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Response to Issues Paper: Promoting Inclusion

**[insert date]**

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2. Introduction

Despite its national reputation as an egalitarian society, for many years Australia has excluded many people from full enjoyment of the privileges of living here. Changing community attitudes and awareness of human rights have led to many attempts to change this aspect of Australian life over the past fifty years. The Disability Discrimination Act and the sequential National Disability Strategies, with their State and Territory counterparts, have demonstrated the nation's commitment to offering equal opportunities to people with disabilities. The National Disability Scheme provides one of the first mechanisms for collecting national data about people with disabilities and for learning about our needs, our goals and our progress towards achieving them. No matter what efforts are made by individuals or what policies and programs are implemented by governments, Australia will not become an inclusive society until all aspects of society consider and value equally the needs of all Australians, including those with disability.

Statistics cannot capture exclusion. They do consistently reflect the lower proportion of people with disability who participate in various aspects of society, including employment, higher education and home ownership. While many individuals who are blind or vision impaired first experience exclusion as a personal issue, their repeated exposure to it and their discovery, through meeting or discussing with their peers, that these experiences have been shared by so many others, eventually lead them to realise that the barriers we confront are systemic. Versions of these exclusions have been experienced by all members of the BCA Board, its volunteers and the majority of the staff, who are blind or vision impaired. These concerns have demonstrated in the numerous case studies of people BCA has supported with individual advocacy.

This Disability Royal Commission is a unique opportunity to tell Australia what life is like for people with disability and to explain how this makes us vulnerable to disadvantages in employment, violence, abuse, neglect and exploitation. We need to be included fully in society, by having full access to public transport, education, healthcare, the of citizenship and activities of daily life. Inclusion in all these areas would make it possible for more people who are blind or vision impaired to fulfil their potential through employment. Blind Citizens Australia is pleased to respond to the Promoting Inclusion Issues Paper.

1. Blind Citizens Australia

Blind Citizens Australia (BCA) is the national representative organisation of people who are blind or vision impaired. Our mission is to inform, connect, and empower Australians who are blind or vision impaired and the broader community.

We provide peer support and individual advocacy to people who are blind or vision impaired across Australia. Through our campaign work, we address systemic barriers limiting the full and equal participation of people who are blind or vision impaired. Through our policy work, we provide advice to the community and the government on issues of importance to people who are blind or vision impaired.

As a consumer-based organisation, our work is directly informed by lived experience of blindness and vision impairment. Our members, our Directors, and a majority of our staff are blind or vision impaired.

**3. Do you think Australia is an inclusive society? If not, why not?**

BCA will be lodging other submissions in relation to some of the barriers which exclude people with disability. This submission will highlight the barriers to employment faced by people who are blind or vision impaired, all stemming from the negative assumptions and attitudes identified in the Willing to Work report.

One of the statistics most frequently looked to by governments and economists when assessing the state of a nation's economy is the level of workforce participation. In recent years, Australian governments have consistently implemented programs designed to increase workforce participation by targeted groups, including older workers, younger workers, people who have been unemployed long-term, women, and people with disabilities.

According to the Australian Bureau of Statistics (ABS), over 4.4 million Australians have some form of disability. This roughly equates to 1 in every 5 Australians having a disability. In considering how many of these Australians with disability are participating in employment, the figures are startling. Data from 2019 indicates that 48% of working-age (aged 15-64) people with disability are employed, compared with 79% without disability. In other words, 52% of Australians with disability of working-age are unemployed.

In terms of data for people who are blind or vision impaired, the World Blind Union (WBU) conducted an employment survey which had nearly 3,000 respondents. Approximately 30% of respondents resided in Oceania, including Australia. Statistics indicated similar trends to Australian data from 2019. The employment percentages for respondents to the WBU survey were 62.39% currently employed, 14.32% not currently employed but employed within two years, and 31.67% unemployed long-term (not currently employed nor employed within two years). The respondents indicated that with their current level of vision or blindness they had the following amount of work experience: 42.79% had more than ten years, 22.39% six to ten years, 19.64% less than two years, and 15.27% two to five years.

