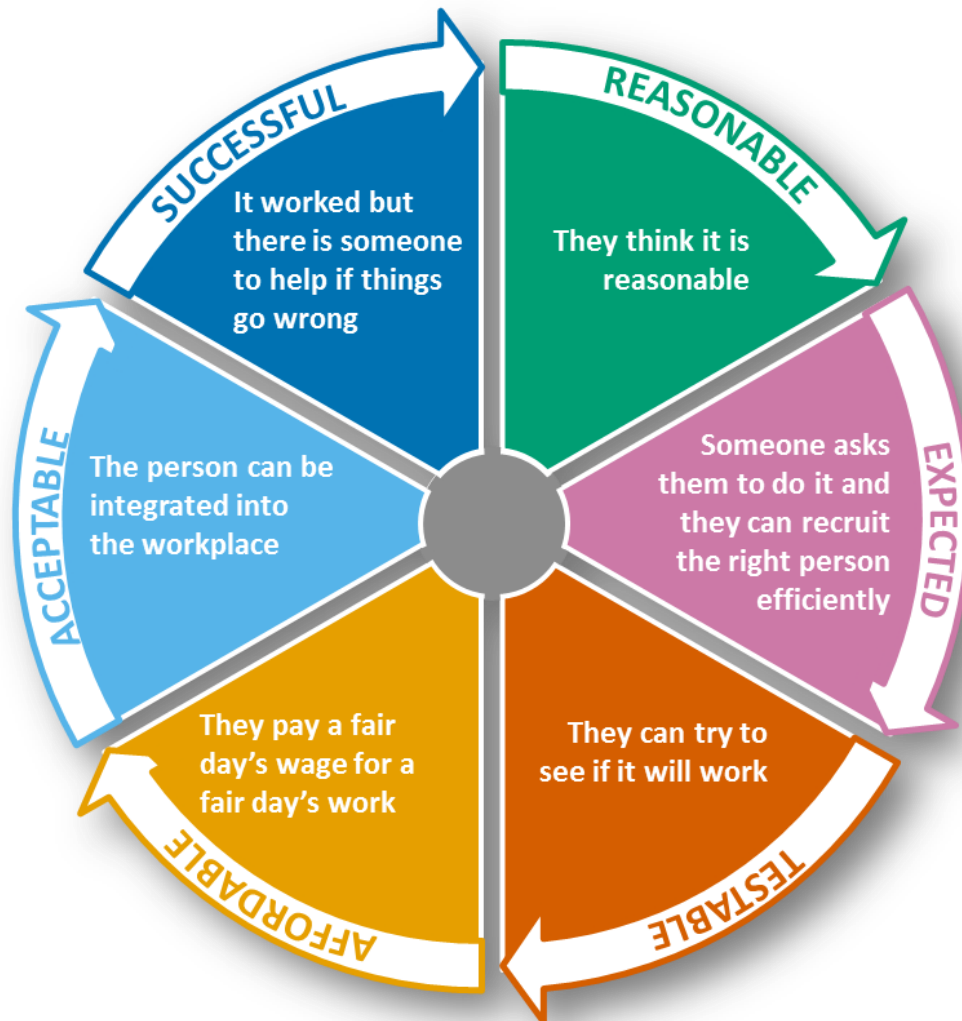
<sup>61</sup> Department of Family and Community Services (DFCS). (2003). *Improving Employment Opportunities for People with a Disability: Report of the Review of the Employer Incentives Strategy*. Commonwealth



The Model of Employment Decision Making provides a framework for putting the views of employers into a decision-making context, showing how particular issues and concerns can have an impact on the employer's decision to hire at critical points. The Model also indicates how an agency strategy to improve the recruitment of people with disability in the State Service must support the right decision-making at each point in the cycle.

The Model may have application for other equity groups.

**Figure 6: Adaptation of the DFCS Model of Employment Decision Making**



### 3.3.2.2 Hiring practices – small firms versus large firms

The DFCS report indicates that there is a significant difference in the attitudes and behaviour of hiring managers in large firms compared with those in small firms, in respect to the recruitment of people with disability.

Larger firms tend to recruit for a specific vacancy through a formal, competitive, open recruitment process. Large firms generally start with the vacancy and are able to select the person they like the most from a large number of equally suitable candidates. Where external recruitment companies are used by large firms, those companies are unlikely to put forward candidates with disability because, statistically, such candidates are less successful.

The DFCS report confirms that small and medium sized firms have a more flexible approach to recruitment. Often vacancies are identified by word-of-mouth, and a vacancy may even be created with a particular person with disability in mind – because that person is being put forward by a DES provider, or there is someone else advocating for them.

It is known that some divisions within State Service agencies behave more like small firms in relation to their recruitment of people with disability, whereas the majority of agencies appear to behave like large firms, with general recruitment practices being more aligned to the traditional 'large firm' approach.

### 3.3.2.3 Hiring manager attitudes and perceptions

The DFCS report found hiring manager decision-making was constrained by a number of opinions about the recruitment of people with disability:

- Hiring managers generally view the recruitment of all workers as a potential risk to their business. To reduce this risk they prefer to hire people who have known qualifications, experience, skills and abilities. Any employee who is different is seen to pose a higher risk and is therefore less attractive to the business as a potential worker. The hiring managers who have no experience of hiring people with disability see this group as posing a higher risk again.
- Hiring managers believe that employing people with disability is simply too hard.
- Job matching is critical. Hiring managers are primarily interested in finding the right person for the job – with or without disability.

The DFCS report also identified a number of employer perceptions of people with disability that may influence hiring manager decisions. Such notions are not relevant to the employment of an individual: even if born-out statistically (which often they are not), the notion may be wrong in relation to a particular recruit. However, it may be useful for agencies to appreciate some of the 'internal dialogue' hiring managers might have, so these findings are presented in **Table 1A** and **Table 1B, next page**.

**Table 1A: Hiring manager negative perceptions of people with disability**

Concern	Hiring managers perceptions of costs/risks
Costs	<p>The hiring manager perceived there could be:</p> <ul style="list-style-type: none"> <li>• potentially higher costs for insurance, workers' compensation and occupational, health and safety;</li> <li>• the risk of facing unfair dismissal liabilities or action under the Disability Discrimination Act if a person 'did not work out' in a job; and</li> <li>• the need to make expensive physical adjustments to the workplace to cater for the disability type of the worker.</li> </ul>
Culture and skills	<p>The hiring manager were worried that:</p> <ul style="list-style-type: none"> <li>• co-workers might be 'unsettled' by a worker with disability;</li> <li>• they did not know what their customers' reactions might be – some customers might not like dealing with people with disability; and</li> <li>• people with disability might only be able to do a narrow range of tasks and not be able to multi-skill in their jobs.</li> </ul>
Process	<p>The hiring manager also had concerns about the complexity and uncertainties involved in the process. The businesses were:</p> <ul style="list-style-type: none"> <li>• uncertain about where to go, what to do and what to expect;</li> <li>• concerned about the time required to provide the extra support; and</li> <li>• uncertain about how to hire a person with a disability because they do not apply for jobs directly with the company, therefore they are not considered.</li> </ul>

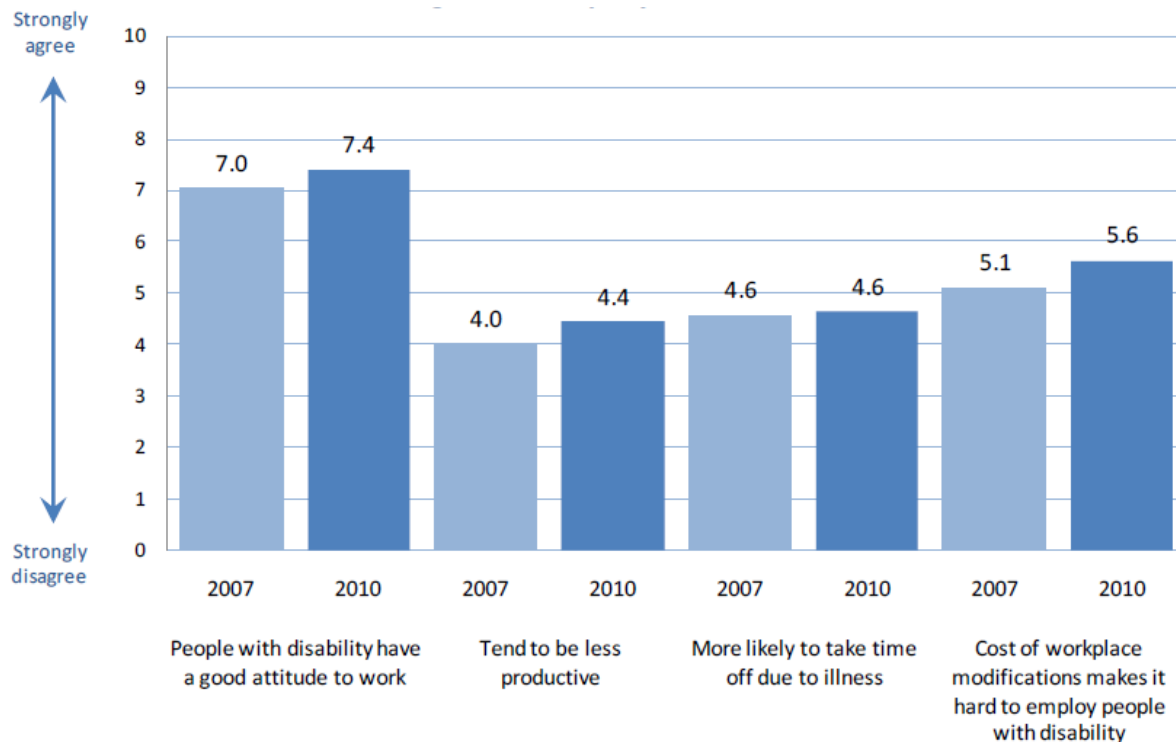
**Table 1B: Hiring manager positive perceptions of people with disability**

Opportunity	Hiring manager perceptions of benefits/opportunities
Strengths as workers	<p>The hiring manager believe workers with disability can be:</p> <ul style="list-style-type: none"> <li>• more loyal and reliable staff members;</li> <li>• hard workers who often have lower rates of absenteeism; and</li> <li>• more innovative, as people with disability look for ways around barriers.</li> </ul> <p>For workers with some types of disability, they also:</p> <ul style="list-style-type: none"> <li>• do not get bored as easily, and can focus on a repetitive task for longer.</li> </ul>
Culture	<p>The hiring manager believe that:</p> <ul style="list-style-type: none"> <li>• it is "a good thing to do" – staff and management feel good about it, and</li> <li>• having people with disability in the workplace lifts the morale and the performance of the team.</li> </ul>
Corporate reputation	<p>The hiring manager value the fact that:</p> <ul style="list-style-type: none"> <li>• people with disability are good ambassadors for the firm; and</li> <li>• customers like to see people with disability in the workplace.</li> </ul>

## Development of recommendations

More recent research on employer attitudes and perceptions was conducted by DEEWR's Employment Monitoring and Evaluation Branch<sup>62</sup> in 2007 and again in 2010, both of which confirmed the key findings of the 2003 DFCS research. A comparison of results from the 2007 and 2010 DEEWR surveys in **Figure 7, below**, shows some increased concerns about costs, possibly related to the changed economic conditions.

**Figure 7: Hiring manager attitudes research by DEEWR 2007 and 2010**



Source: Analysis of the 2007 and 2010 (preliminary) Survey of Employers (DEEWR and TNS Research).

<sup>62</sup> Page 12, Employment Monitoring and Evaluation Branch (2011) *Employer perspectives on recruiting people with disability and the role of Disability Employment Services*. Department of Employment, Education and Workplace Relations.

### 3.3.3 Preservation of merit

The State Service Act provides that the “*State Service is a public service in which employment decisions are based on merit*”<sup>63</sup>. Feedback from stakeholders indicated that some hiring managers are concerned that setting jobs aside for people with disability or modifying recruitment practices to make them more accessible, compromise the principle of merit selection. The evaluation was keen to address these concerns.

#### 3.3.3.1 Specific recruitment programs and merit

Historically, merit selection arose in an attempt to eliminate age-old public service practices such as cronyism, nepotism, discrimination, seniority-based promotion and the like. Merit helps ensure that the public service is a quality workforce.

The State Service Act deems that a decision relating to appointment or promotion is based on merit if an assessment of the *relative suitability of candidates*<sup>64</sup> is the *primary* consideration in making the decision<sup>65</sup>. The State Service Act does not prescribe *how* merit assessments are conducted or *who* conducts them. The State Service Act does not prescribe advertising standards either. Subject to relevant Commissioner’s Directions<sup>66</sup> and Ministerial Directions<sup>67</sup>, agencies appear free to determine their own practices and procedures for merit assessments – including whether to use external assessors, such as specialist recruitment firms or DES providers<sup>68</sup>.

The DFCS report found that hiring managers who recruit people with disability often do so because of a personal connection (the person is part of the hiring manager’s social network) and the business recruits them without formally advertising a position<sup>69</sup>. This is especially true for ‘small firms’. Obviously, such an approach is not consistent with merit selection. However, approved<sup>70</sup> State Service programs that limit the pool of candidates are a reasonable compromise because the *relative suitability of candidates* remains the *primary* consideration in selection. Commissioner’s Direction No. 1 – *Employment in the State Service* specifies how selection pools may be limited.

Agency selection policies and procedures should clearly explain that merit is not compromised simply by limiting the pool of candidates in accordance with Commissioner’s Directions.

<sup>63</sup> Refer State Service Act subsection 7(1)(b)

<sup>64</sup> Based on work-related qualities and capacity to achieve outcomes in particular duties

<sup>65</sup> Refer subsection 7(2)

<sup>66</sup> For example Commissioner’s Direction No 1 – *Employment in the State Service*, relating to sourcing candidates.

<sup>67</sup> For example the Ministerial Direction concerning the redeployment of surplus and potentially surplus employees *Ministerial Direction No. 25 - State Service Vacancy Control Process (SSVCP)*.

<sup>68</sup> DES providers may be more experienced at assessing the relative suitability of candidates if an adjustment to the selection process is needed.

<sup>69</sup> Page 28, Department of Family and Community Services (DFCS). (2003). *Improving Employment Opportunities for People with a Disability: Report of the Review of the Employer Incentives Strategy*. Commonwealth.

<sup>70</sup> Approved by both the State Service Commissioner and the Anti-Discrimination Commissioner

### 3.3.4 Job characteristics

Responses to the evaluation survey indicated that all agencies had reviewed their statements of duties (SODs) to eliminate barriers to the recruitment of people with disability. However, the evaluation examined all current State Service advertisements at the Jobs website on two separate occasions over a period of a few weeks in early 2012, and found that the majority of jobs advertised still had characteristics that could present barriers to people with disability.

Job characteristics refers to:

- The duties to be performed – what is the incumbent expected to accomplish;
- Skills, qualifications and personal qualities required in relation to those duties;
- The level of responsibility associated with those duties;
- Essential requirements for the performance of those duties (and desirable requirements, if specified);
- Hours of work, location, equipment to be used.

Agencies frequently made one or more of the follow potential errors:

- The SOD did not appear to reflect the inherent requirements of the job;
- The SOD addressed how outcomes are to be achieved, rather than what is to be accomplished; or
- A desirable requirement of a type less likely to be met by a person with disability was specified.

The most common characteristics causing concern, and which are discussed in more detail in this section, were as follows:

- Specified hours of work (whether the number or the span of hours);
- Health and fitness standards;
- Requirement to hold a specific education qualification;
- Requirement to hold a driver's licence (and similar).

**Selection based on a  
desirable requirement  
may be discriminatory**



### 3.3.4.1 Hours of work

The majority of all workers are employed on a full-time basis and in a standard pattern of hours. In fact, SDAC data shows that a lower proportion of workers with disability, but with *no employment restriction*, work part-time than workers without disability (29.7 per cent compared with 30.7 per cent without disability).

However, nearly 45 per cent of workers with disability *and an employment restriction* do work part-time, so overall, people with disability are more likely to work part-time. It is important to appreciate though that about one third of *all Australian job seekers* are specifically looking for part-time employment.

In February 2012, there were 84,500 part-time Tasmanian workers, which was 35.9 per cent of the workforce – this was the highest proportion of part-time employed in the nation<sup>71</sup>. Furthermore, part-time work is a significant feature of the State Service: in 2010-11, about 45 per cent of employees worked part-time<sup>72</sup> (excluding casual and sessional employees) and over 1,100 changed to part-time hours<sup>73</sup>.

So, hiring managers wanting to maximise the pool of quality candidates would seriously consider how they prescribe the hours of work for a job.

Until quite recently, the general approach taken by agencies suggested that hiring managers were still describing vacancies as being ‘full-time’ when it was not likely that full-time hours were an inherent requirement of the job. In the evaluation period, it appears that only about 27 per cent of State Service vacancies were advertised as being part-time or for negotiable hours, and more than half of these were for low paid and/or fixed-term vacancies<sup>74</sup>. Furthermore, there was a decline in the proportion of part-time jobs on offer, consistent with an increase in the number of working hours in the general economy<sup>75</sup>.

However, it was pleasing to note an apparent reversal in this trend as this report was being prepared. For example, in early 2012, DHHS advertised numerous positions as “Permanent full-time day [or shift] work. Notwithstanding, hours per fortnight may be negotiated with the successful applicant”. DHHS and those other agencies that have implemented similar changes should be congratulated.

<sup>71</sup> ABS 1367.0 - State and Territory Statistical Indicators, 2012

<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1367.0~2012~Main%20Features~Part-time%20Employed~7.7> accessed 22 May 2012 Trend

<sup>72</sup> Page 64, State Service Commissioner’s 2010-11 Annual Report to the Tasmanian Parliament

<sup>73</sup> Page 45, Ibid

<sup>74</sup> Ibid

<sup>75</sup> For 2009, as reported in a study by The Australia Institute

[http://en.wikipedia.org/wiki/Working\\_time#cite\\_note-13](http://en.wikipedia.org/wiki/Working_time#cite_note-13) accessed 4 February 2012

### A better approach to hours of work

For agencies who have not made the change to a more inclusive and competitive approach, it should be noted that if standard hours are not an essential requirement, they should not be the basis of selection because a lower proportion of people with disability requiring a workplace adjustment work standard hours. To do otherwise may be discriminatory.

Where standard hours are an essential requirement, the hiring manager should understand that refusal to make a 'reasonable accommodation' due to disability is based on 'unjustifiable hardship'. This is compared with refusal to allow part-time employment related to parental responsibilities, which is based on 'reasonable grounds related to the effect on the workplace or the employer's business'.

## FEATURE

### Part-time senior roles

Some people are still of the view that senior roles can only be performed full-time. However, nearly 700 State Service employees earning \$88,000 pa or more were part-time in 2010-11, and some executives have successfully worked nominal part-time hours. Some part-time senior jobs could be designed with a narrower scope, rather than with fewer specified office hours.

### 3.3.4.2 Health and fitness standards

Job advertisements sometimes specified physical health and fitness standards. Our research concluded that a particular 'desirable' health and fitness standard could actually be an essential part of the job (for example: Trainee Firefighter), but at other times it was clearly not (for example: Administrative Assistant). The following issues were noted:

- Some requirements for specific health and fitness standards were advertised as 'desirable requirements' when it is likely that some standard was 'essential' to the role.
- Some requirements reflected agency policies for participation in activities not essential to the main employment.
- Some standards were not clear (for example: 'a reasonable level of health'), others attached to standards used in other jobs (for example: firefighting fitness standards), some were arguably too high and/or too strictly applied (for example: specific BMIs or body mass indicators).
- There was little information available about fitness induction and maintenance programs conducted as part of the employment (like those offered in the Australian Defence Forces), nor of adverse consequences for employees who do not maintain entry fitness standards.
- Some restrictions had numerous age adjustments, indicating the essential requirements for health and safety may be at the lowest of the specified standard range<sup>76</sup>.

<sup>76</sup> For example refer to <http://www.queensu.ca/humanrights/hreb/disabilities/mainpages/Meiorin.htm> or <http://www.ag.gov.au/Documents/Consolidation+of+Commonwealth+Anti-Discrimination+Laws-Discussion+Paper.pdf>



- Where testing commenced after a certain age, there may be a lack of evidence of age-related performance or health and safety problems to justify this.
- Some requirements relating to mobility (for example: ‘ability to negotiate stairs’) may indicate that the workplace has access problems that may also affect other staff, clients or the public.
- Some requirements reflected the policy agenda of the work unit (for example: non-smoking employees working on health programs).

### A better approach to health and fitness standards

Health and fitness standards are specialist areas of employment practice, with a higher level of inherent risk. However, higher health and fitness entry standards should not be relied upon to mitigate the risk of workplace injury and illness associated with arduous work. Before implementing recruitment standards in an agency, even where considered an essential requirement of the job, the agency should assess the implications for induction, maintenance and termination of employment. Where a health and/or fitness standard is an essential requirement of the job, then hiring managers should ensure that this is made clear and that those standards are diligently constructed.

## FEATURE

### Meiorin Case

The evaluation examined the impact of the Meiorin Case in Canada in setting a new standard for inherent health and fitness requirements by employers. Essentially, this decision provides that unless the workplace standard or rule is an inherent requirement of the job, the employer must accommodate employees up to the point of undue hardship. In order to establish whether a workplace standard or rule is an inherent requirement, employers must meet the three-stage test as established in Meiorin: to be classified as an inherent requirement, the standard or rule must be rationally connected to the requirements of the job; established in good faith; and reasonably necessary.

### 3.3.4.3 Education qualifications

State Service jobs are increasingly skilled jobs, but skill does not necessarily equate to a specific education qualification. Despite this, vacancies do frequently refer to a specific type of education qualification – and this is not limited to semi-professional roles.