The barriers consistently faced by people with disability in receiving prerequisite education and training and in finding and maintaining employment have previously been documented. The Willing to Work report produced in 2016 identified that the major barriers are negative assumptions and attitudes held by employers and the wider community. This includes misconceptions about the productivity and capability of people with disability, and that they present a higher risk for workplace health and safety.

Negative Employer Attitudes

In 2016, Vision Australia conducted research into the experiences of employers who have employees who are blind or vision impaired, to understand employer attitudes towards employing them. Employers were recruited through staff contacts and the networks of the Australian Network on Disability. It could be expected that employers generally were predisposed to hold positive attitudes to employing people with disabilities. 41 respondents, representing 21 businesses, completed the survey. Out of these, 56% were large organisations employing over 500 people. 90% of all respondents indicated that someone with disability worked at their workplace. Nevertheless, employers surveyed identified the barriers that would preclude employment of people who are blind or vision impaired.

"When asked which of the below reasons would they see as the biggest barrier to employing someone who is blind or who has low vision, respondents said:

20.60%: Adjustments and technology needed to employ a person with severe vision loss may be too expensive.

14.7%: The person may require adjustments to our building or computer systems which are disruptive.

11.8%: The person may be less efficient than other staff members.

14.7 %: The job requires vision.”

The results of this research reflect the experiences of people who are blind or vision impaired with employment. A major theme identified in case studies was an issue with incompatibility between IT systems and assistive technology needed for people who are blind or vision impaired to effectively undertake their job.

Corroborating evidence of employers` attitudes comes from a literature review of 34 studies from 1987 through to 2012. It found that employers hold "relatively positive attitudes" about people with disabilities. Negative attitudes, however, manifested in not hiring and not retaining employees with disabilities.

In terms of positive employer attitudes, 13 studies found that employers had positive attitudes towards people with disabilities. This includes highly rating employees with disabilities, comparative to employees without disabilities, for desirable traits for their workplace, e.g., dependability, stability, and potential for success. Further, employers who had already employed people with disabilities held positive attitudes about employing others with disabilities.

However, these positive attitudes did not translate into hiring and retention of people with disabilities in workplaces. Research indicated that employers are inclined to hire a candidate without disabilities, comparative to a candidate with disabilities, when both candidates have identical experience and qualifications. Furthermore, respondents to studies indicated that employers have major concerns about work performance, including concerns about work completion, fear of litigation and associated costs, perceived safety risks for employees and co-employees, and perceived greater absences from work.

Non-Participation in the Labour Force

The systemic barriers to participation in society experienced by people who are blind or vision impaired also contribute to the stress and challenges of working. Public transport which is inaccessible, unreliable or non-existent, lack of attainment in education or training, unfamiliarity with or lack of appropriate technology, the absence of accessible child-care options, and low self-esteem caused by years of discrimination and internalized ableism, can all make it difficult for a person who is blind or vision impaired even to try to look for work. Members report that they become discouraged after experiencing repeated rejections and opt to survive on government allowances rather than further jeopardize their mental health. Others observe the experiences of peers they believe to be better qualified than themselves and choose not to challenge their self-esteem through job-seeking.

The majority of blindness and vision impairment results from conditions which develop with age, either with vision deteriorating progressively throughout life or through onset in the senior years. People who are adjusting to deteriorating vision or blindness who wish to work will need to acquire many new skills and a positive attitude despite their diminished status. They may also have to combat the prejudice experienced by all older Australians seeking work. People in work whose vision becomes insufficient for their current tasks may be encouraged to apply for total and permanent disability payments, which seems an easier alternative to them and their employer than organising re-training or re-deployment.

Inability to Drive

Many people who are blind or vision impaired consider the inability to hold a driver's licence one of the major disadvantages of living with their disability. The inability to drive can make it difficult to reach premises which are not close to public transport or to undertake jobs where travel is required. Although taxis and other options can sometimes be used to surmount these difficulties, they are hurdles which must be overcome in the mind of both the potential employee and the employer.

Many jobs stipulate the holding of a current driver's licence as an essential qualification, whether or not driving forms part of inherent requirements of the job. Whilst this could be characterized as a form of indirect discrimination and therefore illegal under the Disability Discrimination Act 1992 (DDA), the requirement is often stipulated at the gateway to applying. An applicant who is blind or vision impaired is excluded before they have the opportunity to prove that they are in all other aspects qualified for the job.

The National Disability Agreement (NDA) outlines several performance indicators, including the number of people with a disability participating in the labour force. While these figures are published regularly, the current data indicates that the targets are not being met.

The latest Productivity Commission review (2019) indicates that between 2009 and 2015 there was a 0.9% decrease in workforce participation by people with a disability. The NDA outlined an expected 5% increase by 2018.

Finding a Job

BCA received numerous reports of people's inability to find and maintain employment. This appears to be particularly related to a lack of willingness on the part of employers to hire a person who is blind or vision impaired.

Many individuals report not getting beyond the interview stage of the recruitment process. In most instances people report that they are not provided with adequate feedback as to why they have been unsuccessful.

"As a worker or a job candidate, if I am not provided with feedback, I don't know what to think. Is it direct or indirect discrimination? It's often unclear if discrimination has occurred."

A person who is blind or vision impaired may not wish to disclose the fact that they have a disability prior to being selected for an interview. When they attend with a dog guide or another mobility aid, it becomes apparent that the candidate has a disability. In not disclosing the disability, there is also a risk of not being able to access material required in the interview, such as discussion scenarios or policies that are to be interpreted. This causes obfuscation as to whether the reason the person has not progressed is due to their disability.

"After completing university, it took me 5 years before I could gain employment. I was able to get the interviews but unable to secure employment as a Social Worker. None of my sighted peers struggled for 5 years to gain employment."

The methods used for the recruitment process may be inaccessible, effectively prohibiting people who are blind or vision impaired from equitable participation.

"I completed several steps and then got to a psychometric test that was visual. I wrote to the person or company behind the application process and they told me I would be passed on to the next round due to the accessibility trouble. Then I received an email saying I had been unsuccessful. There was no warning or other step after this accessibility obstacle, but I was just out."

Online systems that are used in recruitment need to be compatible with screen-readers and voice navigation software, to ensure equity of access. Selection methods must likewise be accessible and equitable. This includes ensuring disability awareness training for people involved in the selection process.

Research conducted jointly by the Royal National Institute of Blind People (RNIB, UK), the Blind Foundation of New Zealand and Vision Australia in 2018 found that Australia had the lowest rates of employment for people who are blind or vision impaired, out of the participants surveyed, with only 24% of Australian respondents in full-time employment. This compares with Canada at 28%, and the UK at 32% of blind or vision impaired people in full-time employment.

Keeping a Job

People who are blind or vision impaired and are employed often have issues in keeping their job, due to lack of flexible and accessible work and/or IT systems. This is despite Australia having adopted the Accessible Information and Communications Technology (ICT) Procurement Standards in 2016. This standard is meant to ensure that all Australian ICT systems will meet accessibility standards. It also provides a benchmark for private enterprise to ensure that the systems they are procuring comply with a standard of accessibility, that ensures that people with a disability can utilise them.

"They said that I should have told them that I had a disability when I applied for the job. When I said that I was not obliged to do so, under the law, nor did I think it was necessary to inform them, as it was a work from home position, they stated that the access issues were my own fault for not telling them I had a disability. They subsequently terminated my employment, stating that I was unable to fulfil the inherent requirements of the position."

This case was presented before an anti-discrimination commission, where there was ultimately no penalty placed upon the employer for their failure to make appropriate workplace accommodations and the wrongful termination of employment.

"I was told that the cost/benefit of pursuing the case in the Federal Court, would not be worthwhile. The conciliator consistently tried to dissuade me from pushing for a better outcome, focusing on how much it would cost me to continue with the action. I was also told that the tribunal would not give a very big settlement, because they never did."

In a similar case, a member reported that:

"when I worked at [workplace name redacted], my team leader told me that my accessibility needs weren't part of her job description. She saw making my workplace accessible, a necessity for me to do my job, as an inconvenience and felt that someone else should be in the position. She suggested that I was responsible for overcoming the challenges presented within the workplace, and the solutions should have come with me to the role."