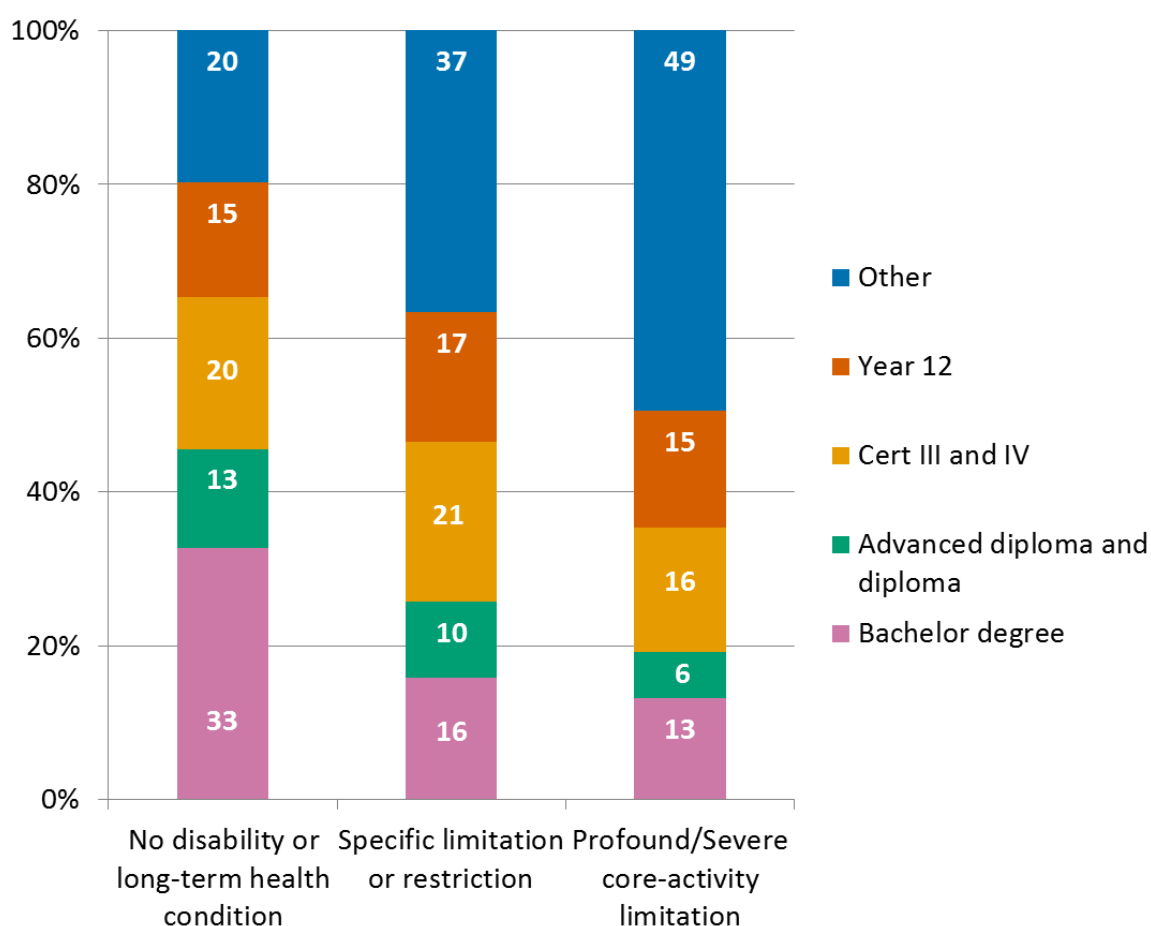
State Service job classifications in the General Stream address ‘knowledge and expertise’ standards in different ways depending on the level of the job. For lower level jobs – Bands 2/3/4 in the General Stream and Professional Band 1 – the classification descriptors refer to specific education levels such as ‘certificate III or IV or equivalent’ or ‘qualifications from a recognised tertiary institution’. Such specific standards are not indicated for higher General and Professional Stream Bands. Perceptions of stricter specifications may present a barrier to people with disability who generally have fewer formal education qualifications (see **Chart 1, next page**).

The evaluation also found that jobs frequently specify ‘desirable’ education qualifications, including qualifications that are above the standards specified in the classification descriptors. Discrimination may occur if such requirements are relied upon as the basis for selection, because fewer people with disability hold formal education qualifications.

### A better approach to education qualifications

Where an education qualification is an essential requirement of the job – due to practice or professional standards, or under legislation, for example – then hiring managers should ensure that this is made clear and that the requirements are consistent with award classifications.

**Chart 1: Highest education level of Australians aged 25-44 years<sup>77</sup>**



<sup>77</sup> Australian Bureau of Statistics. (2009). *6278.0 – Education and Training Experience*. Commonwealth.

### 3.3.4.4 Driver's licences (and similar)

State Service jobs still frequently specify a driver's licence as a requirement, commonly as a 'desirable requirement'. Hiring managers may be motivated to specify this for a number of reasons, including:

- The worksite may not be well-served by public transport, and it is assumed that a person who holds a driver's licence will be more reliable;
- It may be convenient to have a number of employees who hold a driver's licence for ad hoc requirements, such as off-site meetings, training courses and conferences, crucial document delivery or collection, catering or transport for a work-related social event, etc;
- Regular intra-state travel required to be undertaken by unaccompanied officers; or
- The job is as a driver.

Specification of a driver's licence is not always justified, and a person who holds a driver's licence may not always be able to drive safely as part of their duties. Furthermore, it is also widely acknowledged that a lack of a driver's licence is a barrier to employment for a number of equity groups (such as: people from diverse cultural a non-English speaking background, young people aged 16-24 years, people with disability, and others<sup>78</sup>). About 66.4 per cent of Tasmanians with disability hold a driver's licence<sup>79</sup>, which is lower than the rate of licensing among Tasmanians without disability of 79 per cent<sup>80</sup>.

#### A better approach to licensing

Therefore, where a driver's licence is not an essential requirement, it should not be the basis of selection, as it is an unnecessary barrier to employment for equity groups, including people with disability<sup>81</sup>. In addition, hiring managers should consider criteria that are outcomes-focussed, for example: instead of 'must have a drivers licence', consider 'must make site visits'. Where an inherent requirement of the job is to be licenced and able to drive a vehicle on a public road, for example, these requirements should be made clear. Hiring managers should consider that some people with disability are able to drive their own modified vehicle, so (again) the consideration should be *what* needs to be done, rather than *how* it should be done.

<sup>78</sup> For example:

<http://www.cityofsydney.nsw.gov.au/community/YouthServices/YouthPrograms/DrivingForEmployment.asp>

<sup>79</sup> Unpublished ABS SDAC Regional data

<sup>80</sup> Number of licences generally 361,253 in 2008, ABS 1307.6 - Tasmanian State and Regional Indicators, Dec 2010

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/1307.6Main+Features11Dec+2010>

<sup>81</sup> Also Public Service Commission. (2011). *EmployABILITY – A strategy to increase employment for people with a disability in the NSW public sector 2010-2013*. New South Wales Government. From [http://www.eeo.nsw.gov.au/employability/improving\\_the\\_recruitment\\_experience\\_for\\_people\\_with\\_a\\_disability](http://www.eeo.nsw.gov.au/employability/improving_the_recruitment_experience_for_people_with_a_disability)

### 3.3.5 Diversity coaches

Ultimately, State Service managers are focussed on nurturing a skilled workforce capable of, and committed to, sustainably delivering quality services to the Tasmanian community. Of leading concern is the identification and management of issues that directly threaten this objective, and this often means prioritising urgent risk areas over the long-term progress of principles-based policies like ‘diversity and equity in employment’. Even when diversity and equity issues are a focus, there is competition for resources from a range of diversity groups.

Partly because of this lack of focus, the evaluation found that a number of the ‘perceived barriers’ to the recruitment of people with disability are only likely to be addressed through one-on-one coaching of hiring managers by skilled individuals (see **Table 2, below**, summarising perceived barriers by agencies and DES providers).

Most stakeholders expressed a view that agencies should engage ‘disability officers’ to address a broad range of issues in the recruitment and employment of people with disability, though there was concern about resourcing such a role in the current operational environment.

**Table 2: DES and agency comment on current barriers to recruitment**

Agencies view of remaining barriers	DES view of remaining barriers
Lack of disability awareness and confidence	Lack of disability awareness and confidence
Poor perception of people with disability as employees	Poor perception of people with disability as employees
Recruitment practices do unintentionally discriminate	Recruitment practices discriminate
Unable to move beyond past negative experience	Lack of understanding of individual experiences
Poor perception of DES service quality to clients	Poor perception of management skills and capacity: <ul style="list-style-type: none"> <li>• Lack of leadership and goal setting</li> <li>• Under-utilisation of the People with Disabilities Fixed-Term Employment Registers</li> <li>• Reluctance to trial people with disability</li> <li>• Lack of understanding of available programs</li> <li>• Lack of specific roles for people with disability</li> </ul>

### 3.3.5.1 The role of the diversity coach

A possible solution is to have diversity and equity support functions amalgamated (where this has not already occurred) with diversity and equity risk management functions. This 'diversity coach' role would carry agency responsibility for implementing the agency's equity and diversity agenda on behalf of the Head of Agency. In relation to the 'disability agenda', a diversity coach might:

- Proactively act as a resource for hiring managers, both in relation to 'unjustifiable hardship', 'reasonable accommodation' and 'inherent requirements of the job', and to support better recruitment decision-making.
- Manage a central fund for accommodations in conjunction with an agency 'resource library' of adaptive technology and equipment – from software to hearing loops, from special furniture to non-standard computer equipment. In order to reduce the complexity, cost and risk for managers employing people with disability, in August 2010 the APSC reported that 63 per cent of Australian Government agencies had implemented centralised funding for adaptive technology or other forms of practical support<sup>82</sup>.
- Source Australian Government transfers (EAF funding) for adaptive technology, services, training or other workplace accommodations that the employer is ordinarily required to make. There is clear evidence that the State Service is not taking full advantage of the EAF (refer to the discussion of the EAF funding earlier in the report).
- Identify and leverage *additional* Australian Government EAF funding for individual accommodations that would otherwise cause 'unjustifiable hardship', but that could improve the workplace (for example, accessible staff facilities).
- Monitor the movement of portable accommodations between units and agencies to reduce waste. Where a workplace modification has been provided to an employee as a result of a workers' compensation claim, that adjustment automatically follows the employee from one workplace to another and even to their home, if appropriate. Similarly, accommodations that have been funded by the Australian Government through the EAF follow the employee to any employment. However, there does not currently appear to be a relevant provision to ensure portable accommodation assets follow the relevant employee within the State Service in other circumstances.
- Co-ordinate disability training, services and some minor building works, to minimise cost and maximise EAF contributions. Training should initially focus on hiring managers who do a lot of the hiring, and on others who most frequently participate in recruitment panels.

The evaluation was concerned that agencies would need to find ways to fund the role of diversity coach in the current operational environment. However, implementing the above would increase the efficiency with which all workplace modifications are managed and significantly increase Australian Government transfers to pay for additional workplace modifications.

<sup>82</sup> PowerPoint Presentation *APS Best Practice – Tapping the Talent of People with Disability*, August 2010. Downloaded from the Australian Public Service Commissioner website in December 2011.

### 3.3.6 Depicting disability

Stakeholders had mixed views about how agencies should depict people with disability, including through written descriptions. Some stakeholders were so concerned about inappropriate depiction of disability, that they preferred there was no 'disability category' in the Tasmanian Government's image library. Quite rightly, the view was that individuals with disability do not want their disability to be the focus of published material. After all, when one is asked to describe themselves, it is our relationships, employment, hobbies and interests that are discussed. **Preferences by individuals not to describe or depict their disability must be respected at all times.**

However, it was found that disability is a normal human experience, so it should not be invisible in State Service publications and websites, and especially when the material relates to disability issues.

#### 3.3.6.1 Use of images

The Tasmanian Government image library is a fantastic resource for agencies seeking to enhance their publications with visual material to engage with and inspire readers. Agencies may have their own image libraries, to reflect their own priorities and culture. Agency staff may also choose to use other externally-sourced material, subject to copyright and licensing restrictions.

Irrespective of the source of the visual media used, agencies often populate employment related material and websites with images of people. Unfortunately, it appears that few of these images depict employees with disability. The key State Service publication "*Employment of People with a Disability*" (see **Image 1, next page**) does not depict disability nor State Service employment – rather, it shows two wool classers, a farmer and a senior women's dance class. However, this approach compares unfavourably with the montage chosen for a VicHealth 'Everyone Wins' framework publication (see **Image 2, next page**)<sup>83</sup>.

The evaluation could only locate one image in the Tasmanian Government image library that could realistically depict "a State Service employee with disability" (see **Image 3, next page**). That photograph uses a model, and is one of a large number of beautifully photographed images from a commercial set, all of which depict people with disability in employment situations – sometimes the disability is visible and sometimes it is not (see **Image 4, next page**)<sup>84</sup>.

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<sup>83</sup> From material produced by the Office for Disability, Department of Human Services, for use by VicHealth as part of the 'Everyone Wins' framework. Accessed 2 February 2012

<sup>84</sup> Some of this set accessible through Microsoft 'clip art' in Office 2010.

Image 1



Image 2



Image 3

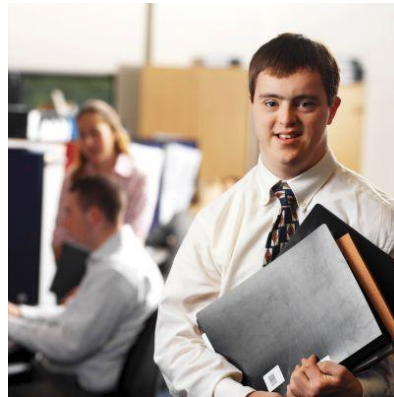


Image 4<sup>85</sup>



<sup>85</sup> A number of these images can be seen in Victorian Equal Opportunity and Human Rights Commission. (2009) *Disclosing Disability in Employment – Best Practice Guidelines for Employers and the Recruitment Industry*. Victorian Government. From [http://www.humanrightscommission.vic.gov.au/index.php?option=com\\_k2&view=item&id=561:disclosing-disability-in-employment-best-practice-guidelines-for-employers-and-the-recruitment-industry&Itemid=689](http://www.humanrightscommission.vic.gov.au/index.php?option=com_k2&view=item&id=561:disclosing-disability-in-employment-best-practice-guidelines-for-employers-and-the-recruitment-industry&Itemid=689)

### **A better approach to depiction of employees with disability**

The evaluation found that, when State Service agencies use images of models to illustrate websites and publications, those illustrations should depict disability in a (positive) incidental way, in order that the material is seen to be inclusive of people with disability. One way of achieving this is to ensure that images of a person depicting the disability are accompanied by additional images of the same person which do not depict the disability, so that it is clear that the focus is on the person (being active, working, studying, being in a relationship, etc) and not on the disability. To support this, ideally the 'disability' category in the Tasmanian government image library should include many images of the same models or employees where the disability is not observable.

Agencies should ensure that the way they portray their workplace is inclusive of people with disability (and other equity groups). An agency may not be able to obtain images of employees with visible disability, going about their usual duties, however, hundreds of high-quality royalty-free stock photos of employees with disability are widely available at very low prices online.

## **Disability in the workplace: neither hidden, nor the focus**





### 3.3.7 Goals

Research confirms that setting specific goals for the number of people with disability recruited can be an effective strategy in the public sector, if not in the private sector<sup>86</sup>. Some stakeholders felt that a single recruitment goal should be set that applies equally across the whole State Service. There is evidence that these types of goals are, or have been, used by other Australian state governments.

However, no evidence was found as to where, when, how and why public sector goals sometimes work and sometimes do not. Furthermore, it may be too early to determine how effective such a strategy has been in other Australian state jurisdictions.

The evaluation established that a whole-of-Service specific goal may not be appropriate for the State Service. Some reasons such a specific goal is not favoured are as follows:

- Agencies already have their own performance indicators under workplace diversity programs, and they must capture and report statistical measures of the effectiveness of programs.
- Agencies need to determine their own priorities based on their current performance in relation to the recruitment of people from different equity groups (such as: women, young people under 25 years of age, people from diverse linguistic and cultural backgrounds, Aboriginal and Torres Strait Islander peoples, and people with disability, etc).
- Agencies should endeavour to provide the best balance between permanent better-paid (prime) and short-term low-paid (or unpaid) opportunities. A simple numerical goal for recruitment might encourage agencies to offer fewer prime opportunities, in favour of a larger number of others<sup>87</sup>.
- Agencies may be impacted to a greater or lesser extent by public sector workforce trends which reduce the recruitment of people with disability:
  - An increase in the graduate workforce;
  - Compression of the classification structure;
  - Increase in the number of experienced mature-age workers recruited;
  - An increase in multiskilling and broad-banding<sup>88</sup>.
- Fluctuations in vacancy levels differ between agencies (especially under the current program of vacancy control);
- There may be explanations for variations in agency measures of disability that are best understood by the agencies. In addition, the number of external applicants recruited into the State Service is already quite low, so small increases shown in future data may simply be due to normal statistical variations, rather than an achievement of sustained improvement.

<sup>86</sup> Organisation for Economic Co-operation and Development (OECD). (2003). *Transforming Disability into Ability – Policies to Promote Work and Income Security for Disabled People*.

<sup>87</sup> Permanent employment is the preferred form of employment in the State Service. Similarly, most jobseekers naturally aspire to maximise their earnings for their preferred work. Refer to Appendix 5 for further exploration of these ideas.

<sup>88</sup> These four factors have been identified in the APS and there is anecdotal evidence that they are having a similar impact in the State Service. Management Advisory Committee. (2006). *Employment of People with Disability in the APS*. Australian Public Service Commission. Commonwealth.

Despite all of the above, the evaluation found that hiring managers will recruit people with disability if they are expected to do so, because their organisation's leadership establishes specific recruitment goals. Therefore, the evaluation examined two alternatives to whole-of-Service goals: facilitative goals and other forms of specific goals for recruitment – which could form part of each agency's workforce plan.

### 3.3.7.1 Facilitative goals

Agencies could determine their own facilitative goals. These are goals that support better recruitment outcomes, but fall short of requiring specific levels of recruitment. By way of example, the following would be considered facilitative goals:

- 100 per cent of genuine qualifying vacancies referred to the People with Disabilities Fixed-Term Employment Registers.
- Creation of one short-term work experience placement for a person with disability (internship, vocational placement or UWEP) by each business unit each year.
- No vacancies being advertised with 'desirable requirements' that may be discriminatory if used as the basis for selection.
- 100 per cent of workplace modifications, that are not otherwise funded, to be centrally assessed for suitability for a Australian Government Employment Assistance Funding application.
- 10 per cent of images modeling employment to reflect disability diversity.

Some other ideas are provided in the Commissioner's *Guidelines to Implementing a Workplace Diversity Program*<sup>89</sup> under the heading 'Performance Indicators'.

### 3.3.7.2 Specific goals for recruitment

Agencies could determine their own specific recruitment or diversity goals by taking into account a number of factors that may be unique to that agency. In order to determine suitable specific goals much more detailed information would need to be gathered by most agencies (see 'Canadian EEO legislation', **next page**). The *Guidelines to Implementing a Workplace Diversity Program*<sup>90</sup> may assist agencies in this regard. The guidelines say that relevant information might include:

- Revisiting corporate and business plans;
- A demographic profile of employees, including a demographic profile of designated groups, a skills analysis and the particular need of staff in a particular agency;
- Any external factors that will affect the agency during the program. These could include trends and issues which are expected to impact on the agency (such as composition of the labour market, technological advances, stakeholder and community pressures);
- Assessment of the prevailing culture and business requirements;
- Reviewing previous EEO performance;
- Existing human resource policies and practices.

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<sup>89</sup> Released in 2002 and available at the [www.ossc.tas.gov.au](http://www.ossc.tas.gov.au) website under Commissioner's Directions

<sup>90</sup> Ibid

### Specific goals for small agencies

The evaluation recognises that some small agencies may struggle to carry out the necessary rigorous analysis to develop specific goals in the short-term. A reasonable diversity goal for these agencies, as a starting point, may be one constructed on the number of people in their agency reporting a disability requiring a workplace adjustment (data may be provided upon request from the Commissioner's *Employee Survey*), compared with the number of people requiring a workplace adjustment in the general Tasmanian workforce (about 7.5 per cent). The specific goal might be to close the gap between these two figures through a range of specific recruitment programs and better open recruitment.

The extent of the gap identified might be reduced by taking into account:

- The extent that the agency's workforce is more urbanised than the Tasmanian workforce;
- The extent to which workplaces are less accessible (beyond *reasonable adjustment* and the capacity of the Australian Government's *Employment Assistance Fund* to mitigate) than those in the Tasmanian workforce; and
- The extent to which jobs generally have *inherent requirements* that may typically disadvantage people with disability (such as formal education qualifications, a driver's licence, health and fitness standards, full-time, etc).

## FEATURE

### Canadian EEO legislation

The Canadian equal employment opportunity legislation<sup>91</sup>, which applies to people with disability and other equity groups, also prescribes several factors that employers in that jurisdiction must consider when establishing short-term (one to three year) numerical equity goals. These factors may be of interest to agencies, they are:

- The degree of under-representation of persons in each designated group in each occupational group within the employer's workforce;
- The availability of qualified persons in designated groups within the employer's workforce and in the community workforce;
- The anticipated growth or reduction of the employer's workforce during the period in respect of which the numerical goals apply;
- The anticipated turnover of employees within the employer's workforce during the period in respect of which the numerical goals apply.

In addition, under the Canadian equity model, employers are not required to:

- Take a particular measure to implement employment equity where the taking of that measure would cause undue hardship to the employer;
- Hire or promote persons who do not meet the essential qualifications for the work to be performed;
- With respect to the public sector, hire or promote persons without basing the hiring or promotion on merit where required by law; and
- Create new positions in its workforce.

These are consistent with the factors covered in the *Guidelines to Implementing a Workplace Diversity Program* and seem reasonable considerations for agencies.

<sup>91</sup> Canadian Parliament. (1995). Employment Equity Act (S.C. 1995, c. 44). Canada. From <http://laws-lois.justice.gc.ca/eng/acts/e-5.401/index.html> accessed 2012

### 3.3.8 Recommendations for achieving disability diversity

It is incumbent on the State Service to remove barriers in open recruitment processes that could impede the recruitment of people with disability. Increasing the number of people with disability employed in the State Service through open recruitment has a much greater potential to increase our disability diversity in the medium term than recruitment through specific recruitment programs for people with disability, based on the much larger number of potential candidates.

The recommendations for achieving disability diversity are as follows:

**REC-6 Critical role of hiring managers**

That agencies recognise and document the critical importance of hiring managers, and provide them with the facts and tools they need to recruit people with disability, by implementing the range of measures indicated in this report to help ensure the correct decision-making at each point in the recruitment decision-making cycle.

**Figure 8, below**, illustrates how all recommendations (those relating to specific recruitment programs and those relating to diversity and open recruitment) support better decisions by hiring managers at each point in the recruitment cycle (as described by the employment decision-making model).

**Figure 8: Illustration of how each of the report’s recommendations supports better decision making by hiring managers**



**REC-7 Preservation of merit**

That agency selection policies and procedures clearly explain that merit is not compromised simply by limiting the pool of candidates in accordance with Commissioner's Directions.

**REC-8 Job characteristics**

That agency recruitment information only refers to essential requirements. Where a requirement is considered an essential part of the job, this is made clear. That non-essential requirements are not the basis of selection, where this may disadvantage a person with a particular attribute, such as disability.

That agencies consider what is to be done in the job and the level of expertise, rather than how or when it is done, or what education qualification should be held.

That agencies develop health and fitness requirements that address only the essential requirements of the job, taking account of the implications for induction, maintenance and failure to maintain entry standards.

For nominal full-time vacancies, unless an inherent requirement of the job, advertising defaults to an inclusive description such as "Permanent full-time day [or shift etc] work. Notwithstanding, hours per fortnight may be negotiated with the successful applicant."

**REC-9 Diversity coaches**

That agencies examine ways to combine and expand functions related to the recruitment and management of diversity groups, to ensure that the needs of hiring managers are better supported.

That responsibility for centrally co-ordinating workplace accommodations for each agency, including the preparation of funding applications to the Australian Government's Employment Assistance Fund, be centrally located with the diversity function.

**REC-10 Depicting disability**

Agencies should ensure that they portray their workplace as being inclusive of people with disability but without characterising individuals as having disability. This can be achieved by using images of a person depicting the disability together with other images of the same person that do not depict the disability. Individuals should decide whether – and how – their disability is depicted.

**REC-11 Goals**

That agencies implement a range of facilitative goals to support the recruitment of people with disability, by specifying those specific goals in the agency workplace diversity programs and/or Disability Action Plans.

That agencies internally set a specific goal or goals for disability diversity through recruitment. That agencies unable to obtain the data to support the necessary rigorous analysis required to internally set such a target, adopt the general standard of 12 per cent or 7.5 per cent requiring a workplace adjustment<sup>92</sup>.

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<sup>92</sup> Based on disability diversity in the Tasmanian workforce as measured by the ABS SDAC, and as may change from time to time.

### 3.3.9 Recommendations in the planning context

Agencies could reflect this report's recommendations through their existing planning frameworks<sup>93</sup>:

#### **Workforce diversity programs**

Clause 5 of Commissioner's Direction No. 3 – *Workplace Diversity* (CD No. 3) requires that a Head of Agency must review the agency's workplace diversity program at least once every four years. CD No. 3 was issued 10 years ago, in May 2002, and all agencies reported that they had a workplace diversity program in place by the end of 2008. This means that, over the next four years, it would be expected that all agencies would be undertaking at least their first review of their workplace diversity program, with updated copies being provided to OSSC.

A workplace diversity program is a broad ranging document that includes measures to ensure that people from diverse groups have access to recruitment opportunities<sup>94</sup>. Agencies are required to develop performance indicators in their workplace diversity programs, and to capture and report statistical measures of the effectiveness of programs in agency annual reports.

#### **Disability Action Plans**

The Tasmanian Government's *Disability Framework for Action 2005-2010* (DFA)<sup>95</sup> required all agencies to prepare a Disability Action Plan. Agencies were required to report on their Disability Action Plans to Cabinet annually and through agency annual reports.

The Office of the State Service Commissioner will do all it can to facilitate the implementation of the report's recommendations.

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<sup>93</sup> This same approach is used in NSW, refer to Public Service Commission. (2011). *EmployABILITY – A strategy to increase employment for people with a disability in the NSW public sector 2010-2013*. New South Wales Government.

[http://www.eeo.nsw.gov.au/employability/planning\\_context](http://www.eeo.nsw.gov.au/employability/planning_context)

<sup>94</sup> NSW issued a model EEO Plan in May 2012 for adaptation by agencies. The model plan can be found at [http://www.dpc.nsw.gov.au/data/assets/pdf\\_file/0005/141377/P2012\\_003\\_Model\\_EEO\\_Management\\_Plan.pdf](http://www.dpc.nsw.gov.au/data/assets/pdf_file/0005/141377/P2012_003_Model_EEO_Management_Plan.pdf)

<sup>95</sup> At the time of writing this report, the DPAC was reviewing the DFA.

## 4. Methodology and research findings

### 4.1 Evaluation methodology

The evaluation comprised two phases. The first phase included:

- An examination of individual agency Disability Action Plan (DAP) strategies related to the employment of people with disability and training around disability issues;
- Consultation with agencies and Disability Employment Service providers concerning barriers to employment; and
- The development and conduct of separate agency and provider surveys concerning the employment of people with disability in the State Service, based around DAP strategic priorities.

The second phase included:

- Further research on barriers to the employment of people with disability and amelioration strategies; and
- Consultation with key stakeholders. The evaluation consulted with the Public Sector Management Office, the Anti-Discrimination Commissioner and representatives from the Community Development Division and Office of Aboriginal Affairs within the Department of Premier and Cabinet, DES providers, agencies and others.

#### 4.1.1 Evaluation of agency practice (phase one)

Responding to increasing concerns about the effectiveness of agency DAPs and diversity programs in relation to the employment of people with disability in the State Service, OSSC commenced an evaluation under the auspices of the Commissioner's Evaluation Program, to examine the matter. In September 2010, a person with disability was appointed through the State Service People with Disabilities Fixed-Term Employment Registers to join the evaluation.

#### 4.1.1.1 Development of surveys

##### **Disability Action Plans as embodiments of workplace disability diversity programs**

The researcher was to focus on the effectiveness or otherwise of the various employment strategies intended to facilitate the recruitment of people with disability into the State Service, principally as described in agency DAPs developed under the Tasmanian Government's *Disability Framework for Action 2005-10* (DFA). This was because agencies advised that DAPs were the main embodiment of workplace diversity programs in relation to people with disability.

Of particular interest to the evaluation was the requirement under the DFA for agencies to ensure that people with disability have the same access to employment opportunities within the State Service as other Tasmanians – a goal that reflects the State Service Principles. The DFA had proposed that agencies implement the following actions to achieve this:

- Putting workplace diversity programs in place, including measures to ensure compliance with relevant legislation and performance indicators to demonstrate progress reviewing State Service practices and processes with a view to improving the potential for people with disability to obtain employment (the State Service Act and Commissioner's Direction No.3 - *Workplace Diversity* also require this);
- Ensuring public sector managers are skilled in managing staff with disability by providing training in workplace diversity for managers and supervisors (consistent with the State Service Principles relating to performance and leadership); and
- Implementing a State Service fixed-term employment program using employment brokers that specialise in the case management of people with disability seeking employment (a function of the Commissioner delegated to the Secretary, Department of Premier and Cabinet).

To measure progress against this broad DFA 'employment requirement' (and associated actions), the evaluation aimed to understand what agency DAP strategies had collectively been established to advance these objectives and to what extent had they been implemented. To achieve this, individual agency DAPs were examined and those strategies related to improving access to employment for people with disability (including related training initiatives) were extracted. This produced a consolidated list of 'employment-related' strategies relevant to one or more agencies, with common strategic themes centring on:

- Developing workplace policies and environments that are aware of, and supportive of, the needs of people with disability in order to improve recruitment and employment outcomes;
- Reviewing agency policies and procedures (particularly around recruitment), information resources, physical access etc, to ensure that there were no inherent barriers to people with disability gaining employment;
- Encouraging staff members to undertake disability specific training; and
- Promoting the use of the People with Disabilities Fixed-Term Employment Registers (PDFTE Registers) and reviewing all appropriate vacancies for consideration and referral to those registers.

There were a number of strategies relevant only to one agency or to a small number of agencies.



### **Additional recruitment data**

In addition to examining DAP strategies, the evaluation also aimed to collect quantitative data to measure the extent to which agencies had recruited employees with a disability through standard recruitment processes, the PDFTE Registers and specific recruitment programs for people with disability, such as the Graduate Program for People with Disability.

#### **4.1.1.2 Conduct of the surveys**

To facilitate the evaluation objectives, a survey questionnaire was developed listing the consolidated strategies from all agency DAPs. Agencies were asked for a response outlining their experience in relation to each strategy. The primary objective here was to understand the extent to which these strategies were being implemented across all agencies. A secondary objective was to 'educate' agencies about the range of strategies available, so that subsequent individual agency DAPs might perhaps incorporate some new ideas. Agencies were also asked to identify barriers hindering the recruitment of people with disability into the State Service. The survey was introduced face-to-face to agency representatives and they were left with the task of coordinating the agency response.

A similar but more limited survey was developed for a selected number of Disability Employment Services (DES) providers, which focussed on the PDFTE Registers and barriers to employment. Its primary aim was to compare provider experiences with agency responses.

The agency survey comprised 45 questions, addressing the period 1 July 2009 to 30 June 2010 and covering the following areas (see **Appendix 2** for survey questions):

- Policy development, workplace practices and procedures;
- Work environments;
- Recruitment statistics;
- Training; and
- Communication

The survey was completed by the following agencies:

- Department of Economic Development, Tourism and the Arts;
- Department of Education;
- Department of Health and Human Services;
- Department of Infrastructure, Energy and Resources;
- Department of Justice;
- Department of Police and Emergency Management;
- Tasmanian Fire Service (part of DPEM but reporting separately);
- Department of Premier and Cabinet;
- Department of Primary Industries, Parks, Water and Environment;
- Department of Treasury and Finance;
- Tasmanian Audit Office;
- Port Arthur Historic Site Management Authority;
- Post-Year 10 Agencies (Tasmanian Academy, Polytechnic and Skills Institute);
- The Public Trustee

The DES provider survey was distributed to a selection of DES providers by email and was followed up with telephone and further email contact. Some of these providers found it difficult to complete the survey because:

- They had insufficient data on record or limited capacity to search data; and/or
- They were unable to disaggregate data, which was an amalgam of placement outcomes, including unpaid work experience and short-term trials, placements through the proactive marketing of clients and fixed-term placements through the PDFTE Registers.

The selected DES Providers were:

- Wise Employment;
- Blue Line Employment Service;
- Anglicare; and
- CRS Australia.

The results of the agency and DES provider surveys were compiled in late 2010 with outcomes consolidated in early 2011. These results were then used to inform and direct the second phase of the evaluation, which aimed to examine potential solutions to the issues and barriers identified, by researching prevailing good practice and refining draft proposals through consultation with relevant stakeholders. The overall objective was to determine what whole-of-Service strategies and administrative practices might be improved or initiated to enable agencies to employ more people with disability.

### 4.1.2 Development of recommendations (phase two)

In phase two, the research component comprised desk-top research covering international, national, state and territory, and local publications. The evaluation drew on a large number of publications to obtain *qualitative* evidence for developing employer recruitment strategies for people with disability. Key publications were: the 2003 (former, Commonwealth) Department of Family and Community Services (DFCS) report *Improving Employment Opportunities for People with a Disability: Report of the Review of the Employer Incentives Strategy* (hereafter, the DFCS report) and State Service agency Disability Action Plans (DAPs). This research gave rise to more than twenty possible strategies to assist in the recruitment of, and support of, people with disability in State Service employment. These strategies were scoped and tabled for discussion with key stakeholder groups.

The consultations exposed a contradiction of expectations, ideals and understanding that forced the evaluation to narrow the focus of the recommendations to ensure that stakeholders would be sufficiently engaged to move forward. Essentially the focus shifted primarily to strategies related to the recruitment of people with disability.

However, this situation was complicated by prevailing budgetary concerns, which preoccupied agencies and made some stakeholders question giving priority to this matter – at a time when agency efforts were so focussed on reducing workforce size, and recruitment was being so tightly controlled.

In order to address concerns about budgets and priorities, an evaluation framework was developed that would be applied to any proposed measures arising out of the evaluation: every measure would need to be necessary, achievable, measurable and affordable.

It was also decided to examine the premise that there was a shortfall in the recruitment of people with disability into the State Service, combined with an assessment of the capacity of the State Service to take on additional workers and an analysis of the capacity of the community to provide sufficient employees with disability.

With evidence confirmed and proposals tested and refined, another round of consultation was undertaken with key stakeholders. This final report was then produced.



## 4.2 Research findings

This section of the report attempts to summarise the research behind the key findings that underpin the development of recommendations of this report.

### 4.2.1 Understanding disability

#### 4.2.1.1 Defining disability

Disability is complex and contended.

Historically experts defined disability in medical terms (the 'medical model'); thus a person with a double leg amputation was considered 'disabled'. However, medical technology and our understanding of how the social environment interacts with a health condition both evolved and this led to the development of the 'social model'. In the social model, a person with a double leg amputation is disabled if society is not sufficiently inclusive and accessible.

The inclusion of other factors resulted in a 'biopsychosocial' model (see **Figure 9 below**)<sup>96</sup>.

**Figure 9: Illustration of the biopsychosocial factors around disability**



<sup>96</sup> Some disability advocates strongly adhere to a social model of disability.

Under the biopsychosocial model, disability is mainstreamed as a universal health experience: it is no longer a question of 'yes or no', but of 'how much and when'. In the context of health experience, the International Classification of Functioning, Disability and Health (ICF) defines disability as an umbrella term for impairments, activity limitations and participation restrictions. It denotes the negative aspects of the interaction between an individual (with a health condition) and that individual's contextual factors (environment and personal factors)<sup>97</sup>. Surveys may attempt to report people as having disability if they have a long-term limitation, restriction or impairment and it restricts everyday activities. Thus, it is now understood that some people with a double leg amputation may have difficulty walking, whereas others are elite athletes<sup>98</sup>.

**The evaluation found that there is no consensus definition or model for disability<sup>99</sup>.**

## 4.2.2 Measuring disability in the community

Due to the complexity and sensitivities involved, statisticians struggle to quantify disability in any population they survey. In *Sources of Disability Information 2003-2008*<sup>100</sup>, the Australian Bureau of Statistics (ABS) discusses its own history of disability data collection and the challenges involved. The ABS has included a standard Short Disability Module in many social surveys for the last 10 years<sup>101</sup>, but disability rates in different surveys have varied both between surveys and within series.

The ABS *Survey of Disability, Ageing and Carers (SDAC)*, with its 75 questions on disability, is seen as the 'gold standard' and was the main source of statistical data used in this evaluation (and Tasmanian regional SDAC data, wherever possible). The SDAC definition of disability acknowledges the biopsychosocial approach, so that a person is defined as having disability if they report they have a limitation, restriction or impairment, which has lasted, or is likely to last, for at least six months and restricts everyday activities. The SDAC initially identifies people with disability, then explores specific restrictions or limitations. It also measures the extent of non-disabling long-term health conditions. The disability identification questions used in the SDAC are shown in Appendix 4 of *Sources of Disability Information 2003-2008*<sup>102</sup>.

<sup>97</sup> Australian Bureau of Statistics. (2011). *Survey of Disability, Ageing and Carers, 2009*. Commonwealth. Definition of disability.

<sup>98</sup> In July 2011, Oscar Pistorius achieved an historic personal best of 45.07 seconds for a men's 400m race in Italy - from OSSUR 'Life Without Limitations' website <http://www.ossur.com/?PageID=12502> accessed December 2011

<sup>99</sup> Madden, R. and Hogan, T. (1997) *The definition of disability in Australia: Moving towards national consistency*. Australian Institute of Health and Welfare (Commonwealth).

<sup>100</sup> Australian Bureau of Statistics. (2010). *4431.0.55.002 - ABS Sources of Disability Information, 2003-2008*. Commonwealth. page 4 'Challenges of collecting disability data', From [http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/69F4AB340D15511ACA25778900119EC6/\\$File/attqvre7.pdf](http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/69F4AB340D15511ACA25778900119EC6/$File/attqvre7.pdf) accessed March 2012

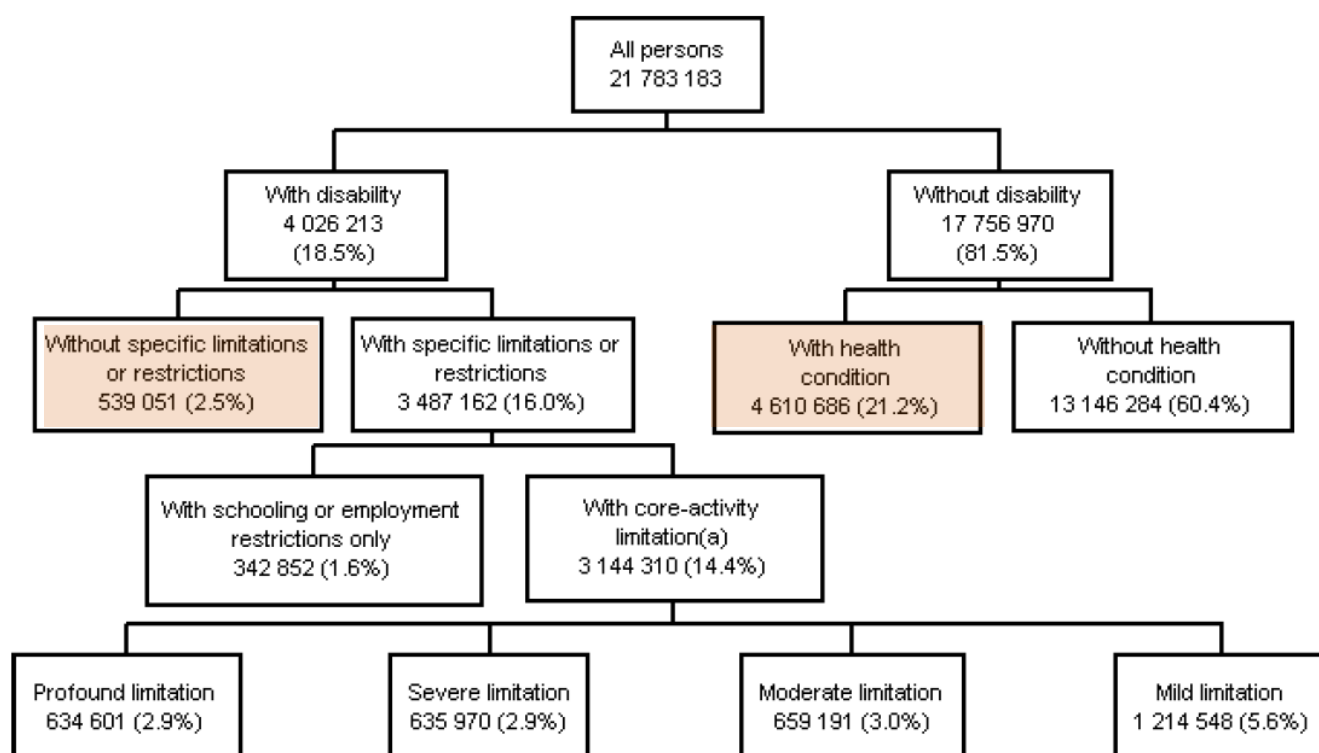
<sup>101</sup> Ibid, Appendix 2

<sup>102</sup> Ibid, Appendix 4

Figure 10, below, shows the SDAC statistical framework, with highlights indicating the proportion of Australians with a non-restrictive impairment and those with a non-disabling long-term health condition.

Generally, the SDAC underestimates the extent of disability (see later discussion of non-disclosure and under-reporting), especially for disability linked to mental and/or behavioural disorders. These difficulties are accounted for more accurately in the ABS National Survey of Mental Health and Wellbeing (SMHWB). It appears likely that the SMHWB provides a more accurate picture of mental and behavioural disorders, including substance use and anxiety disorders. Data from the SMHWB may be of interest to agencies.

Figure 10: ABS Survey of Disability, Ageing and Carers statistical framework<sup>103</sup>



(a) Includes 1 345 542 persons with core-activity limitations and schooling or employment restrictions.

<sup>103</sup> Australian Bureau of Statistics. (2011). *Survey of Disability, Ageing and Carers – Summary of findings, 2009*. Commonwealth, page 4

## FEATURE

**Non-disclosure and under-reporting**

Disclosure is a personal decision to reveal a disability to another person or organisation, so that the other person or organisation knows that the particular individual has disability ('Jack uses a wheelchair' or 'Sue communicates in Auslan'). Though the employer can create a culture that supports disclosure, disclosure is exclusively the right and responsibility of the person with disability – it is not up to the employer to ask. People would be expected to disclose their disability status to the employer where:

- The inherent job requirements will be impacted;
- Reasonable adjustment is required (more so in less inclusive workplaces);
- Certain rights are to be established (eg workers' compensation);
- Workplace safety issues exist;
- They wish to qualify for participation in an 'exempted' program.

In addition, a person may disclose disability to an employer because the disability is apparent and they may wish to address potential concerns or misgivings in the minds of the employer, or simply because they wish to establish a trusting relationship from the outset. However, a person may choose to wait until a job offer has been accepted before disclosing, and irrespective of whether someone discloses disability, this should never be the focus of recruitment. There are a good many reasons why a person may not disclose disability or why they may defer disclosure:

- Whether it is apparent to others or not, disability is a private matter.
- Some people simply do not recognise the functional impairment because of assistive technology, or because they have been receiving the same level of assistance for a long time, or because of impaired judgement (a person with drug or alcohol-dependency continuing to drive a vehicle, operate machinery or perform their job). Many elderly people with disability do not make a distinction between their ageing status and disability status.
- The disability might relate to unlawful activity (eg illegal drug dependency).
- The person may not wish to provoke curiosity or unnecessary concern, or they do not want or need special treatment.
- Disability may be irrelevant in the context of the question (eg: a person with a mobility disability is asked whether it impacts their job, which is sedentary).
- A person may simply wish to avoid a 'disability' label, in order to avoid potential discrimination.
- Some people with disability do not identify as having disability themselves. The person may be unaware they have a condition (such as an intellectual disability), or the condition may be episodic in nature (such as chronic fatigue syndrome). According to the OECD's Transforming Disability into Ability<sup>104</sup>, about 15 per cent of Australian disability-benefit recipients do not classify themselves as 'disabled'.

While non-disclosure by an individual is simply not an issue when there is no impact on their employment, it can lead to under-reporting in surveys so that data quality is affected. However, the evaluation found that under-reporting affects all types of disability survey.

<sup>104</sup> Organisation for Economic Co-operation and Development (OECD). (2003). *Transforming Disability into Ability – Policies to Promote Work and Income Security for Disabled People*.