The onus should not be placed upon the employee to make their own accommodations. This is up to the employer.

Another person reported that they were placed under significant pressure by their employers to resign from their job, after they had vision testing conducted at the discretion of the employer. The testing identified that the person was legally blind.

"I refused to resign. I was then told I would be placed on sick leave pending an investigation, into what I still don't know. I completed the sick leave form with the section for Illness stating, `Asked to leave the premises by shift manager, as I have been declared legally blind`. The Shift Manager initially refused to sign or give me a copy of the form but relented. I commenced sick and annual leave for the next 8 months as this is what I had accumulated over my employment.

I provided information on alternative roles I could perform, with little if any reasonable adjustment. They refused on the grounds they were cutting back staff in these alternative roles and could not give me one, when others were being asked to leave.”

After this experience, the individual asked for an independent review of their eye testing, with a private specialist. This review verified that they were legally blind. Assistance from their union was also sought, but the union did not engage. Ultimately, they retained a lawyer to assist with the situation.

"My employer brought senior HR managers from Sydney, who again directed me to resign, and I again refused. I ensured I had a support person with me at every meeting I was summoned to. My employer heard from the lawyer I had engaged and rapidly offered me a Total Permanent Disabled Benefit, from the superannuation scheme. I accepted."

Finally, one person concluded aptly:

"I feel that there are so many times when it’s easiest for an employer to end a contract, or for things to get so bad that the blind person will resign from a job."

The employment experiences of people who are blind or vision impaired, who may also belong to any or all of other groups of First Nations people, culturally and linguistically diverse (CALD), identifying as LGBTQIA+ or women, require sensitive investigation and appropriate consideration.

**4. How can an inclusive society support the independence and choice and control of people with disability?**

Strengthening the DDA

At present, the DDA is not robust enough to provide adequate protections for people who are blind or vision impaired in the workplace. Litigation claims about disability discrimination in the workplace are financially and emotionally costly, and many people will not have the resources to fight such a claim.

According to the Australian Institute of Health and Welfare:

“Reasonable adjustment is implicit in the requirement to avoid indirect discrimination under section 6 of the DDA. If a person with disability needs some form of workplace adjustment to be able to work, or to be able to participate equally in some aspect of working life, and that adjustment could reasonably have been provided, but was not, then a finding of indirect discrimination could follow.”

Clearly, many of the experiences described in this paper are a breach of this requirement. In the case where an employee was fired due to not being able to meet the inherent requirements of their job, due to inaccessible IT systems, the case was taken before an anti-discrimination commission.

"This case went before an anti-discrimination commission, but the corporation concerned had virtually no penalty applied. If employers can pretend to comply with the law, instead of actually being penalised for breaching the act, discrimination will grow and thrive in the Australian community."

Our member reflected on what the experience meant, considering the DDA:

"This experience has brought home to me the need to tighten the Disability Discrimination Act, in order to prevent organisations simply being able to tick boxes, to demonstrate that they have done everything possible to make the working environment accessible, when in fact, they have done nothing at all."

Amending the DDA so that breaches have consequences would cause employers to take seriously their responsibilities, in removing systemic barriers to employment for people who are blind or vision impaired and thus, removing disability discrimination, through measurable changes.

Improvement to Employment Services

Three employment services or schemes endeavour to increase the inclusion of people who with disability in employment: Disability Employment Services (DES), Sheltered Workshops and Job Access.

Sheltered Workshops and Australian Disability Enterprises (ADEs)

Some BCA members reported directly experiencing employment in Sheltered Workshops. Historically, Sheltered Workshops provided employment for people with disabilities. Many of these workshops were redesigned to operate in the form of business services, after the development of the Disability Services Act in 1986. These are now renamed as Australian Disability Enterprises (ADEs).

One individual reported that they were employed in a Sheltered Workshop after leaving secondary education in 1987, stating:

"I was appalled that I was employed at a sheltered workshop, because I had attended a mainstream secondary school. there have been other legally blind adults with a vision impairment in Victoria who attended a mainstream primary school and a mainstream secondary school, just as I did and these legally blind adults with a vision impairment certainly did not end up in a sheltered workshop employment."

Sheltered workshop models still exist in some places. The major point to note here is the overarching experience of employment below one's capability, which has been a consistent theme in feedback received. No matter how an individual is employed, it is important that opportunities are evenly matched with experience and expertise.

Disability Employment Services

Disability Employment Services (DES) are services which assist people with disability in preparing for, finding, and keeping a job. Extensive feedback has been received regarding people's experiences with DES.

A major concern was high turnover of staff, and frequent changes of employment consultants.

"[I was] allocated a consultant to assist in finding employment. I was moved through several consultants due to the high staff turnover and restructures."

This posed issues, which another member pointed out,

"high turnover... means people can't connect and get what they need, and you have to start telling your story again and again."

An additional issue was being offered opportunities below a person's capability, or one which was incompatible with their career goals.

"Too much focus [was placed] on them finding me `something` and not enough on what I was skilled at and wanted to do... [The] consultants would tell me that they had a particular type of work and workplace instead of me having choice and control of my career plans."

Another remark was that:

"support needs to be more hands on, tailored to the individual."

Inadequate support can lead to people becoming disenfranchised, causing them to opt out of receiving support to get a job, instead deciding to do it on their own. "I went through several job agencies, which claimed to assist long term unemployed and disabled people find work. I used three different services, before giving up and deciding to do it myself."

A significant issue for people who are blind or vision impaired is that only one DES organisation exists in Australia that is blindness or vision impaired specific. The organisation is a DES as well as providing support services to people who are blind or vision impaired.

"Because most blind people are moved towards [this blindness service provider as] a DES if they are blind or vision impaired... I feel I wasn't given choice and didn't have a great experience and would have preferred another service."

This issue is entrenched due to other DES not having a thorough understanding of blindness, with a member remarking that "the DES programs don't seem to really have the understanding on disability or blindness."

 People over 65 are not eligible to access DES. People who have not enrolled with the NDIS before they were 65 have no access to employment support.

The Job in Jeopardy program within DES provides immediate support for people who have disability, illness or injury and are at risk of losing their job. It is felt that there could be assistance to provide changes at work, rather than support at the point that a job is at risk. "There is only capacity for Job in Jeopardy. There's no opportunity that fosters changes at work." If changes were able to be made prior to a job position being at jeopardy, perhaps it would eliminate the need to be placed within this program.

Job Access

Job Access is a scheme through the Department of Social Services (DSS) that provides the financial assistance to make accessibility adjustments in the workplace to enable people with disabilities to participate equitably in workplace activities. Reports to BCA indicate that Job Access is primarily used by people who are blind or vision impaired to obtain assistive technology, to meet workplace requirements. There have been mixed reports on the quality of service received from Job Access, with the success appearing to be highly dependent upon the relationship between the DES provider and Job Access.

One person remarked that:

"The Job Access scheme, while it is very good, is not very well known. Some blind and vision impaired people don't know the assistance is available. Employers don't understand it or even know about it. I recommend better marketing of Job Access."

Corroborating this evidence, another member explained their experience.

"Unfortunately, there are times when the DES wouldn't provide the information needed so that Job Access could provide the necessary information to get the support. Since this time, my consultant at the DES has changed and I now have a consultant who has created a relationship with Job Access, and she has made big inroads."

There appears to be confusion about the role of Job Access. Employers seem to believe that any technological issue will be able to be solved by the right adaptive technology. They do not seem to understand that sometimes the issue is with their own IT systems and not the adaptive technology. There is also a problem with Job Access not recognising the need to upgrade or replace adaptive technology, due to constantly changing technology. Proving an upgrade as justified is onerous and takes time and detracts from the employee's ability to get on with their job.

Job Access is an ideal scheme to assist people with procuring assistive technology and making adaptations to workplaces for accessibility. However, workplaces need to ensure that compatibility with their IT systems is considered when arranging the assistive technology. It is also necessary to ensure that any upgrades are considered critical and urgent to enable an individual to appropriately undertake their work.