## 4.2.3 Measuring disability in the public sector

### 4.2.3.1 The Commissioner's Employee Survey

As for disability in the State Service, agencies no longer ask employees to disclose their disability status on the 'Form 201' (the widely-used 'application for employment' form) and the evaluation found that only two agencies collect or report data on the recruitment of people with disability. This is consistent with contemporary law and practice, which supports workplaces that are free from discrimination and leaves responsibility for disclosure to those people with disability. However, the Commissioner conducts an anonymous *Employee Survey* around employee views on workplace practices that includes a number of questions about the background of participating employees that provides a key measure of disability diversity in the State Service.

For the purpose of the Employee Survey, disability is defined as 'any physical, intellectual, neurological or psychological condition or impairment that may or may not impact on an employee's ability to perform their work-related activities. Condition or impairment may include an ongoing injury or illness.' This definition may include respondents with a non-disabling long-term health condition. The survey also asks respondents to identify whether they require a workplace modification due to their disability.

#### FEATURE

#### Changing the Employee Survey question

The evaluation considered recommending changes to the *Employee Survey* to enhance the disability data. While it appears likely that the Commissioner could provide more detailed agency-specific data for future surveys, changes to the question set are not being proposed at this time because:

- The ABS is currently reviewing the SDAC and the standard Short Disability Module, to try to reduce anomalies. Future surveys may include some of the UN's 'Washington Group' questions on disability status. The changes could inform future *Employee Survey* developments.
- A greater focus on disclosure of disability and long-term health conditions may be undesirable.
- It is more important that agencies focus on developing agency-specific recruitment goals based on a range of factors, of which their current disability diversity profile is but one.
- Given the difficulty distinguishing disability from non-disabling long-term health conditions in most ABS surveys, it may be preferable to retain the current broader *Employee Survey* definition. The critical measure seems to be the number of employees requiring a workplace modification due to disability, which is already captured, as this is the measure that is most directly comparable with the SDAC and most relevant to recruitment.
- Increasing the size of the survey would increase the costs involved, both for the Commissioner and for agencies participating. Given that ABS statisticians have difficulty comparing survey results, even within a series, it is difficult to justify the additional expense in the current climate.

The evaluation found that disability surveys are never 100 per cent comparable, and it is expected that there will always be difficulties analysing data on disability.



### 4.2.3.2 Inter-jurisdictional comparison of disability in the public sector

It is not possible to directly compare the prevalence of disability in all Australian public sector jurisdictions because of the differences in survey methods, including: differences in basis of the definition of disability used, differences in the mechanism for collecting data, whether reporting is voluntary or not, and differences in the scope of the public sector surveyed. Where definitions are similar, methods have differed. Where methods have been similar, scope of employment has differed. **Table 3, below** is offered as a means of highlighting some of these differences, rather than to provide a comparison of performance.

**Table 3: Differences between public sector jurisdictional measures of disability among employees**

Service	Per cent with disability	Date	Basis of definition used	Source of their data	Comments <sup>105</sup>
APS	6%	2011	ABS Short Disability Module	Employee survey	APSC reported 3.8% pre-2006 (based on HR systems). APS Employee Survey results 2011 of 6% is based on ABS Short Disability Module definition <sup>106</sup>
NSW <sup>107</sup>	1.1%	2011	Requiring workplace adjustment	HR systems	APSC reported 5.0% pre-2006 (was broader definition). <i>EmployABILITY</i> strategy establishes a target for 'people with a disability requiring a workplace adjustment' of 1.5% by 2013. <sup>108</sup>
SA	1.7%	2009	C'wealth DDA definition	Unknown	APSC reported 2.6% pre-2006 (based on 'Disability Requiring Adaptation to their Workplace pre-2005' <sup>109</sup> ). Calculation - 56,346 headcount of administrative units June 2009 (CPSE report) <sup>110</sup> and 959 people with disability in administrative units 2009 (SA Strategic Plan) <sup>111</sup>

<sup>105</sup> Management Advisory Committee. (2006). *Employment of People with Disability in the APS*. Australian Public Service Commission. Commonwealth. Table A3.1: Representation of people with disability in state/territory public services

<sup>106</sup> APS State of the Service statistical report 2010-11

<http://www.apsc.gov.au/stateoftheservice/1011/employeesurvey.pdf>

<sup>107</sup> See

[http://www.dpc.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0020/123545/EEO\\_Spreadsheet\\_User\\_Guide\\_2005.pdf](http://www.dpc.nsw.gov.au/__data/assets/pdf_file/0020/123545/EEO_Spreadsheet_User_Guide_2005.pdf) (Good resource for analysts)

<sup>108</sup> Public Service Commission. (2011). *EmployABILITY – A strategy to increase employment for people with a disability in the NSW public sector 2010-2013*. New South Wales Government. From [http://www.eeo.nsw.gov.au/employability/establishing\\_the\\_direction\\_for\\_the\\_nsw\\_public\\_sector](http://www.eeo.nsw.gov.au/employability/establishing_the_direction_for_the_nsw_public_sector)

<sup>109</sup> 2005 minute to Dr Sev Ozdowski Oam, Acting Disability Discrimination Commissioner and Human Rights Commissioner, SA from Jeff Walsh Commissioner for Public Employment

## Methodology and research findings

Service	Per cent with disability	Date	Basis of definition used	Source of their data	Comments <sup>105</sup>
VIC	4%	2010-11	Ongoing disability	Unknown	APSC reported 6.3% pre-2006 In 2010-11, the OCPE compared 4% of employees reporting an ongoing disability with 6% of the Australian workforce with a disability that restricts employment (ABS Cat No. 4460). <sup>112</sup>
QLD	5%	2011	Ongoing disability <sup>113</sup> - includes past disability	EEO census	APSC reported 9.7% pre-2006 (but this may have excluded non-respondents) 5% <sup>114</sup> June 2011
WA	3.4%	2011	Employment restriction (DEOPE definition)	Unknown	APSC reported 1.7% pre-2006 <sup>115</sup> A benchmark figure of 2.6% is used based on ABS 2009 data for people with a moderate core activity restriction aged 15-64 years in WA. <sup>116</sup>
ACT	1.8%	2011	Unknown	Unknown	APSC reported 4% pre-2006 June 2011, people with disability 1.8% <sup>117</sup>
NT	1.5%	2011	Unknown	Unknown	APSC reported 1.8% pre-2006 March 2011, 1.5% of the NTPS self-identified as having a disability. <sup>118</sup>
TAS	7.0% (a) 3.2% (b)	2010	(a) Ongoing disability and (b) Requiring workplace adjustment	Employee survey	APSC reported 7% pre-2006

<sup>110</sup>Statistical table June 2009 SA public sector administrative units only

[http://www.espi.sa.gov.au/files/WIC\\_Table01\\_June\\_09.pdf](http://www.espi.sa.gov.au/files/WIC_Table01_June_09.pdf)

<sup>111</sup>Number for administrative units only SA Strategic Plan progress charts

[http://saplan.org.au/fact\\_sheets/295](http://saplan.org.au/fact_sheets/295)

<sup>112</sup>Profile of the Victorian public sector workforce at June 2011

[http://www.ssa.vic.gov.au/images/stories/product\\_files/898\\_Factsheet06.pdf](http://www.ssa.vic.gov.au/images/stories/product_files/898_Factsheet06.pdf)

<sup>113</sup>From <http://www.psc.qld.gov.au/library/document/standards/eoo-census-questionnaire-standard.pdf>

<sup>114</sup>Public Service Commission. (2011). EEO Statistical Bulletin 2011. Queensland Government. From <http://www.psc.qld.gov.au/library/document/catalogue/workforce-statistics/eoo-statistical-bulletin.pdf> accessed 4 May 2012

<sup>115</sup>[http://www.publicsector.wa.gov.au/sites/default/files/documents/2011\\_psc\\_annual\\_report.pdf](http://www.publicsector.wa.gov.au/sites/default/files/documents/2011_psc_annual_report.pdf)

<sup>116</sup>WA DEOPE annual report 2010-11 The DEOPE definition and the community benchmark definition differ. See Appendix 8 Glossary and definitions for full DEOPE definition

[http://www.publicsector.wa.gov.au/sites/default/files/documents/deope\\_annual\\_report\\_2011\\_final.pdf](http://www.publicsector.wa.gov.au/sites/default/files/documents/deope_annual_report_2011_final.pdf)

<sup>117</sup>[http://www.cmd.act.gov.au/\\_data/assets/pdf\\_file/0003/294582/wfp1011.pdf](http://www.cmd.act.gov.au/_data/assets/pdf_file/0003/294582/wfp1011.pdf)

<sup>118</sup>[http://www.ocpe.nt.gov.au/\\_data/assets/pdf\\_file/0011/54866/OCPE\\_Annual\\_Report\\_2010\\_-\\_2011.pdf](http://www.ocpe.nt.gov.au/_data/assets/pdf_file/0011/54866/OCPE_Annual_Report_2010_-_2011.pdf)

## FEATURE

**Learning from other public sector jurisdictions**

While direct comparisons of performance on disability diversity measures is not possible from inter-jurisdictional data, an exploration of the public sector reporting in this area does expose some findings that may be relevant to Tasmania. In particular, the Queensland Public Sector (QPS) Commissioner has published diversity data in a level of detail not available elsewhere. The following information is from the Commissioner's *Equal Employment Opportunity Statistical Bulletin*<sup>119</sup> for February 2011, which reports data based on a census response rate of up to 80 per cent and covering a workforce of 266,044 employees<sup>120</sup>.

The QPS bulletin reveals that:

- The ASCO profile of QPS employees with disability is similar to that of QPS employees generally. For example: about 43 per cent of QPS employees are 'professionals' compared with about 41 per cent of employees with disability, and about 22 per cent of QPS employees are 'intermediate clerical and service workers' compared with 23 per cent of employees with disability<sup>121</sup>.
- QPS employees with disability are slightly over-represented among permanent employees in Queensland (85.4 per cent compared with around 81 per cent for all QPS employees)<sup>122</sup>.
- QPS employees whose salary is AO5 (\$74,657 per annum) and below represented 64.87 per cent of the workforce, but only 62.2 per cent of QPS employees with disability<sup>123</sup>.

**Table 4, below**, is based on data reported by the Australian Public Service (APS). It shows the results of an APSC study of APS staff with disability who had not disclosed their disability status to their agencies and explores the reasons people chose not to disclose<sup>124</sup>.

**Table 4: APS study – reasons for not reporting disability status to agency**<sup>125</sup>

Reasons cited at focus group sessions	Number (n=25, more than one reason possible)	% of total
Not relevant to workplace	0	0%
Other: Unaware condition classed as disability	2	8%
Satisfied with current arrangements	3—each had a visible physical disability and currently receive assistance	12%
Deficiencies in way personal data is collected by agencies; reporting directly to supervisor but not reflected in APSED	14	56%
Concerns/fear of stigma or discrimination	22	88%

<sup>119</sup> Public Service Commission. (2011). EEO Statistical Bulletin 2011. Queensland Government.

<sup>120</sup> Refer ABS catalogue 1220.0 - ASCO - Australian Standard Classification of Occupations

<sup>121</sup> QPS's Neville Holcim by telephone 8 April 2011

<sup>122</sup> June 2011, <http://www.psc.qld.gov.au/library/document/catalogue/workforce-statistics/characteristics-qps.pdf>

<sup>123</sup> Ibid

<sup>124</sup> Management Advisory Committee. (2006). *Employment of People with Disability in the APS*.

Australian Public Service Commission. Commonwealth.

<sup>125</sup> Ibid

## 4.2.4 The results

### 4.2.4.1 Disability in the community

The most recent Australian Bureau of Statistics (ABS) *Survey of Disability, Ageing and Carers* (SDAC) occurred between April 2009 and December 2009, which corresponds with six months of the evaluation period of July 2009 to June 2010<sup>126</sup>. During the preparation of this report, data and analysis from this survey was still being progressively released and corrected.

According to the SDAC, about 19 per cent of Australians have disability, and a further 21 per cent have a non-disabling long-term health condition. Australian men and women are similarly affected by disability (18 per cent and 19 per cent respectively)<sup>127</sup>. About 2.5 per cent of Australians with disability do not have a specific limitation or restriction. This is a sizable group, and equates to about 13 per cent of people with disability nationally, and about 14 per cent of Tasmanians with disability. Some of these people might have an impairment that does not restrict them, or a non-disabling long-term health condition.

**Over 40 per cent of Tasmanians have disability or a long-term health condition**, including about 113,900 Tasmanians have disability (a health condition associated with long-term impairment, restriction or limitation) – which is about 23 per cent of the population<sup>128</sup>. This is the highest rate of reported disability of the Australian states and territories. The **following** table and charts provide the detail.



<sup>126</sup> ABS cat 4430.0 - *Disability, Ageing and Carers, Australia: Summary of Findings, 2009*. Website [http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/9C2B94626F0FAC62CA2577FA0011C431/\\$File/44300\\_2009.pdf](http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/9C2B94626F0FAC62CA2577FA0011C431/$File/44300_2009.pdf) accessed 23 January 2012

<sup>127</sup> Ibid

<sup>128</sup> Australian Bureau of Statistics. (2011). *Survey of Disability, Ageing and Carers, 2009* – Standard table sets for States and Territories. Commonwealth. Table 1

Table 5, below, presents the published Tasmanian regional SDAC data on disability, by age.

**Table 5: Tasmanians by disability status and restriction or limitation, by age, 2009<sup>129</sup>**

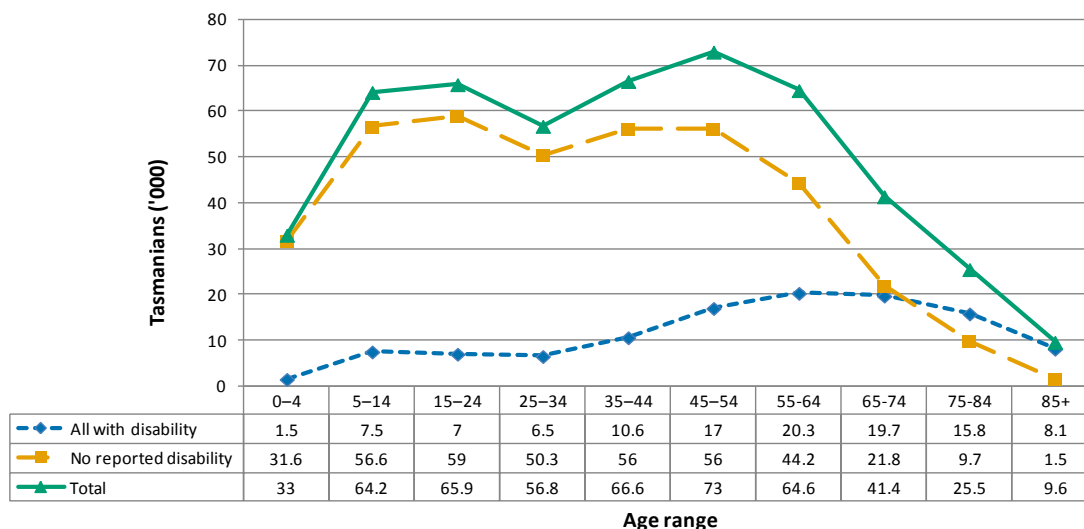
Age group (years)	Profound or severe core activity limitation	Moderate or mild core activity limitation	Schooling or employment limitation	All with specific restrictions or limitations	All with disability	No reported disability	Total
	<b>Estimates ('000)</b>						
0–4	0.8	0.0		0.8	1.5	31.6	33.0
5–14	4.5	1.6	5.4	6.7	7.5	56.6	64.2
<b>Total aged under 15 years</b>					<b>9.0</b>	<b>88.2</b>	<b>97.2</b>
15–24	2.4	1.0	4.5	5.0	7.0	59.0	65.9
25–34	1.2	2.3	4.6	5.2	6.5	50.3	56.8
35–44	2.5	4.5	7.8	8.9	10.6	56.0	66.6
45–54	3.9	7.9	13.6	14.8	17.0	56.0	73.0
55–59	2.3	4.7	6.0	7.6	9.0	24.6	33.7
60–64	3.4	6.0	8.8	10.3	11.3	19.6	30.9
<b>Total aged 15-64 years</b>					<b>61.4</b>	<b>265.5</b>	<b>326.9</b>
65–69	2.1	6.3		8.4	10.1	13.3	23.3
70–74	1.7	6.3		8.0	9.6	8.5	18.1
75–79	2.1	5.0		7.1	8.1	6.4	14.5
80–84	2.8	4.1		6.9	7.7	3.3	11.0
85–89	2.6	3.2		5.8	6.0	1.2	7.2
90 and over	1.6	0.4		2.1	2.1	0.3	2.4
<b>Total aged over 64 years</b>					<b>43.6</b>	<b>33.0</b>	<b>76.5</b>
<b>Total</b>	<b>33.9</b>	<b>53.2</b>	<b>50.7</b>	<b>97.6</b>	<b>113.9</b>	<b>386.8</b>	<b>500.7</b>

NOTE: Some age group spans are 5 years and some are 10 years

<sup>129</sup> Australian Bureau of Statistics. (2011). *Survey of Disability, Ageing and Carers, 2009* – Standard table sets for States and Territories. Commonwealth. Table 1

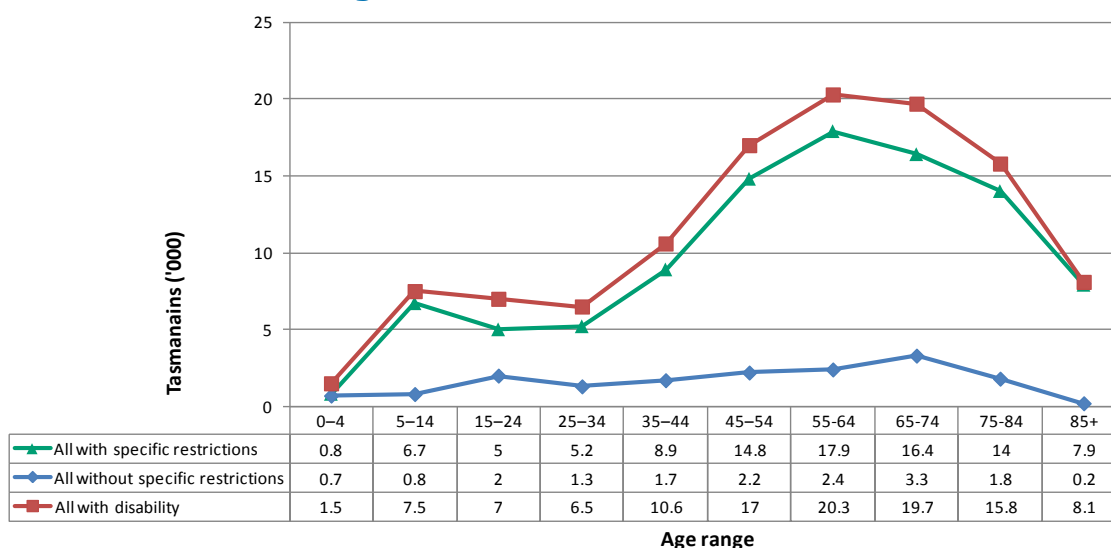
An extract of the above table is presented in **Chart 2, below**, which shows the disability status of Tasmanians, by age. The blue series represents Tasmanians with disability, yellow represents those without disability and green is the total. Except for 0-4 years and 85+ years, age spans are 10 years.

**Chart 2: Tasmanians by disability status, by age<sup>130</sup>**



**Chart 3, below** shows the restriction or limitation status of Tasmanians with disability, by age. The blue series represents Tasmanians with disability but no specific restriction or limitation, the green series represents Tasmanians with disability who do have a specific restriction or limitation and the red series represents the total. Again, the data has been group so that all age spans are 10 years, except for the 0-4 years and 85+ groups.

**Chart 3: Tasmanians with disability by restriction or limitation status and age<sup>131</sup>**

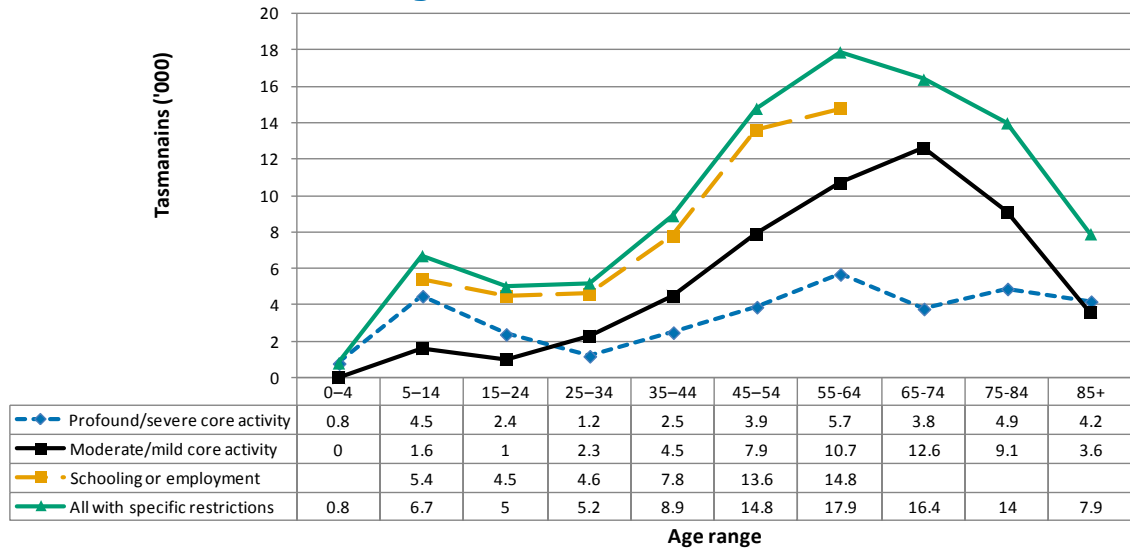


<sup>130</sup> Australian Bureau of Statistics. (2011). *Survey of Disability, Ageing and Carers, 2009* – Standard table sets for States and Territories. Commonwealth. Table 1

<sup>131</sup> Ibid

**Chart 4, below** shows the degree of restriction or limitation for Tasmanians with disability, by age. The blue series represents Tasmanians with a profound or severe core activity restriction or limitation, the black series represents Tasmanians with a moderate or mild core activity restriction or limitation, the yellow series represents Tasmanians with disability aged 15-64 years who have a schooling or employment restriction or limitation, and the green series represents the total. As with the previous two charts, the data has been group so that all age spans are 10 years, except for the 0-4 years and 85+ groups.