Supportive Work Environments

BCA members reported positive experiences in the workplace, which represent best practice in making a workplace both accommodating and welcoming.

A frequent theme that emerged was supported teams and management.

"I worked with team members who were open to working to our strengths and dividing work activities, to ensure I did not have to do activities which were challenging due to my vision impairment."

This was strongly corroborated by others:

"[The] most important thing in a workplace is having the support of somebody in the workplace. In my experience, if my team leader or manager is awesome, the role has been great. If that support isn't there, the challenges can become insurmountable. The small things can become bigger and the ability to challenge inaccessibility is almost impossible."

Feedback contrasted the experience of having a supportive manager to have a manager who was not at all approachable, or who was inflexible.

Workplaces need to proactively work to ensure that management and team members effectively support employees who are blind or vision impaired in their workplace. Enabling a person who is blind or vision impaired to keep a job and have a successful employment experience, is largely reliant on the company making appropriate workplace accommodations, and being supportive about accessibility needs. This will aid the employee to achieve their work goals.

Employment Preparation Programs

Preparation programs for employment function to equip people with disability to develop appropriate skills, tailored toward achieving their goals. This has been seen to be a positive experience in helping people gain appropriate experience and skills.

"When I was in a DES, they put me in contact with [a program]. [It's] important to note that this agency is no longer funded, and I am unable to use them in the future).

The inclusive program... took time to engage me, talk about skills, motivators, what I wanted out of it, what I had to offer, I found them helpful and they had my back. They got me experiences that were linked to my passion (e.g. musical performance gigs), transcription work, I wasn't limited to what they thought was attainable but what was of interest and importance to me.”

Equipping people prior to entry into a workplace is a process which could help to foster positive experiences within the workplace, once an employee who is blind or vision impaired gains work in their chosen field.

Disability Awareness Training

Disability awareness training programs that focus on employing or working with a person with a disability are essential. Most disability awareness training packages focus mainly on providing service to customers who have a disability, rather than providing sound information and strategies on how to employ and retain an employee with a disability.

Through funding provided to Blind Citizens Australia (BCA) as part of the National Disability Insurance Agency's (NDIA's) Information, Linkages and Capacity Building (ILC) Grant, BCA created "An Eye to the Future"; a program that recognises the potential of people who are blind or vision impaired as reliable, dedicated employees in multiple sectors and with many varied skill sets.

This project is comprised of 4 components:

A series of videos which highlights some of the careers and workplace successes of people who are blind or vision impaired.

A website that provides resources to those who are seeking to develop their employability, career planning or applying and interviewing for jobs.

Resources that support employers, HR teams, recruiters, and managers to ensure accessibility throughout the recruitment, hiring and employment stages.

We established paid internships with partner organisations to really ensure that we were changing the perceptions of employers while supporting the intern and employer through the process.

Finally, we are creating a media campaign to promote and share the website and its resources, the video of employment success stories, we plan to work with HR Consultants and Human Resource groups and teams to share the resources and encourage accessible, inclusive and diverse workforces. By providing this information, and supporting resources and documentation, we believe each employer will have the best toolkit to ensure people who are blind or vision impaired are included in the recruitment and hiring process.

Work Experience and Peer Mentoring

Work experience is generally a part of secondary education in upper grade levels, or post-secondary internship programs. Historically, work experience opportunities were less readily available to people who are blind or vision impaired. Those who did not experience this opportunity felt that it would have been beneficial to them at secondary school.

“Work experience isn't always readily available and is not even offered throughout school. It... can be confusing because young people don't often know what they want to do at school age and should have access to work experience and casual work."

"Work experience is an absolute must. People who are blind don't get access to work experience that is valuable to build social skills, understand workplaces and practices. Often, we don't get the chance to do paid work through school like our peers (think retail or fast food) which means we miss out on developing some very important life and work skills."

A point was also raised about the benefit of peer mentoring programs, whereby people who are blind or vision impaired in employment act in the role of mentor to people who are blind, or vision impaired seeking similar employment.