**Chart 4: Tasmanians with disability by degree of restriction or limitation and age<sup>132</sup>**



#### 4.2.4.2 Disability in the State Service

The most recent Employee Survey was conducted in 2010. At the time the Commissioner published the results, rates of disability for each agency were reported, but only for the larger agencies. However, data for small agencies and for disability requiring a workplace adjustment was not reported. Some of this data is being released now as part of this report at the request of stakeholders (see featured discussion on the limitations of the data). **Chart 5, next page,** shows a comparison of the 2007 (not previously published by agency) and 2010 disability status results for larger agencies.

Overall, about seven per cent of respondents reported that they have disability, with less than half of these requiring a workplace adjustment due to disability (about 3 per cent of all respondents). The results also indicated that there does not appear to be a consistent relationship between the proportion of employees with disability in an agency and the number of employees reporting that ‘having a disability is a barrier to success in the workplace’.

Based on the SDAC and the *Employee Survey*, the evaluation found that 40 per cent of *Tasmanians* have disability or a health condition, compared with only seven per cent of *employees* in the State Service.

<sup>132</sup> Australian Bureau of Statistics. (2011). *Survey of Disability, Ageing and Carers, 2009* – Standard table sets for States and Territories. Commonwealth. Table 1

**Chart 5: Respondents reporting disability by larger agency, 2007 and 2010<sup>133</sup>**

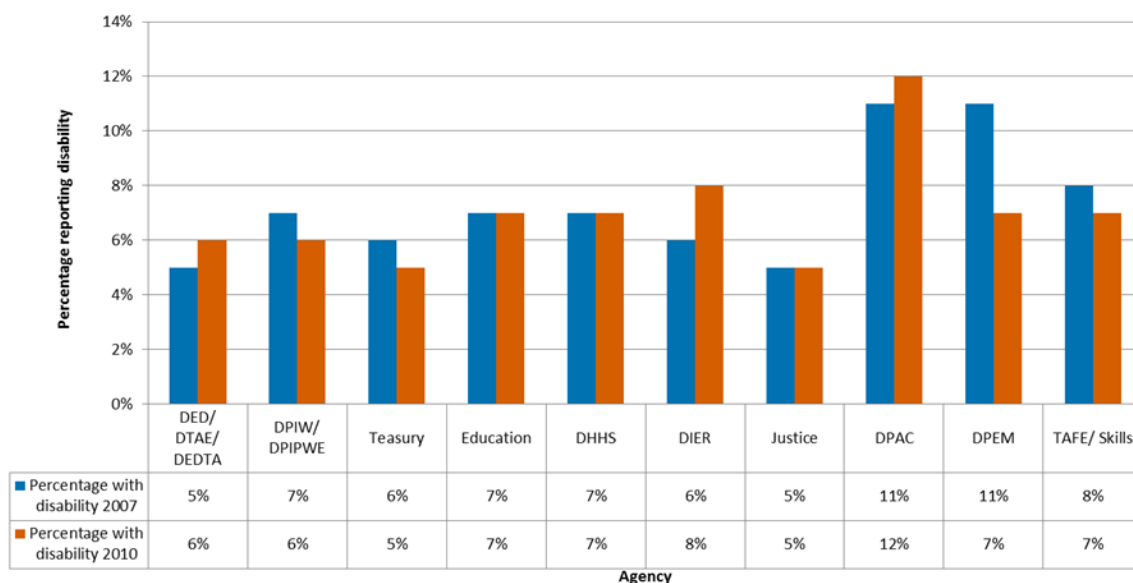


Table 6, below, shows the results for disability status and requiring a workplace adjustment from the *Employee Survey 2010*, for large agencies only.

**Table 6: Number of people requiring workplace adjustment in the context of the 2010 Employee Survey for larger agencies<sup>134</sup>**

Agency	Total survey responses for the agency	Number of people reporting disability requiring workplace adjustment	Overall rate of disability reported in the agency (excluding non-respondents)
DEDTA	174	1	6%
Education	1,680	44	7%
DHHS	2,919	102	7%
DIER	154	8	8%
Justice	392	9	5%
DPEM	210	7	7%
DPAC	129	8	12%
DPIPWE	713	22	6%
Treasury	194	5	5%
Skills	230	10	7%
Polytechnic	471	9	5%
<b>TOTAL</b>	<b>7,266</b>	<b>225</b>	<b>7%</b>

<sup>133</sup> OSSC Evaluation Program: State Service Commissioner’s *Employee Survey 2007 and 2010*, larger agencies only, including previously unpublished data.

<sup>134</sup> Office of the State Service Commissioner Evaluation Program: State Service Commissioner’s *Employee Survey 2007 and 2010*, larger agencies only, including previously unpublished data.



FEATURE

**Limitations of State Service disability data**

It is necessary to appreciate the limitations of the *Employee Survey* data in relation to measures of disability diversity.

- Agency headcounts (which are used to derive a statistical measure of confidence in the results) may vary from the true headcount;
- The agency sample reported may not be accurate due to sampling (statistical) and non-sampling (data quality) errors (see **Table 7A and Table 7B, next page**, for the sample size required for each agency to achieve particular margins of error at the 95% and 99% confidence levels); and
- The qualities being measured appear to occur at very low levels in the target populations, so even small margins of error are significant and have a bearing on how we view the results.

All of this means that some results are considered unsuitable for most practical purposes and should be used with caution, while other results are considered too unreliable for general use. In addition, the results were already rounded to a whole number percentage before being provided to OSSC, so there is already a 'margin of error' of up to one per cent due to this effect (that is, a figure of seven per cent, may actually be anywhere between 6.5 and 7.49 per cent).

In other jurisdictions, public sector organisations have overcome problems inherent in inferring diversity measures from survey samples, by conducting a census of all employees<sup>135</sup>. While response rates are still short of 100 per cent in these cases, this approach does enable those organisations to have a great deal of confidence in their measures of diversity, even at an individual agency level.

<sup>135</sup> Both the Australian Public Service and Queensland Public Service are known to conduct a census

**Table 7A: Agency sample sizes at a 95% confidence level<sup>136</sup>**

Agency	Agency Size	Degree of Accuracy/Margin of Error (%)			
		+/- 5	+/- 3.5	+/- 2.5	+/- 1
DHHS	12,185	372	737	1,365	5,371
Education	11,957	372	736	1,362	5,326
DPIPWE	1,633	311	530	792	1,396
Justice	1,175	290	470	666	1,047
DPEM	901	270	419	568	824
DIER	613	236	344	438	576
DEDTA	563	229	328	412	532
Skills	386	193	259	309	371
DPAC	338	180	236	277	327
Treasury	325	176	230	268	314
PAHSMA	113	87	99	105	112
Public Trustee	56	49	52	54	56
Audit Office	42	38	40	41	42
Integrity Commission	16	15	16	16	16
<b>TOTAL</b>	<b>30,303</b>	<b>379</b>	<b>764</b>	<b>1,462</b>	<b>7,293</b>

**Table 7B: Agency sample sizes at a 99% confidence level<sup>137</sup>**

Agency	Agency Size	Degree of Accuracy/Margin of Error (%)			
		+/- 5	+/- 3.5	+/- 2.5	+/- 1
DHHS	12,185	629	1,219	2,179	7,025
Education	11,957	629	1,216	2,172	6,949
DPIPWE	1,633	472	741	1,011	1,487
Justice	1,175	424	629	815	1,097
DPEM	901	382	541	673	855
DIER	613	319	422	498	591
DEDTA	563	305	398	465	545
Skills	386	244	301	337	377
DPAC	338	224	271	300	331
Treasury	325	218	262	290	319
PAHSMA	113	97	104	108	112
Public Trustee	56	52	54	55	56
Audit Office	42	40	41	41	42
Integrity Commission	16	16	16	16	16
<b>TOTAL</b>	<b>30,303</b>	<b>649</b>	<b>1,296</b>	<b>2,440</b>	<b>10,720</b>

<sup>136</sup> From the tool provided by The Research Advisors, which can be downloaded as an Excel spread sheet at the bottom of the following web page <http://research-advisors.com/tools/SampleSize.htm>, accessed 14 April 2012. Agency sizes are the structured headcounts from the State Service Commissioner's 2010-11 Annual Report Addendum.

<sup>137</sup> Ibid

## 4.2.5 Closing the gap<sup>138</sup>

While over 40 per cent of Tasmanians have disability or a long-term health condition, only 23 per cent have disability that is associated with an impairment, restriction or limitation. This is about 113,900 Tasmanians.

To explain much of the gap between the disability diversity in the State Service and that of the Tasmanian community, it is necessary to understand the impact of age and ageing.

An individual's age tells us nothing about their disability status or their employment status, but from a statistical perspective, there is a close relationship between increasing age and increasing disability, and between increasing age and decreasing labour force participation<sup>139</sup>. The complex inter-relationship between age, disability status and labour force status is reflected in the SDAC labour force and employment restriction data, which is only provided for people with disability aged 15-64 years. It is also noted that less than 2.5 per cent of Tasmanian workers are aged 65 and over, and the Disability Employment Services provider caseload for job seekers aged 65 years and over is 0.1 per cent<sup>140</sup>.

**About 9,000 Tasmanians with disability are aged under 15 years (which is 9 per cent of Tasmanians in this age group).** About 19 per cent of all Tasmanians are in this age group, but only 8 per cent of Tasmanians with disability are. Very few Tasmanians aged under 15 years are in employment, as they are required to attend full-time schooling, therefore it is not reasonable to include this group in an evaluation of the disability diversity for the State Service *workforce*.

**About 43,600 Tasmanians with disability are aged 65 years and over (which is 57 per cent of Tasmanians in this age group).** About 15 per cent of all Tasmanians are in this age group, but a much higher 38 per cent of Tasmanians with disability are. Just over 2 per cent of Tasmanian workers are aged 65 and over. This is due to societal expectations about age, work and retirement that lead to much higher rates of voluntary non-participation in the labour force among older Australians. While whether it is appropriate to include this group in an evaluation of the disability diversity for the State Service workforce or not may be debatable, the current limitations in the data necessarily restricted the statistical analysis for the evaluation to the 15-64 years age group.

**About 61,400 Tasmanians with disability are aged 15-64 years (which is 19 per cent of Tasmanians in this age group).** About 65 per cent of all Tasmanians are in this age group, but only 54 per cent of Tasmanians with disability are. About 98 per cent of Tasmanian workers are in this age group, including workers in the State Service workforce.

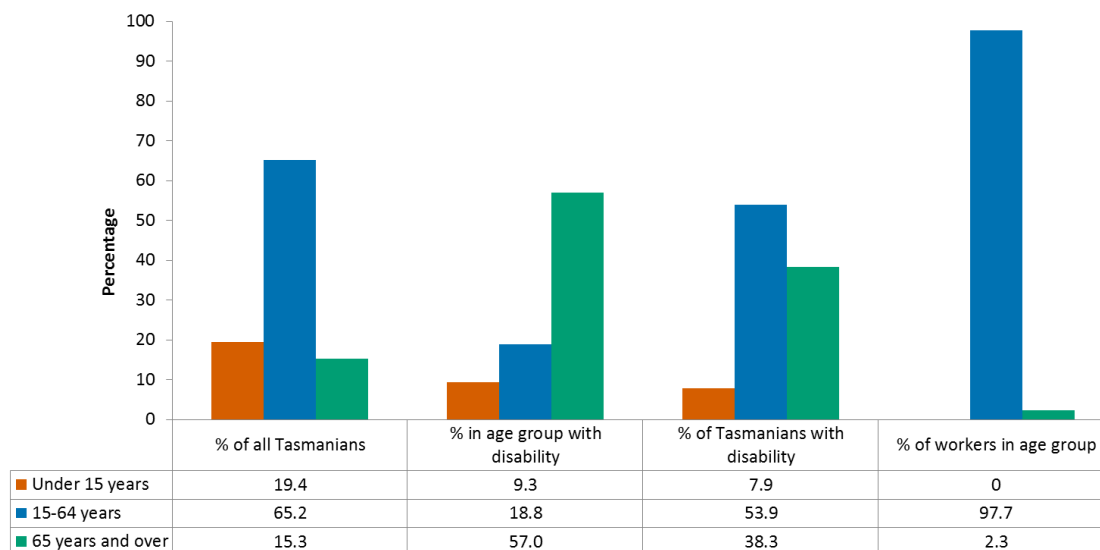
<sup>138</sup> Between Australian Bureau of Statistics. (2011). *Survey of Disability, Ageing and Carers, 2009* – Standard table sets for States and Territories. Commonwealth. AND *Employee Survey*.

<sup>139</sup> p3 Australian Bureau of Statistics. (2011). *4430.0 – Disability, Ageing and Carers, Australia: Summary of Findings, 2009*. Commonwealth. Note: patterns for particular health conditions or types of disability differ. Also ABS *Age Matters, Jun 2011* From <http://www.abs.gov.au/ausstats/abs@.nsf/7d12b0f6763c78caca257061001cc588/ea6bbe44feac7fe2ca2572a400109d19!OpenDocument>, accessed 9 February 2012

<sup>140</sup> From DEEWR website information, 2010

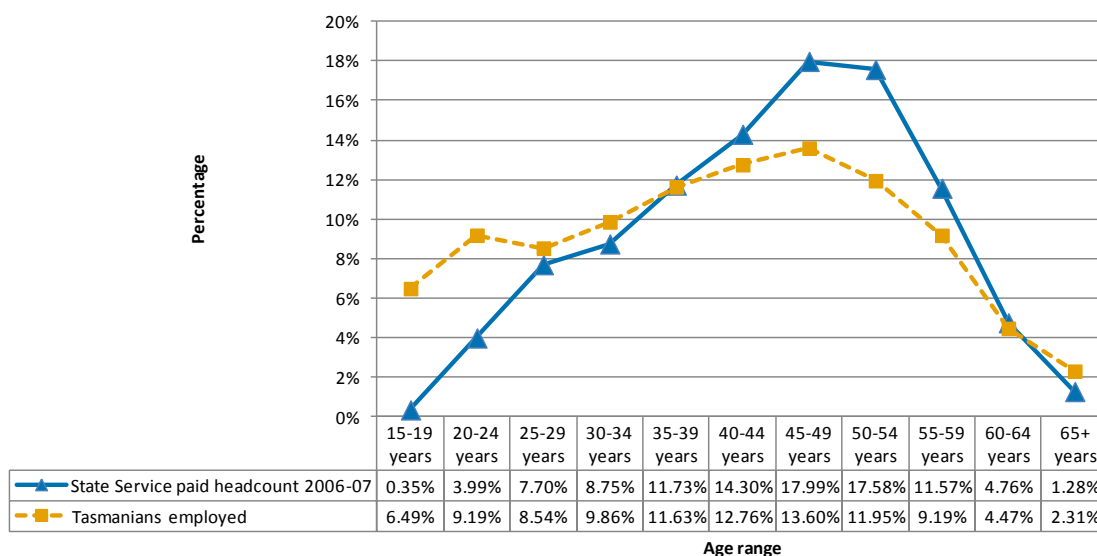
Chart 6, below, illustrates the characteristics of each of the three age cohorts discussed above<sup>141</sup>.

**Chart 6: Characteristics of age cohorts**



To be clear, the evaluation does not attempt to identify an appropriate age profile for the State Service. However, it was useful to compare the disability profile of the State Service workforce with that of the Tasmanian workforce due to the similar age profile at this time in our history (see Chart 7, below). The evaluation did note that people with disability are under-represented in both the Tasmanian workforce and in the Tasmanian labour force – a matter that is outside the scope of this evaluation.

**Chart 7: Comparison of State Service and Tasmanian community workforce profiles in detail<sup>142</sup>**



<sup>141</sup> Australian Bureau of Statistics. (2011). 4430.0 – Disability, Ageing and Carers, Australia: Summary of Findings, 2009. Commonwealth.

<sup>142</sup> 2006-07 OSSC annual report and 2006 Australian census

### 4.2.5.1 Measuring the unexplained gap

A large proportion of the disability diversity gap (the difference in disability rates between the State Service and the Tasmanian community) is explained by the narrow age profile of the State Service. Another portion of the gap can be explained by the fact that the State Service is a *workforce*:

**About 19,900 Tasmanians with disability – aged 15-64 years – are ‘permanently unable to work’<sup>143</sup>.** The term ‘permanently unable to work’ is not defined by the SDAC, and there are a number of reasons to suspect that the reported figure may be higher than the true figure. ABS data also shows that the majority (52 per cent) of *Australians* with disability who report being permanently unable to work are aged 55-64 years<sup>144</sup>. However, an employer can only recruit people who are actively looking for work, so the evaluation did not focus on this group of people who self-assessed as being unable to work.

**About 41,300 Tasmanians with disability report that their disability does not prevent them from working.** Over one million working-age Australians with disability (50 per cent) are in paid employment, comprising about 10 per cent of the total Australian workforce<sup>145</sup>. In fact, the proportion of Australian workers with a ‘schooling or employment restriction’ is about 5.7 per cent, and the proportion of workers with disability that has no such impact is about 4.2 per cent.

SDAC regional data for Tasmania suggests that the proportion of people with disability in the Tasmanian workforce could be slightly higher than the Australian national average, at around 12.1 per cent<sup>146</sup>. The proportion of Tasmanian workers with a ‘schooling or employment restriction’ is around 7.5 per cent, and the proportion of workers with disability that has no such impact is about 4.6 per cent. The reasons for the higher Tasmanian rates may include: proportionally more regional employment, proportionally smaller management workforce and larger operational workforce, older population and higher prevalence of disability generally, and other factors.

Similar factors could account for some of the difference in disability rates between the State Service and the Tasmanian community too. Compared with the Tasmanian workforce generally, and the population of people with disability, the State Service workforce is more concentrated in urban environments. In addition, the skills requirements reflect the work involved in State government administration and the private sector includes ‘supported employment’. However, the State Service workforce is older. Furthermore, the State Service is a significant portion of the Tasmanian workforce.

<sup>143</sup> Alternative source indicates 19,900 Tasmanians with disability report being permanently unable to work because of the disability

<sup>144</sup> 1301.0 - Year Book Australia, 2006 Labour force characteristics of people with a disability. From <http://www.abs.gov.au/ausstats/abs@.nsf/Previousproducts/1301.0Feature%20Article142006?opendocument&tabname=Summary&prodno=1301.0&issue=2006&num=&view=> accessed 20 February 2012

<sup>145</sup> <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features40March+Quarter+2012#emp> 4102.0 - Australian Social Trends, March Quarter 2012

<sup>146</sup> Some of the SDAC Tasmanian regional data should be used with caution as estimates may have a high rate of standard error.

Therefore, while a direct comparison between the SDAC data and the Commissioner's *Employee Survey* is not perfect, and agencies are encouraged to develop more relevant comparators that account for the unique features of each workforce or business unit, the similar age profiles mean that a reasonable comparison can be made between the prevalence of disability in the two workforces.

Based on this comparison, the evaluation found that the shortfall in the number of people with disability in the State Service was up to about five per cent, mostly for people requiring a workplace adjustment. That translates to at least 700 fewer employees with disability than one would expect to find at this time.

### 4.2.6 Labour supply and demand issues

The evaluation sought to determine the size of the potential pool of candidates for specific recruitment programs, and the capacity of State Service agencies to recruit these candidates. The evaluation found that the number of potential candidates for specific employment programs may be estimated from the number of Tasmanians:

- Who have disability;
- Who retain work capacity (including consideration of 'non-disability' factors);
- Who are actively looking for, and are available to start, work;
- Who want to participate in, and are eligible for, specific recruitment programs;
- Who are suitable for, want, and can access State Service employment.

#### 4.2.6.1 Labour supply

Information on labour supply was primarily obtained from the SDAC regional Tables 1, 12 and 13<sup>147</sup>. There appear to be some slight differences in the figures reported for some groups between these tables, which may be due to rounding of data and low estimates, or the inclusion of people with a schooling restriction or limitation in some labour force data. The SDAC provided an indication of the number of Tasmanians with disability actively being assisted to find employment by a disability employment services provider. Additional information on the disability employment services caseload was obtained from DEEWR.

From the SDAC data, about 41,300 Tasmanians with disability reported their disability would not prevent them from working. Of this group 28,100 were working, either full-time or part-time. This left about 13,200 not working.

Published SDAC data (to date) does not provide a comprehensive picture of all factors that might affect the work capacity of people with disability who are not working. Other ABS data explore this issue in more detail, though not specifically for people with disability<sup>148</sup>.

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<sup>147</sup> See Appendix 4 for extracts of all three SDAC tables

<sup>148</sup> The ABS 6239.0 - *Barriers and Incentives to Labour Force Participation*, Australia, July 2010 to June 2011, survey examined reasons for non-participation, but the data does not include disability status.

From the SDAC data, of Tasmanians with disability not working, only 3,100 were 'unemployed'<sup>149</sup>. Unemployed means the person is actively looking for, and is available to start, work. Employers usually recruit people who are actively looking for work (who may be employed or unemployed), so the evaluation focussed on people who are, in their own view, 'ready, willing and able to work'.

Stakeholders were rightly concerned about the relatively low labour force participation rates for people with disability, but this is beyond the scope of the evaluation, because it is not generally within the power of an employer to independently address such matters.

During the evaluation period, the average number of unemployed Tasmanians was about 14,500<sup>150</sup>. Therefore, unemployed Tasmanians with disability represented about one in five unemployed Tasmanians. According to the SDAC, about 500 Tasmanians with disability were being assisted by a disability employment service to find employment<sup>151</sup>, leaving about 2,600 unemployed Tasmanians with disability seeking work *exclusively* in the 'open labour market'. DEEWR data suggests the 2012 caseload is much higher than 500, but it was not possible to determine the active caseload of people with permanent disability from the data available.

**Table 8, below**, shows the SDAC reported number of unemployed Tasmanians with disability receiving job placement support scheme assistance compared with those who were not<sup>152</sup>, and the corresponding Australian figures, by age group.

**Table 8: ABS SDAC data – unemployed people with disability, by age and whether receiving DEN assistance<sup>153</sup>**

Number of people with disability by job assistance status ('000)	Receiving assistance with job placement	Not receiving assistance with job placement	Total unemployed	Percentage receiving assistance
<b>Tasmania total 15-64 years</b>	<b>0.5</b>	<b>2.6</b>	<b>3.1</b>	<b>16.1%</b>
Australia 15-24 years	4.3	16.5	20.8	20.7%
Australia 25-34 years	4.8	15.8	20.6	23.3%
Australia 35-44 years	4.3	14.4	18.7	23.0%
Australia 45-54 years	2.1	18.5	20.6	10.2%
Australia 55-64 years	1	10.3	11.3	8.8%
<b>Australia total 15-64 years</b>	<b>16.5</b>	<b>75.6</b>	<b>92.1</b>	<b>17.9%</b>

<sup>149</sup> SDAC unpublished data, by email. C Etherington. 21 February 2012. Note: Estimates for ages 15-54 have a relative standard error of 25 per cent to 50 per cent and should be used with caution. Estimates for ages 55-64 have a relative standard error greater than 50 per cent and is considered too unreliable for general use.

<sup>150</sup> Australian Bureau of Statistics. (2010). *6291.0.55.001 – Labour Force, Australia*. Commonwealth.

<sup>151</sup> It is understood that DES clients may be unemployed, under-employed or employed.

<sup>152</sup> These figures relate to the former DEN

<sup>153</sup> SDAC unpublished data, by email. C Etherington. 21 February 2012. Note: Estimates for ages 15-54 have a relative standard error of 25 per cent to 50 per cent and should be used with caution. Estimates for ages 55-64 have a relative standard error greater than 50 per cent and is considered too unreliable for general use.

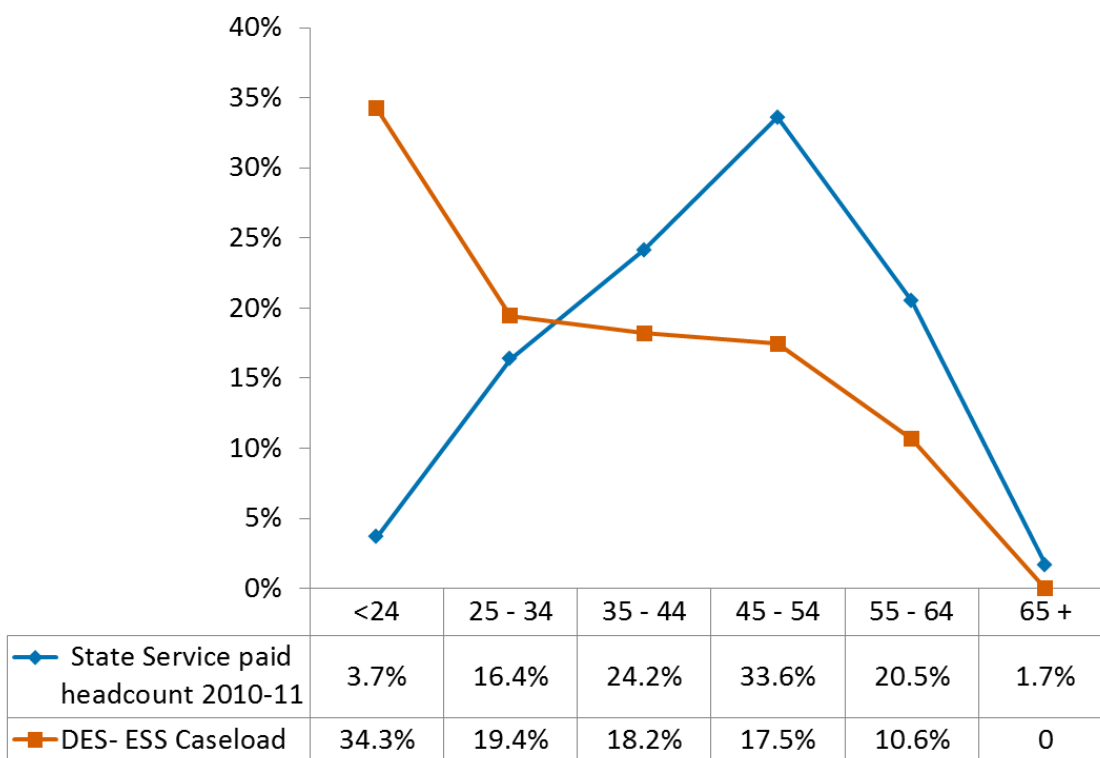
FEATURE

**Disability Employment Services ESS program client age profile**

Research undertaken by the Australian Public Service (APS) Commission attributes the decline in the proportion of APS employees with disability in part to an increase in experienced mature-age recruits, making it more difficult for applicants with disability to compete. The APS found that more than 40 per cent of new APS starters in 2003–04 were aged 35 years or over, compared with less than 20 per cent two decades ago<sup>154</sup>.

**Chart 8, below,** shows the comparative age profiles of the Australian DES-ESS client base compared with the State Service workforce, and may lend support to the APS view because it indicates that DES ESS clients are not mature-aged. These findings may have implications for the State Service.

**Chart 8: Age profiles (years) of Australian DES-ESS client base and State Service<sup>155</sup>**



<sup>154</sup> Management Advisory Committee. (2006). *Employment of People with Disability in the APS*. Australian Public Service Commission. Commonwealth.

<sup>155</sup> Ibid.



## FEATURE

**Implications of employment restriction and limitation**

The SDAC contains several levels of information about the nature of disability in the Tasmanian community. The data identifies the type of disability, the degree of restriction or limitation, type of restriction or limitation, and type of employment restriction. The evaluation was particularly concerned with employment restriction or limitation.

The SDAC measures five levels of severity of employment restriction or limitation, based on whether a person is unable to work, needs help, has difficulty, uses aids or equipment in their employment, or has no employment restriction or limitation. A person's overall level of employment restriction is determined by their highest level of limitation in these activities. The levels of limitation are:

1. Profound – the person's condition permanently prevents them from working.
2. Severe – the person requires personal support; needs ongoing supervision or assistance; requires a special disability support person; or receives assistance from a disability job placement program or agency.
3. Moderate – the person is restricted in the type of job and/or the numbers of hours they can work or has difficulty in changing jobs.
4. Mild – the person needs: help from someone at work; special equipment; modifications to buildings or fittings; special arrangements for transport or parking; training; or to be allocated different duties.
5. No employment restriction or limitation.

The most severe type of employment restriction is being 'permanently unable to work'. The SDAC data showed that about one third of Tasmanians with disability, aged 15-64 years, self-identified as being 'permanently unable to work'. For just under another one third of Tasmanians with disability, the disability did not restrict their employment. For the remainder, the disability did or would restrict their employment in some way.

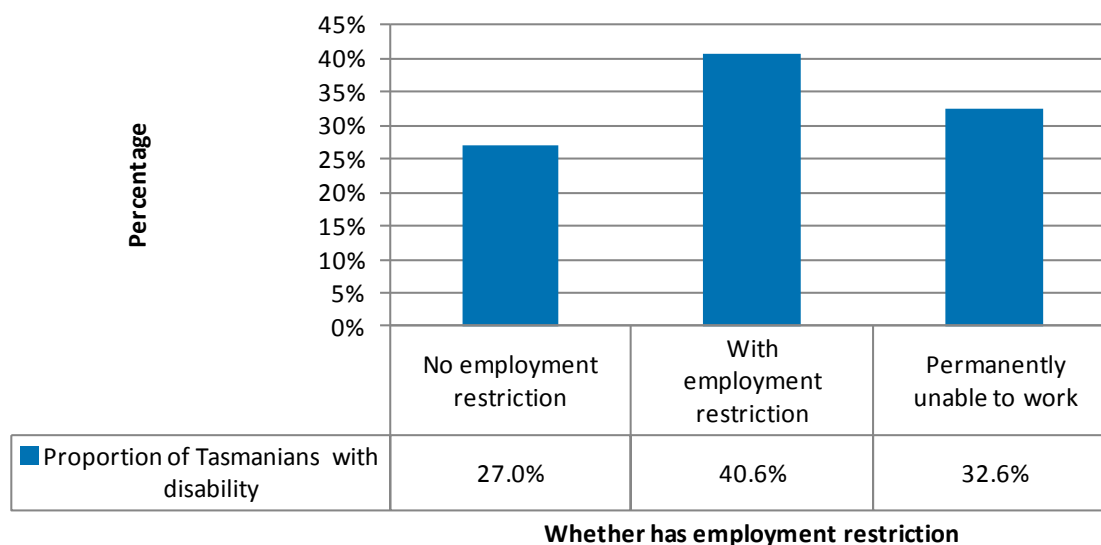
All 500 who reported being assisted by a disability employment support service were automatically classified in the SDAC as having at least a 'severe' employment limitation. This is less than one tenth of a per cent of Tasmanians with disability, and only 16.1 per cent of all unemployed Tasmanians with disability. DEEWR data indicates that a corresponding group of active DES ESS clients in 2012 may be about double the 2009 SDAC number, at around 1,019 people<sup>156</sup>.

**Chart 9, next page,** shows Tasmanians by disability, by type of employment restriction or limitation.

**Table 9, next page,** shows the detail of the particular type of employment restriction or limitation for Tasmanians with disability, by employment status (employed or unemployed/not in the labour force).

<sup>156</sup> From a comparison of *DEN and VRS historical referrals, commencements and caseload data June 2009 (XLS 796KB)* and *DES Data 29 Feb 2012 (XLSX 103KB)* downloaded from <http://www.deewr.gov.au/lmip/default.aspx?LMIP/DisabilityEmploymentServicesData> accessed May 2012

**Chart 9: Tasmanians with disability, aged 15-64 years, by employment restriction<sup>157</sup>**



**Table 9: Tasmanian labour force status by employment restriction, ages 15-64, 2009 ('000)<sup>158</sup>**

Employment restrictions	Total employed	Unemployed or not in the labour force	Total
<b>Disability and permanently unable to work</b>	<b>0.0</b>	<b>19.9</b>	<b>19.9</b>
<b>Disability and employment restriction but has job capacity</b>	<b>17.3</b>	<b>7.4</b>	<b>24.8</b>
+ Restricted in type of job	14.7	7.0	21.7
+ Restricted in number of hours	9.1	4.4	13.6
+ Difficulty changing jobs or getting a preferred job	12.6	4.7	17.4
+ Needs time off work because of disability			
= Whether leave arrangements used			
> All using leave arrangements	4.2	0.0	4.2
> Not employed	0.0	4.4	4.4
Total	4.2	4.4	8.6
+ Needs other special employer arrangements			
= Equipment, modifications or other arrangements	4.0	2.1	6.1
= Ongoing supervision or assistance	2.0	1.5	3.5
All needing other special arrangements	4.5	2.7	7.2
<b>Disability and no employment restrictions</b>	<b>10.8</b>	<b>5.7</b>	<b>16.5</b>
All with reported disability	28.1	33.0	61.1
No disability	203.1	62.4	265.5
<b>Total</b>	<b>231.3</b>	<b>95.4</b>	<b>326.7</b>

<sup>157</sup> Australian Bureau of Statistics. (2011). *Survey of Disability, Ageing and Carers, 2009* – Standard table sets for States and Territories. Commonwealth. Table 13 Labour force status by employment restrictions–2009, accessed 5 January 2012

<sup>158</sup> Ibid

## 4.2.6.2 Disability employment services caseload

### Accuracy of disability employment services caseload in SDAC

Stakeholders suggested that the ABS SDAC estimate for the number of Tasmanian disability employment services clients of 500 in 2009 seemed quite low. Therefore, data from the (Commonwealth) Department of Employment, Education and Workplace Relations (DEEWR) was obtained to validate the SDAC figure.

DEEWR actually reported the 2009 Tasmanian Disability Employment Network (DEN) caseload as being between 1,200 and 1,300 (data varied depending on whether non-disability clients and commencements were excluded)<sup>159</sup>. There were a further 1,412 Vocational Rehabilitation Services (VRS) clients also reported by DEEWR.

In March 2010, the Australian Government replaced the DEN and VRS with a new Disability Employment Services (DES) program in two streams. While DEEWR cautions against trying to directly compare the DEN/VRS model with the DES-ESS/DMS model, it appears that DEN clients transitioned to DES ESS and VRS clients transitioned to DES DMS<sup>160</sup>.

The difference between the ABS SDAC estimate and the current DES caseload observed by stakeholders is likely to be due to:

- SDAC data under-reporting the number of people with permanent disability;
- SDAC data being less reliable due to the low number of responses on which estimates are based;
- SDAC data being more likely to capture DEN clients (permanent disability) but not VRS clients (temporary disability, injury or ill health), whereas the DES caseload captures both categories;
- SDAC data being more likely to capture only active DEN clients. DEEWR data shows only 772 DEN clients were in the active 'employment assistance' phase of their program in June 2009. Furthermore, dissatisfied DEN clients may not identify as 'being assisted' in the SDAC (Australian Government research does suggest about 30 per cent of clients were not satisfied with their DEN<sup>161</sup>).

<sup>159</sup> DEEWR reports

<http://www.deewr.gov.au/lmip/default.aspx?LMIP/DisabilityEmploymentServicesData> accessed April 2012

<sup>160</sup> Department of Employment, Education and Workplace Relations. (2010). *The Future of Disability Employment Services in Australia Discussion Paper*. Commonwealth. Appendix 4—Indicative transition of job seekers from DEN and VRS to Programs A and B

<sup>161</sup> Department of Employment, Education and Workplace Relations. (2006). *Cased-Based Funding Final Report*. Commonwealth. From <http://www.workplace.gov.au/NR/rdonlyres/CD56F630-D11D-4700-B1D5-F97B3A8C075B/0/CBFfinalreport.pdf> accessed April 2012

## 2012 Disability Employment Services caseload in DEEWR

According to DEEWR reporting, the 2012 DES program is greatly expanded, compared with the former DEN program. However, most of this ‘expansion’ is actually due to the combining of the former DEN (now ESS) and VRS (now DMS) caseloads under the single DES title. The 2012 Tasmanian DES ESS caseload is about 1,709, which is only about 409 more than the 2009 DEN caseload. The expansion has been mainly in the number of clients receiving NewStart/Youth allowances<sup>162</sup> or not receiving any government allowance (each category grew by 251 between 2009 and 2012). See **Table 10, below**.

**Table 10: Comparison of DES caseloads, 2009 to 2012**

Client group	Date	Program	Caseload
Permanent disability	June 2009	DEN	1,300
	February 2012	DES ESS	1,721
Disability, injury and ill health	June 2009	VRS	1,335
	February 2012	DES DMS	2,192

### 4.2.6.3 Labour demand

Establishing the level of labour supply was an easier exercise for the evaluation than establishing the level of labour demand. As a starting point, the evaluation focussed on factual information about the level of demand for external recruits generally.

During the review period, agencies reported there were 1,910 permanent State Service vacancies filled, but only one full-time and two part-time vacancies were filled by a person with disability. Similarly, agencies reported there were 2,082 fixed-term State Service vacancies filled in 2009-10, but only four full-time and 14 part-time vacancies filled by a person with disability. Therefore, 21 people with disability were recruited by State Service agencies out of 3,992 vacancies.

It was found that the number of people who can realistically be recruited into the State Service based on the availability of suitable vacancies, even if specific recruitment programs simply replace open recruitment, is much lower than expected.

The evaluation compared the number of all external appointments to the State Service by all agencies in the evaluation period with ABS labour force data (including labour mobility data). It was found that 447 people (with and without disability) external to the State Service were appointed in the review period. It appears likely that only about half of these people were *unemployed* at the time they started these jobs<sup>163</sup>.

<sup>162</sup> Labour force data suggests there has been an increase of about 25 per cent in the *number* of all unemployed Tasmanians between August 2009 and February 2012

<sup>163</sup> ABS 6209.0 - *Labour Mobility*, Australia, Feb 2010

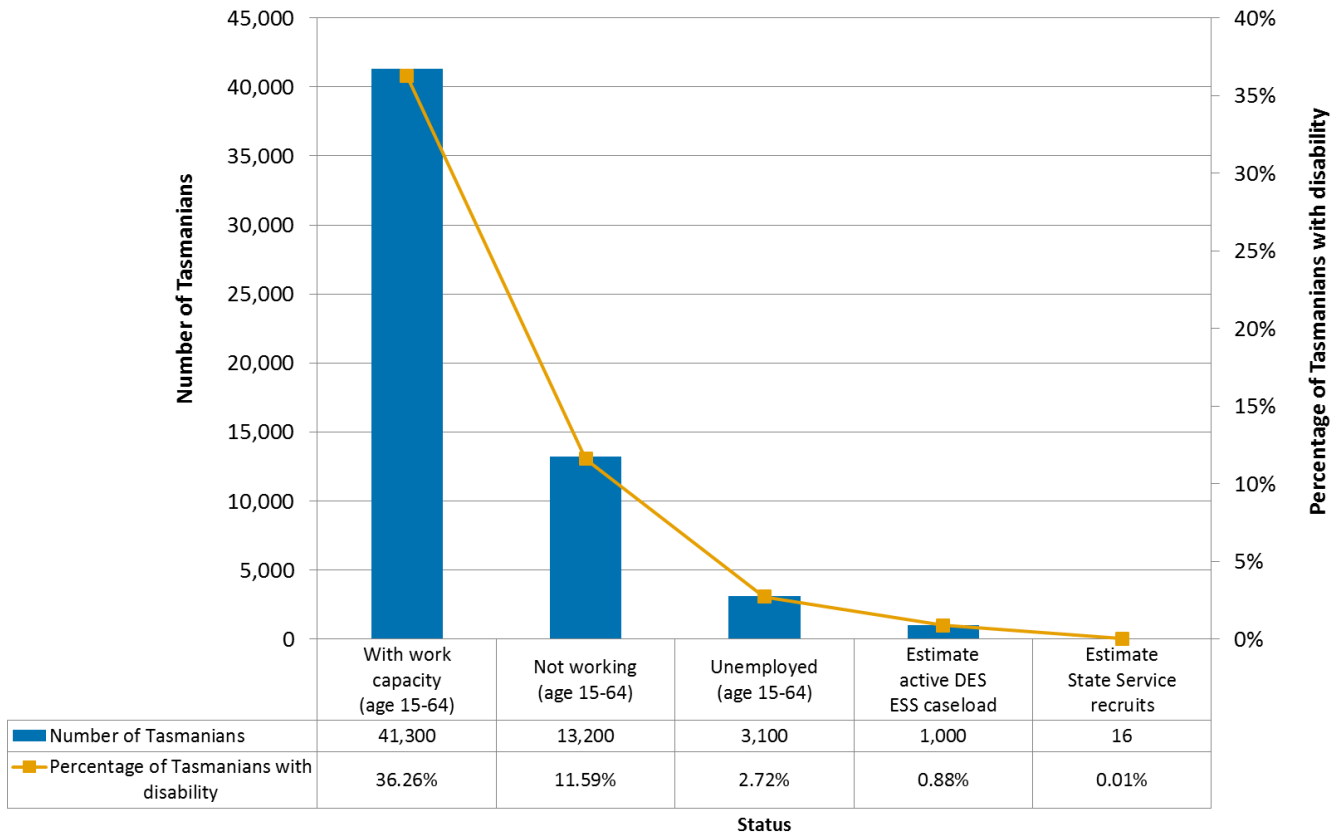
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/6209.0Main%20Features3Feb%202010?opendocument&tabname=Summary&prodno=6209.0&issue=Feb%202010&num=&view=> accessed 21 February 2012. At Feb 2010, about 963,000 people had *changed* their employer/business in the previous 12 months, whereas 2 million people working had been with their employer/business for less than 12 months.

The evaluation also found that there were an average of 14,230 *unemployed* Tasmanian jobseekers in the evaluation period<sup>164</sup>. So the State Service recruited less than 1.5 per cent of unemployed Tasmanian job seekers in the period.

Furthermore, it appears that State Service employment is concentrated in areas that have the lowest unemployment.<sup>165</sup> If unemployed Tasmanians with disability seeking assistance from job placement services were competitive with unemployed Tasmanians generally, then one would only expect to see about 16 recruited in a year (that is, a year in which recruitment was at the levels experienced during the evaluation). This is far short of the 700 or more Tasmanians with disability requiring a workplace adjustment that the State Service needs in order to reach employment equity levels compared with the Tasmanian workforce generally. **Table 11, next page**, illustrates the above analysis.

**Chart 10, below**, offers another perspective on the labour supply-demand issues

**Chart 10: Estimate of potential State Service recruits in relation to the number of Tasmanians with disability**



<sup>164</sup> ABS 6202.0 *Labour Force*, Australia, Table 12. Labour force status by Sex - States and Territories

<sup>165</sup> Tenders Tasmania website

[http://www.tenders.tas.gov.au/domino/DTF/DTF.nsf/LookupFiles/Regional-Labour-Markets.pdf/\\$file/Regional-Labour-Markets.pdf](http://www.tenders.tas.gov.au/domino/DTF/DTF.nsf/LookupFiles/Regional-Labour-Markets.pdf/$file/Regional-Labour-Markets.pdf) Table 1: Tasmanian regional labour markets, original data, January 2012 accessed 21 February 2012

**Table 11: Determining how many potential State Service recruits there are from among all Tasmanians with disability.**

Group	Estimate	Data source and comments
Tasmanians with disability	113,900	SDAC Tasmanian data
Aged 15-64 years	61,200	SDAC Tasmanian data
With work capacity (Disability factor only)	41,300	SDAC Tasmanian data
Work capacity (Non-disability factors)	Fewer	No SDAC data, but general surveys indicate significant
Job seekers	3,100 +	SDAC data, plus employed and under-employed job seekers
Who are seeking assistance to find work (DES clients)	1,000	Estimate of active DES ESS caseload. 2012 DEEWR figures show Tasmanian DES caseload is about 3,913 including people who do not have permanent disability, vocational rehabilitation clients, commencement and maintenance clients.
Who are likely to be matched to State Service employment Who want State Service employment	16-94	Estimate: agencies recruited 1.5% of unemployed job seekers: <ul style="list-style-type: none"> <li>• ABS Labour force data – Tasmanian job seekers 14,230</li> <li>• Commissioner’s 2010-11 Annual Report data – In same period State Service agencies engaged 447 external people</li> <li>• ABS labour mobility data – About half of new starters had <i>changed</i> employment.</li> </ul>
Who are available to start Who can access the employment Who want the job/want to work, balancing increased costs and risks	Fewer	People with disability face additional barriers to employment: <ul style="list-style-type: none"> <li>• Increased equipment and transport costs;</li> <li>• Increased personal care needs;</li> <li>• Changed benefits, concessions and entitlements;</li> <li>• Need for disclosure, risk of failure or repeated rejection;</li> <li>• Difficulties obtaining accommodations (including hours) – some due to <i>unjustifiable hardship</i></li> </ul>
Who can realistically be recruited into the State Service For whom the employer can make a reasonable workplace accommodation without <i>unjustifiable hardship</i>	Fewer	Reduction in availability of suitable vacancies since 2010, even assuming directed programs <i>replace</i> other recruitment  Some necessary workplace accommodations in some locations or jobs would present an <i>unjustifiable hardship</i> in all of the circumstances

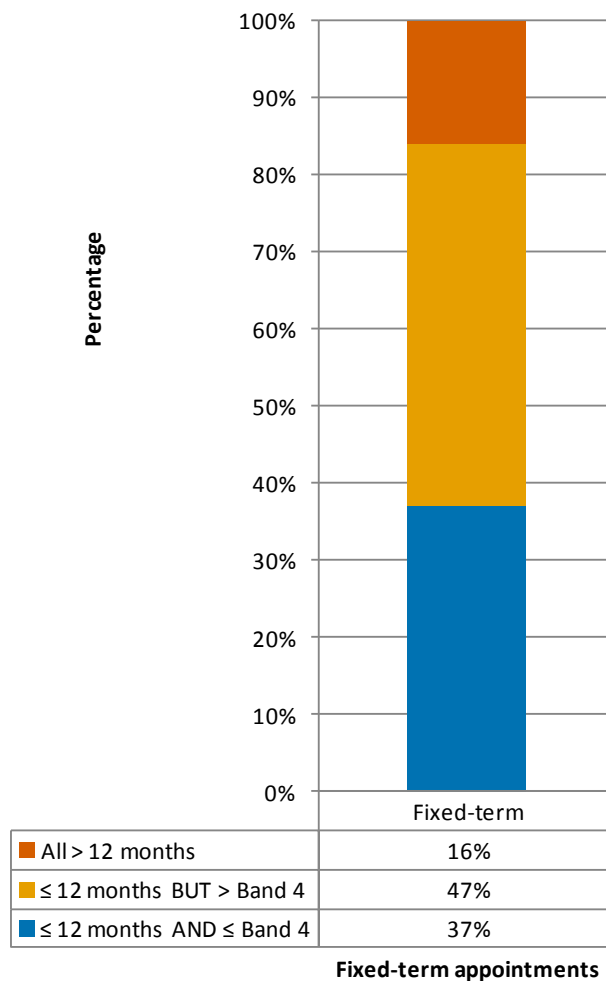
#### 4.2.6.4 Examination of demand for recruits through the People with Disabilities Fixed-Term Employment Registers

During the review period, two people with disability were engaged on a part-time fixed-term basis through agency-initiated referrals to the People with Disabilities Fixed-Term Employment Registers (PDFTE Registers).

The evaluation examined recruitment data in detail in an attempt to identify why agencies reported so few recruits with disability. Of particular concern was the low number of referrals of vacancies to the PDFTE Registers. This issue was discussed earlier in the report, and some relevant findings are presented in the following charts.

**Chart 11, below**, shows the number of State Service fixed-term appointments during the evaluation period, by duration and classification. Only 37 per cent of appointments were for vacancies that may have qualified for referral to the PDFTE Registers.

**Chart 11: Fixed-term appointments by duration and classification during 2009-10<sup>166</sup>**

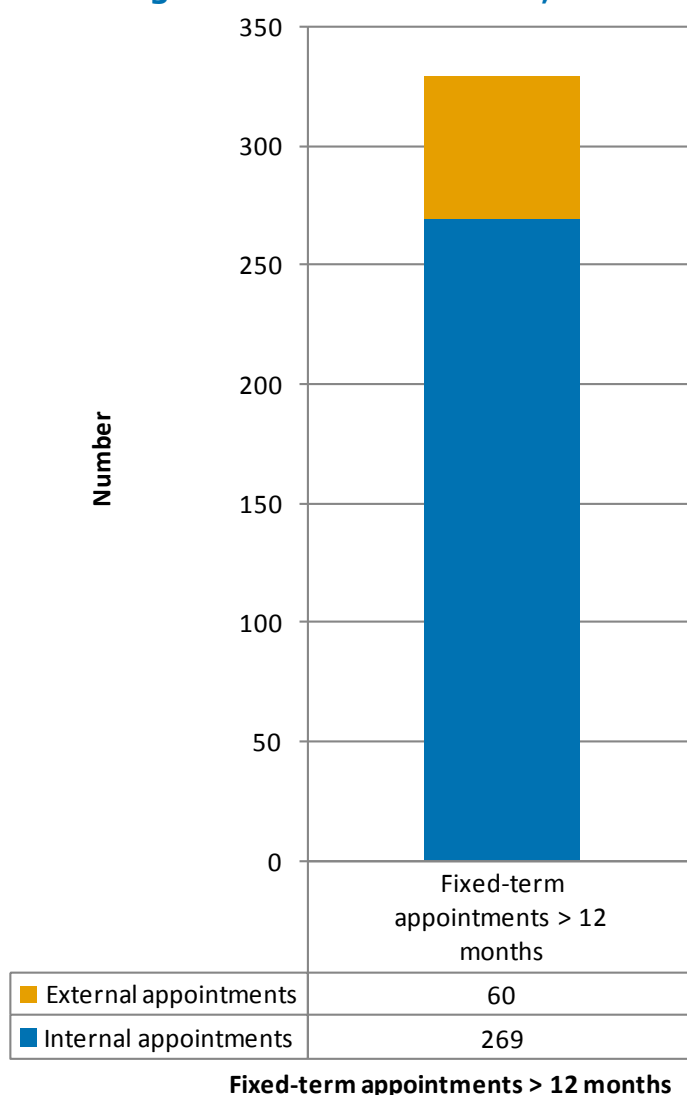


<sup>166</sup> State Service Commissioner's 2010-11 Annual Report

**Chart 12, below**, shows the origin of the ‘nominee’ (successful candidate) for State Service fixed-term appointments of greater than 12 months, during the evaluation period. Unfortunately, the Commissioner did not hold corresponding data for shorter-term fixed-term vacancies.

Nevertheless, the data suggests that the overwhelming majority of fixed-term appointments were filled by existing employees, rather than by external candidates (external candidates being people who were not employees at the time of appointment). In the case of the 329 fixed-term appointments greater than 12 months, only about 18 per cent of candidates were not existing employees at the time of their appointment. Furthermore, of the 60 external appointments, some of these people would have been recent employees (having finished fixed-term contracts). Where a hiring manager was required to *re-fill* a vacancy, they may have preferred to advertise the job so current or recent employee/s had an opportunity to apply.

**Chart 12: Origin of successful candidate for fixed-term appointments greater than 12 months, 2009-10<sup>167</sup>**



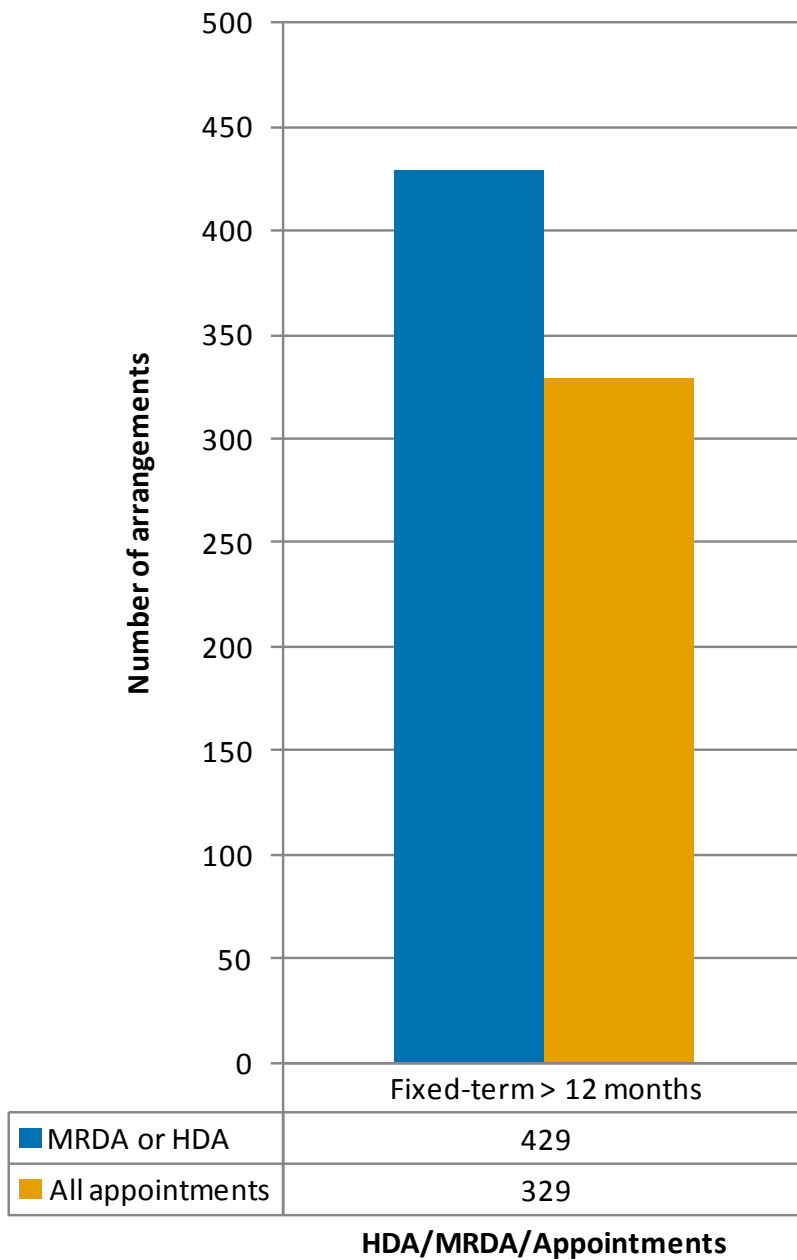
<sup>167</sup> State Service Commissioner’s 2010-11 Annual Report



**Chart 13, below**, shows the number State Service fixed-term appointments of over 12 months, compared with the number of employees receiving a higher or more responsible duties allowance for more than 12 months, during the evaluation period. Unfortunately, the Commissioner did not hold corresponding data for shorter-term fixed-term vacancies.

This data confirms that hiring managers prefer to provide development opportunities to existing staff, rather than advertise or refer vacancies for filling by external candidates.

**Chart 13: Use of More Responsible and Higher Duties Allowances compared with fixed-term appointments, 2009-10<sup>168</sup>**



<sup>168</sup> State Service Commissioner's 2010-11 Annual Report

# Appendices

- Appendix 1: Selected bibliography**
- Appendix 2: Evaluation agency questionnaire**
- Appendix 3: About our colour palette**
- Appendix 4: Key ABS tables**
- Appendix 5: Quality of outcomes**
- Appendix 6: Labour force data – update**
- Appendix 7: Table of figures, charts and tables**

**Affordable**  
**Measurable**  
**Achievable**  
**Necessary**



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## Appendix 2: Evaluation agency questionnaire

### 1. Employment Statistics

1.1 Do you know how many employees in your Agency have a disability?

[Provide the number and type of disability].

Permanent Employment

1.2 How many permanent vacancies did your Agency fill in the 2009-10 financial year?

1.3 List those permanent vacancies filled in the 2009-10 financial year that were filled by a person with disability?

Fixed-Term Employment

1.4 How many fixed-term vacancies did your Agency fill in the 2009-10 financial year?

1.5 How many fixed-term vacancies of up to 12 months duration did your Agency fill in the 2009-10 financial year?

1.6 How many fixed-term vacancies of up to 12 months duration were filled in the 2009-10 financial year were classified up to and including Band 4 (or equivalent) by your Agency?

1.7 List all fixed-term vacancies filled in the 2009-10 financial year that were filled by a person with disability?

Assessment

1.8 In the 2009-10 financial year did your Agency assess any fixed-term vacancies of up to 12 months duration that were classified up to and including Band 4 (or equivalent) to determine suitability for referral and filling from the People with Disabilities Fixed-Term Employment Registers?

1.9 List those fixed-term vacancies your Agency referred to the People with Disabilities Fixed-Term Employment Registers during the 2009-10 financial year.

Referral Placements

1.10 List those placements made from the People with Disabilities Fixed-Term Employment Registers.

Outcomes

1.11

a) Comment on the assessment to placement ratio.

b) Did the employee complete the placement?

If not, why not?

c) Was the placement successful?

d) Has the employee gained other work in your Agency?

e) What lessons were learnt from the placement?

Image

1.12 Does your Agency include a statement of the Department's policy on diversity/disability in all advertisements for employment?

1.13 Does the Agency's job applicant information handout and relevant career information promote the Department as an inclusive work environment?

Permanent Selections

1.14 Does the Agency have a system in place for using the Disability Employment Network [DEN] to encourage applications for permanent positions from people with disabilities?

Point of Contact

1.15 Do you have an accessible single point of contact within the Agency for people with a disability seeking employment?

1.16 Is this access point promoted to current and potential future stakeholders? e.g. DEN or applicants.

If so, how is it promoted?

Fixed -Term Selections

1.17 Are managers and HR personnel in the agency aware of the guidelines for the State Service 'People with Disability Fixed-term Employment Program'?

1.18 Has the Agency promoted the use of People with Disabilities Fixed-term Employment Registers to ensure its support?

a) Have the registers been promoted to HR personnel and managers?

b) General employees?

c) Are there any reasons why this has not been promoted?

Procedures

1.19 Has your Agency developed any procedures around the use of the 'People with Disabilities Fixed-Term Employment Registers'?

If yes to this question, please provide a copy.

Communications Strategy

1.20 Has your Agency developed a communications strategy that ensures information about People with Disabilities Fixed-Term Employment Registers is prominently promoted to branch/unit managers?

If yes to this question, please provide a copy.

Physical Access

1.21 Do all workplace locations allow people with a physical disability to gain [independent] access for job interviews and employment?

Cadetships/Traineeships/Graduate Programs

1.22 Is senior management encouraged to use programs such as cadetships and traineeships to increase employment opportunities for people with disability?

1.23 Has the agency utilised programs such as cadetships and traineeships to increase employment opportunities for people with disability?

If yes, provide details below.

If no, are there any specific reasons why this has not occurred?

1.24 Does your Agency intend to participate in the PSMO Graduate Program for People with Disabilities?

1.25 Has your Agency been a participant in the Willing and Able Mentoring Program for students with disabilities?

Will your Agency continue to participate in this program?

Diversity

1.26 Has your Agency specifically provided advice and assistance to Aboriginal and Torres Strait Islander people with disability to gain employment in the Tasmanian State Sector?

1.27 Have you provided work placement opportunities within the Agency to recently arrived humanitarian entrants and/or other migrants with disability?

## **2. Training**

2.1 Does your Agency offer any internal training related to the employment of people with a disability?

In the table below include:

- a) How often the training is conducted. e.g. 3 mths, 6mths, annually etc.
- b) The numbers of employees that attended.

Internal Training

2.2 List the courses that were offered within your Agency over the 2009-10 financial year and the number of attendees.

Tasmanian Training Consortium

2.3 During the 2009-10 financial year have Agency employees participated in any Tasmanian [The] Training Consortium courses on disability related issues?

List courses and the number of attendees.

## **3. Review of Workplace Practices and Procedures**

Barriers

3.1 Has the Agency conducted a review of recruitment and selection processes to ensure that there are no barriers to employment for people with disabilities?

- a) What barriers were identified?
- b) If no, are there any known or perceived barriers?

Disability Advocacy Groups

3.2 Has the Agency consulted with Disability Advocacy Groups regarding the identification of barriers to employment for people with disabilities?

If yes:

- a) Who were these groups?
- b) When did you consult with them?
- c) What issues/barriers were identified and were these addressed?

Statements of Duty

3.3 Does your Agency have a process to review statements of duty [including selection criteria] to avoid discriminating against people with a disability?

What is the process?

Application/Interview Processes

3.4 Has the Agency developed a reference guide to assist selection panels dealing with applicants with a disability?

3.5 Does the Agency have a requirement for selection panels to certify that the process was free from unfair disadvantage to people with disabilities?

Performance Data



3.6 Has the Agency:

a) Collected data on performance in relation to the employment and/or retention of people with disabilities?

Has the Agency:

b) Reported data on performance in relation to the employment and retention of people with disabilities?

e.g. To Agency management or in an annual report

c) Reviewed this data against the Disability Framework for Action or the Agency's Disability Action Plan?

d) Are there any reasons why the Agency has not reviewed the data?

Monitoring Performance

3.7 Does the exit interview process include diversity/disability related questions?

3.8 Are job turnover statistics monitored with a view to identifying any disability related issues that require addressing?

#### **4. Work Environments**

4.1 Has the Agency taken action to create a workplace culture that includes and values the contribution of people with a disability?

Work Place Adjustment Guide

4.2 Has the Agency developed a work place adjustment guide to support existing and /or new employees with a disability and those returning to work with an acquired disability?

Training and Support for Managers

4.3 Does your Agency provide advice/support to Managers who are recruiting and/or managing staff with a disability?

a) Have any managers requested this advice/support?

b) Who provides the advice/support?

c) What is the nature of the advice?

#### **5. Policy Development - Disability Action Plan**

Disability Action Plan

5.1 Has the Agency developed a Disability Action Plan?

5.2 Has the Disability Action Plan been reviewed?

a) When was it reviewed last?

b) What was the nature of any revisions?

c) How frequently will the Disability Action Plan be reviewed?

#### **6. Promotion**

Communications Strategy

6.1 Does your Agency have a communications strategy that promotes disability awareness and training to managers HR staff and general employees?

6.2 Has the Agency publicised or promoted the achievements of people with a disability employed in your agency?

# Appendix 3: About our colour palette

There may be up to 1,000 employees in the State Service who experience some difficulty with colour vision . So that the information in our report is as accessible to as many people as possible, the evaluation report is presented using a ‘colourblind barrier-free colour pallet’<sup>169</sup>, as shown in **Figure 11, below**. The R,G,B (0-255) specifications indicated were used. It is not claimed that the report is fully accessible because of this initiative, and your feedback on how future reports could be improved is welcomed.

**Figure 11: Set of colours that is unambiguous both to colourblind and non-colourblind people<sup>170</sup>**


Original	Simulation				Hue	for Photoshop, Illustrator, Freehand, etc.		for Word, Power Point, Canvas, et	
	Protan	Deutan	Tritan			C,M,Y,K (%)	R,G,B (0-255)	R,G,B (%)	
1					Black	- °	(0,0,0,100)	(0,0,0)	(0,0,0)
2					Orange	41°	(0,50,100,0)	(230,159,0)	(90,60,0)
3					Sky Blue	202°	(80,0,0,0)	(86,180,233)	(35,70,90)
4					bluish Green	164°	(97,0,75,0)	(0,158,115)	(0,60,50)
5					Yellow	56°	(10,5,90,0)	(240,228,66)	(95,90,25)
6					Blue	202°	(100,50,0,0)	(0,114,178)	(0,45,70)
7					Vermillion	27°	(0,80,100,0)	(213,94,0)	(80,40,0)
8					reddish Purple	326°	(10,70,0,0)	(204,121,167)	(80,60,70)

<sup>169</sup> <http://jfly.iam.u-tokyo.ac.jp/color/#stain> accessed 13 January 2012


<sup>170</sup> Ibid

# Appendix 4: Key ABS tables

Figure 12: ABS SDAC, Tasmania, Table 1, estimates and rates (refer to source for error rates)

 <b>Australian Bureau of Statistics</b>							
<b>44300DO006_2009 Disability, Ageing and Carers, Australia: State tables for Tasmania</b>							
Released at 11:30 am (Canberra time) Fri 12 Aug 2011							
Table 1 ALL PERSONS, Disability status by age and sex–2009							
Age group (years)	Profound or severe core activity limitation	Moderate or mild core activity limitation	Schooling or employment limitation	All with specific restrictions or limitations	All with disability	No reported disability	Total
<b>ESTIMATES ('000)</b>							
<b>Males</b>							
0–4	0.5	0.0		0.5	0.9	16.1	17.0
5–14	3.0	0.9	3.7	4.4	4.6	28.3	32.9
15–24	1.7	0.5	2.9	3.2	4.8	29.0	33.8
25–34	0.8	1.2	2.8	3.0	3.6	24.2	27.9
35–44	0.9	2.3	3.4	4.0	4.6	27.8	32.4
45–54	2.1	3.3	7.1	7.4	8.8	27.1	35.9
55–59	0.9	2.4	3.1	3.8	4.4	12.2	16.6
60–64	1.8	3.1	4.9	5.3	6.1	9.3	15.3
65–69	1.2	2.9		4.1	4.9	6.8	11.7
70–74	0.6	3.5		4.1	5.2	3.6	8.7
75–79	1.0	2.2		3.2	3.7	3.0	6.7
80–84	1.1	1.6		2.7	3.1	1.6	4.7
85–89	0.3	1.8		2.1	2.1	0.6	2.6
90 and over	0.3	0.2		0.6	0.6	0.0	0.6
<b>Total</b>	<b>16.2</b>	<b>26.0</b>	<b>28.0</b>	<b>48.3</b>	<b>57.3</b>	<b>189.5</b>	<b>246.9</b>
<b>Females</b>							
0–4	0.3	0.0		0.3	0.6	15.5	16.1
5–14	1.5	0.7	1.7	2.3	2.9	28.3	31.2
15–24	0.7	0.5	1.7	1.8	2.2	29.9	32.1
25–34	0.4	1.1	1.7	2.2	2.8	26.1	28.9
35–44	1.6	2.1	4.4	4.8	6.0	28.2	34.2
45–54	1.9	4.6	6.5	7.4	8.2	28.9	37.1
55–59	1.4	2.3	2.9	3.9	4.6	12.4	17.0
60–64	1.5	2.9	3.9	4.9	5.3	10.3	15.6
65–69	0.9	3.4		4.3	5.2	6.5	11.7
70–74	1.1	2.8		3.9	4.4	5.0	9.4
75–79	1.1	2.8		3.9	4.4	3.4	7.8
80–84	1.7	2.5		4.2	4.6	1.7	6.3
85–89	2.3	1.4		3.7	3.9	0.7	4.6
90 and over	1.3	0.2		1.5	1.5	0.3	1.8
<b>Total</b>	<b>17.8</b>	<b>27.3</b>	<b>22.7</b>	<b>49.2</b>	<b>56.5</b>	<b>197.3</b>	<b>253.8</b>
<b>Persons</b>							
0–4	0.8	0.0		0.8	1.5	31.6	33.0
5–14	4.5	1.6	5.4	6.7	7.5	56.6	64.2
15–24	2.4	1.0	4.5	5.0	7.0	59.0	65.9
25–34	1.2	2.3	4.6	5.2	6.5	50.3	56.8
35–44	2.5	4.5	7.8	8.9	10.6	56.0	66.6
45–54	3.9	7.9	13.6	14.8	17.0	56.0	73.0
55–59	2.3	4.7	6.0	7.6	9.0	24.6	33.7
60–64	3.4	6.0	8.8	10.3	11.3	19.6	30.9
65–69	2.1	6.3		8.4	10.1	13.3	23.3
70–74	1.7	6.3		8.0	9.6	8.5	18.1
75–79	2.1	5.0		7.1	8.1	6.4	14.5
80–84	2.8	4.1		6.9	7.7	3.3	11.0
85–89	2.6	3.2		5.8	6.0	1.2	7.2
90 and over	1.6	0.4		2.1	2.1	0.3	2.4
<b>Total</b>	<b>33.9</b>	<b>53.2</b>	<b>50.7</b>	<b>97.6</b>	<b>113.9</b>	<b>386.8</b>	<b>500.7</b>

**Figure 13: ABS SDAC, Tasmania, Table 12, estimates and rates (refer to source for error rates)**

 <b>Australian Bureau of Statistics</b>								
<b>44300DO06_2009 Disability, Ageing and Carers, Australia: State tables for Tasmania</b> Released at 11:30 am (Canberra time) Fri 12 Aug 2011								
<b>Table 12 PERSONS AGED 15–64, LIVING IN HOUSEHOLDS, Disability status by sex and labour force status–2009</b>								
Labour force status	Profound or severe core activity limitation	Moderate core activity limitation	Mild core activity limitation	Schooling or employment restriction	All with specific limitations or restrictions	All with reported disability	No reported disability	Total
ESTIMATES ('000) AND RATES (%)								
<b>Males</b>								
In the labour force ('000)								
Employed								
Full-time		1.5	1.9	6.2	7.0	10.6	90.9	101.5
Part-time		1.3	0.9	3.8	4.1	5.3	15.9	21.2
Total employed	1.9	2.8	2.7	10.0	11.1	15.9	106.9	122.7
Unemployed	0.4	0.4	0.7	1.9	1.9	2.0	4.4	6.5
Total	2.3	3.2	3.5	11.9	13.1	17.9	111.3	129.2
Not in the labour force ('000)	5.7	2.7	3.5	12.3	13.5	14.3	18.3	32.6
Total ('000)	8.0	5.9	6.9	24.2	26.6	32.2	129.6	161.8
Unemployment rate %	17.5	12.5	21.1	15.7	14.8	11.4	4.0	5.0
Participation rate %	28.7	54.2	50.0	49.1	49.2	55.7	85.9	79.9
<b>Females</b>								
In the labour force ('000)								
Employed								
Full-time		1.3	1.5	2.9	3.9	5.8	43.9	49.7
Part-time		1.2	1.6	4.6	5.4	6.4	52.4	58.8
Total employed	1.6	2.4	3.1	7.4	9.3	12.2	96.3	108.5
Unemployed	0.0	0.3	0.5	0.8	0.9	1.0	5.3	6.4
Total	1.6	2.8	3.6	8.2	10.2	13.3	101.6	114.9
Not in the labour force ('000)	5.8	3.2	3.9	12.8	14.7	15.7	34.3	49.9
Total ('000)	7.4	6.0	7.5	21.0	25.0	28.9	135.9	164.8
Unemployment rate %	0.0	12.2	13.6	9.6	9.0	7.9	5.3	5.6
Participation rate %	21.5	46.3	48.1	39.1	41.0	45.9	74.8	69.7
<b>Persons</b>								
In the labour force ('000)								
Employed								
Full-time	1.2	2.8	3.4	9.1	10.9	16.4	134.8	151.3
Part-time	2.3	2.5	2.5	8.3	9.5	11.7	68.3	80.0
Total employed	3.5	5.2	5.9	17.5	20.4	28.1	203.1	231.3
Unemployed	0.4	0.7	1.2	2.7	2.9	3.1	9.8	12.9
Total	3.9	6.0	7.1	20.1	23.3	31.2	212.9	244.1
Not in the labour force ('000)	11.5	5.9	7.4	25.1	28.2	29.9	52.6	82.5
Total ('000)	15.4	11.9	14.5	45.3	51.5	61.1	265.5	326.7
Unemployment rate %	10.3	12.4	17.3	13.2	12.3	9.9	4.6	5.3
Participation rate %	25.2	50.2	49.0	44.5	45.2	51.1	80.2	74.7

**Figure 14: ABS SDAC, Tasmania, Table 13, estimates and rates (refer to source for error rates)**



## Australian Bureau of Statistics

### 44300DO006\_2009 Disability, Ageing and Carers, Australia: State tables for Tasmania

Released at 11:30 am (Canberra time) Fri 12 Aug 2011

**Table 13 PERSONS AGED 15–64, LIVING IN HOUSEHOLDS, Labour force status by employment restrictions–2009**

Employment restrictions	Total employed	Unemployed or not in the labour force	Total
<b>ESTIMATES ('000)</b>			
Whether has an employment restriction			
With reported disability and employment restriction			
Restricted in type of job	14.7	7.0	21.7
Restricted in number of hours	9.1	4.4	13.6
Difficulty changing jobs or getting a preferred job	12.6	4.7	17.4
Needs time off work because of disability			
Whether leave arrangements used			
All using leave arrangements	4.2	0.0	4.2
Not employed	0.0	4.4	4.4
<i>Total</i>	4.2	4.4	8.6
Needs other special employer arrangements			
Equipment, modifications or other arrangements	4.0	2.1	6.1
Ongoing supervision or assistance	2.0	1.5	3.5
<i>All needing other special arrangements</i>	4.5	2.7	7.2
Permanently unable to work	0.0	19.9	19.9
<i>All with employment restrictions</i>	17.3	27.3	44.7
With reported disability and no employment restrictions	10.8	5.7	16.5
All with reported disability	28.1	33.0	61.1
No reported disability	203.1	62.4	265.5
<b>Total</b>	<b>231.3</b>	<b>95.4</b>	<b>326.7</b>

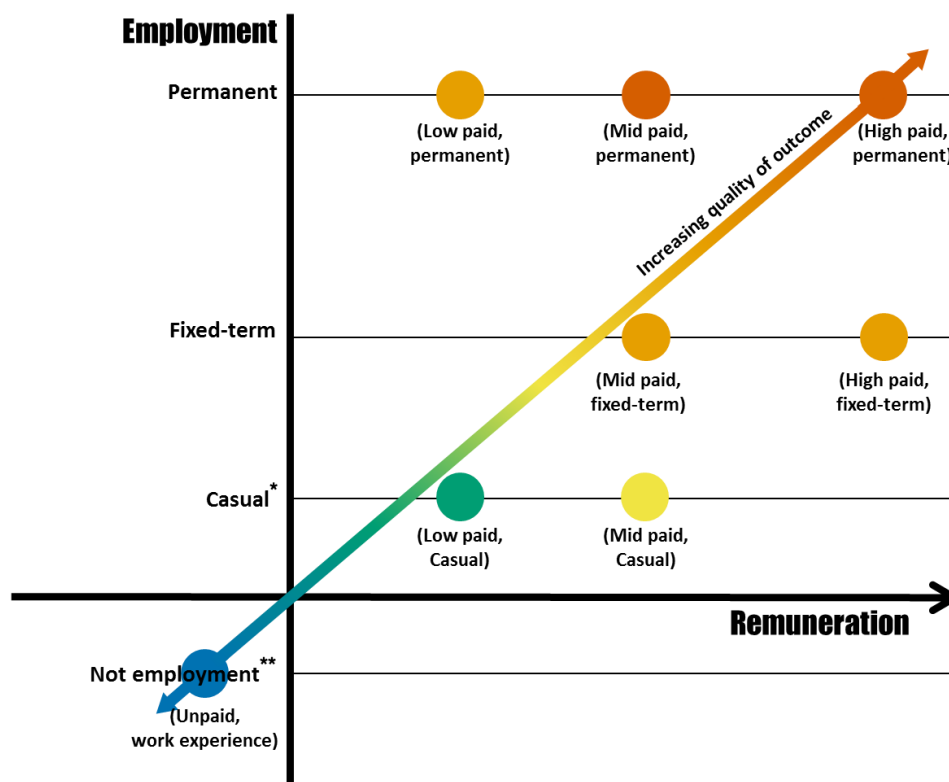
## Appendix 5: Quality of outcomes

During the evaluation, there was some discussion about whether it was appropriate to refer to particular employment outcomes in terms of ‘quality’. This was in the context of a discussion of goal-setting, an activity that is expected to have a direct bearing on the mix of employment outcomes available for people with disability. It is appropriate to discuss the quality of employment outcomes in the context of:

- **Expected term of employment.** Permanent employment is the preferred form of employment in the State Service. Therefore, the better quality recruitment outcome for a person with disability will always be permanent employment *in their chosen role*.
- **Hourly rate of pay.** Most employees naturally aspire to maximise their hourly rate of pay for their preferred pattern of work. Keeping in mind that there is an estimated hourly wage gap of 7 per cent between workers with and without disability, most of which is not explained by observed characteristics related to productivity<sup>171</sup>, the better quality job is one which is more highly remunerated than another, *for the chosen pattern of work*.

Figure 15, below, illustrates the variation in the quality of employment outcomes possible, based on permanent high-paid work being the prime outcome. When constructing goals, agencies should keep this in mind.

Figure 15: Quality of recruitment outcome matrix



\* 'Casual' employment is a type of fixed-term employment

\*\* 'Not employment' includes unpaid work experience, mentoring and volunteering

<sup>171</sup> Mavromaras, K., Oguzoglu, U., Black, D. and Wilkins, R. (2007) *Final Report – Project 3/2006: Disability and Employment in the Australian Labour Market*. Melbourne Institute of Applied Economic and Social Research.

## Appendix 6: Labour force data – update

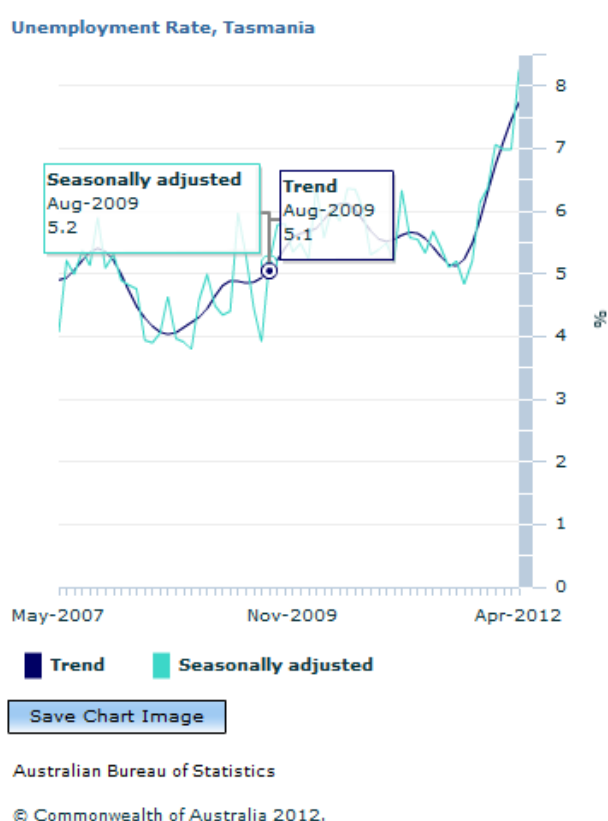
The following extracts from the Australian Bureau of Statistics, Labour Force Survey<sup>172</sup>, contextualise the ABS 2009 Survey of Disability, Ageing and Carers labour force data for people with disability aged 15-64 years. **Figure 16, below**, shows the latest 2012 unemployment rate data for Tasmania, with the mid-survey figures from August 2009 highlighted.

**Figure 16: Latest 2012 unemployment rate data**

### UNEMPLOYMENT RATE

In Tasmania in April 2012:

- the trend unemployment rate was 7.7% (the highest in the nation), and the highest rate since June 2003. The national rate in April 2012 was 5.1%.
- the seasonally adjusted unemployment rate was 8.3%, up from 7.0% in March 2012.



Source(s): [Labour Force, Australia \(cat. no. 6202.0\)](#)

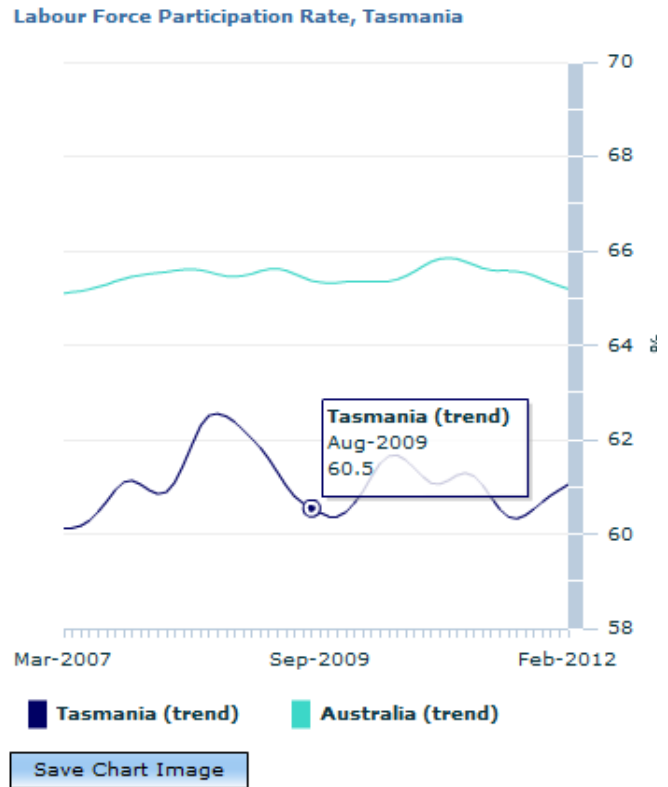
<sup>172</sup> Australian Bureau of Statistics. (2011). 6291.0.55.001 – *Labour Force, Australia*. Commonwealth.

Figure 17, below, shows the latest 2012 labour force participation rate data for Tasmania, with the mid-survey figures from August 2009 highlighted.

**Figure 17: Latest 2012 labour force participation rate data**

**LABOUR FORCE PARTICIPATION RATE**

- In February 2012, the trend labour force participation rate in Tasmania was 61.1%, a slight increase from the previous month, but still below the recent high of 61.7% in June 2010. The national rate in February 2012 was 65.2%.
- Tasmania had the lowest labour force participation rate of all states and territories in February 2012.
- In seasonally adjusted terms, the labour force participation rate was 61.2%, an increase from the previous month's rate of 60.5%.



Australian Bureau of Statistics

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Source(s): [Labour Force, Australia \(cat. no. 6202.0\)](#)

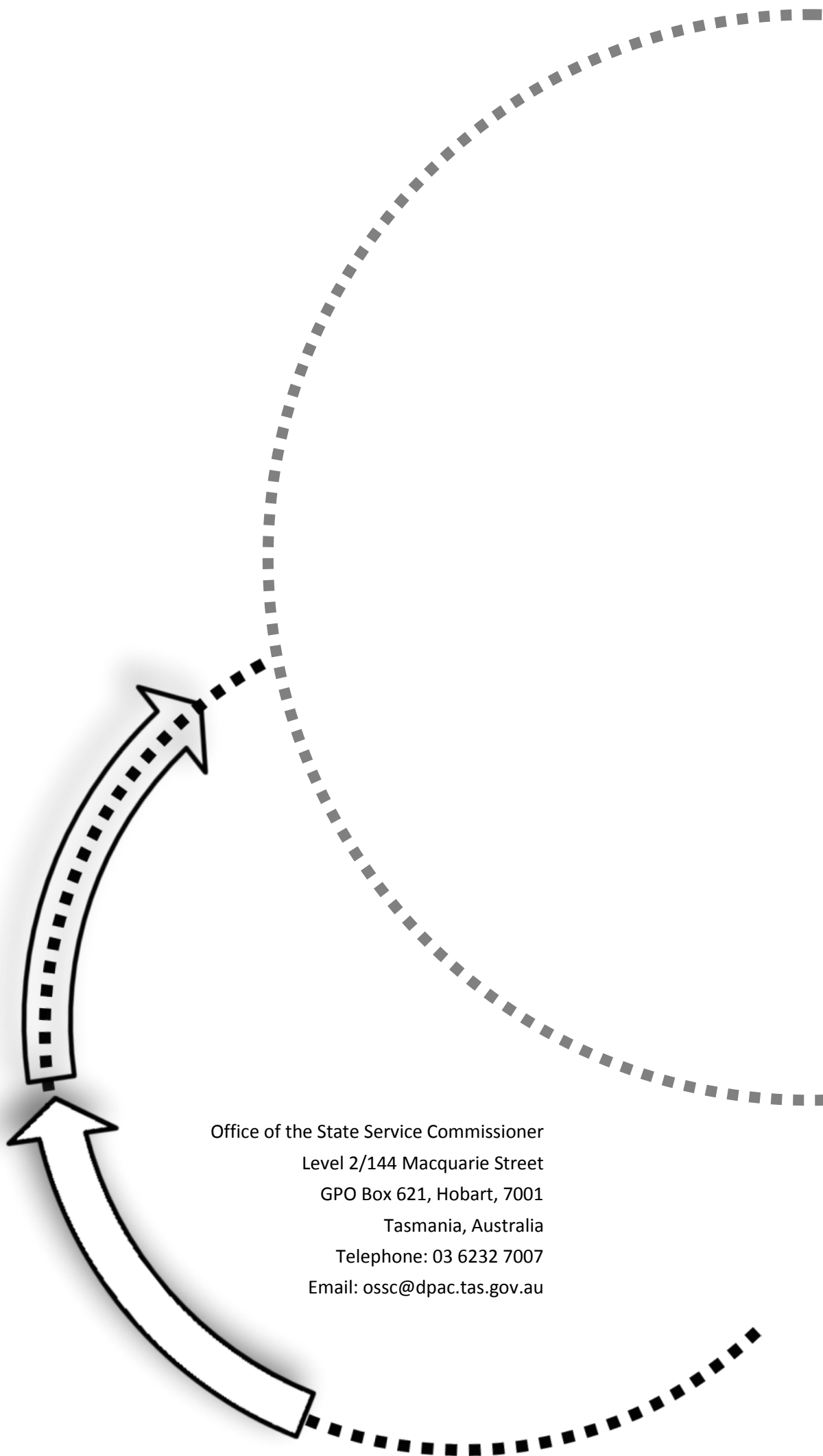


# Appendix 7: Table of figures, charts and tables

Figure 1: Illustration of evaluation framework used to test recommendations.....	17
Figure 2: Potential Tasmanian job seekers, by recruitment pathway .....	28
Figure 3: Model flowchart supporting referral of vacancies to the PDFTE registers.....	38
Figure 4: Possible state service ‘flexible measures’ process.....	43
Figure 5: Reported actual need for employer accommodations for workers with disability .....	47
Figure 6: Adaptation of the DFCS model of employment decision making .....	51
Table 1A: Hiring manager negative perceptions of people with disability .....	53
Table 1B: Hiring manager positive perceptions of people with disability .....	53
Figure 7: Hiring manager attitudes research by DEEWR 2007 and 2010.....	54
Chart 1: Highest education level of australians aged 25-44 years.....	60
Table 2: DES and agency comment on current barriers to recruitment.....	62
Figure 8: Illustration of how each of the report’s recommendations supports better decision making by hiring managers.....	70
Figure 9: Illustration of the biopsychosocial factors determining disability status .....	78
Figure 10: ABS Survey of Disability, Ageing and Carers statistical framework .....	80
Table 3: Differences between public sector jurisdictional measures of disability among employees .....	83
Table 4: APS study – reasons for not reporting disability status to agency.....	85
Table 5: Tasmanians by disability status and restriction or limitation, by age, 2009 .....	87
Chart 2: Tasmanians by disability status, by age.....	88
Chart 3: Tasmanians with disability by restriction or limitation status and age.....	88
Chart 4: Tasmanians with disability by degree of restriction or limitation and age .....	89
Chart 5: Respondents reporting disability by larger agency, 2007 and 2010 .....	90
Table 6: Number of people requiring workplace adjustment in the context of the 2010 <i>Employee Survey</i> for larger agencies.....	90
Table 7A: Agency sample sizes at a 95% confidence level.....	92
Table 7B: Agency sample sizes at a 99% confidence level .....	92
Chart 6: Characteristics of age cohorts .....	94
Chart 7: Comparison of State Service and Tasmanian community workforce profiles in detail .....	94
Table 8: Unemployed people with disability, by age and whether receiving DEN assistance.....	97
Chart 8: Age profiles (years) of australian des-ess client base and state service .....	98
Chart 9: Tasmanians with disability, aged 15-64 years, by employment restriction .....	100
Table 9: Tasmanian labour force status by employment restriction, ages 15-64, 2009 (‘000) .....	100

Table 10: Comparison of DES caseloads, 2009 to 2012 .....	102
Chart 10: Estimate of potential State Service recruits in relation to the number of Tasmanians with disability .....	103
Table 11: Determining how many potential state service recruits there are from among all Tasmanians with disability. ....	104
Chart 11: Fixed-term appointments by duration and classification during 2009-10.....	105
Chart 12: Origin of successful candidate for fixed-term appointments > than 12 months, 2009-10 .....	106
Chart 13: Use of more responsible and higher duties allowances compared with fixed-term appointments, 2009-10.....	107
Figure 11: Set of colours that is unambiguous both to colourblind and non-colourblind people.....	116
Figure 12: ABS SDAC, Tasmania, Table 1, estimates and rates (refer to source for error rates) .....	117
Figure 13: ABS SDAC, Tasmania, Table 12, estimates and rates (refer to source for error rates) .....	118
Figure 14: ABS SDAC, Tasmania, Table 13, estimates and rates (refer to source for error rates) .....	119
Figure 15: Quality of recruitment outcome matrix.....	120
Figure 16: Latest 2012 unemployment rate data.....	121
Figure 17: Latest 2012 labour force participation rate data .....	122

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