"If I were studying at a mainstream secondary school today, I would want a choice of a Peer Mentoring Employment Program or a Work Experience Program. I would have chosen a Peer Mentoring Employment Program to a Work Experience Program because with a Peer Mentoring Employment Program I would have gained the support of a Peer Mentor and I could have asked the Peer Mentor questions and learned a lot from the Peer Mentor. Whereas, with a Work Experience Program I would have been left totally alone and on my own without the support of a Peer Mentor."

It is important that work experience opportunities are available to people who are blind or vision impaired to prepare for future employment, in addition to having appropriate mentors in a peer mentoring program, who can provide expert advice about how to cope with accessibility and other issues, that may arise in the workplace.

Pre-Employment and Workplace Training for Employees who are Blind or Vision Impaired

Appropriate training that accommodates the needs of people who are blind or vision impaired is essential prior to employment, and after gaining employment. In terms of pre-employment training, a person needs to be equipped with the skills that will enable success in the workplace.

Prior to entering employment, members reported seeking orientation and mobility training (O&M) from blindness service providers, to gain skills to commute to a new workplace and navigate the way around it. Additionally, members reported that they have undertaken IT training at blindness service providers in screen-readers and voice navigation software, to prepare for employment. Dedicated pre-employment programs for people who are blind or vision impaired that cover O&M and IT upskilling are essential.

"Training must be provided to the user in their assistive tech beyond the basics. I don't think there is any formal training that goes beyond the basics. The training should educate the person on how to help themselves to learn the technology and how to do research. The user must be empowered to self-educate due to the pace of technology. Just learning the basics or bare minimum of assistive technology and computers is no longer enough."

After gaining employment, workplace training needs to consider best practice for accessibility; therefore, it is ideal that training is delivered by peers or external trainers who are blind or vision impaired.

“There is a lack of training in the workplace. For example, when learning my job tasks someone who isn't blind is training me. If I'm learning a new system or process on a computer they say things like `double click the icon on the computer`, I can't see the icon, and I don't use a mouse I use screen-readers (NVDA and JAWS) that use key strokes. So, having training from someone who is blind or understands the use of screen-readers would be much more beneficial."

Additionally, this training would ideally achieve upskilling of the employee. Unfortunately, members have reported that they have not received any additional skills training in their workplaces.

"While I worked there, I did not have many opportunities to be trained in any other skills to perform other duties. Training was not available to me to progress my skills, learn new competencies or further my career."

Leadership by People who are Blind or Vision Impaired

People who are blind or vision impaired should be able to have appropriate level opportunities for career progression. BCA has consistently received feedback that people who are blind or vision impaired have been offered job opportunities that are below their skill level and their capacity, after engaging with DES providers.

At present, quotas for employment generally exist for entry level positions, however these do not extend to middle and upper management roles. The promotion of people with disabilities into leadership positions is important in developing a culture of accessibility and diversity in a workplace. Research conducted in 2019 by People With Disability, Western Australia (PWDWA), involving over 90 organisations across WA, revealed low levels of representation of people with disability on boards and at management levels. Leadership representation, recognition and development is important in workplaces, for people with disabilities.

**5. How can an inclusive society support a person with disability's right to live free from violence and abuse, neglect and / or exploitation in employment settings?**

BCA has received numerous case studies from members which demonstrate that people who are blind or vision impaired have been neglected in workplace settings, either by failing to gain employment in the first instance, or finding the workplace environment inaccessible when in employment. The terms bullying and discriminatory were consistently used to describe employment experiences. Negative workplace attitudes and assumptions lead to poor outcomes. Indirect discrimination occurred for members in being publicly identified as having a disability, being asked impertinent questions about their disability, including NDIS access, and being precluded from access to workplace training and upskilling.

Members described being singled out within their teams due to their disability. This experience was depicted as being demeaning and embarrassing. A member reported that they were told:

"one of our applicants for the new role has a vision impairment and it's already hard enough having you and another blind staff member on the team."

It was frequently stated that people who are blind or vision impaired are being employed in positions below their capacity or capability. BCA received reports that despite a person having post-graduate qualifications, they were consistently employed in unskilled work. It was also reported that employers continually failed to support worker's advancement through training or development of skills, limiting prospects for promotion within the workplace.

"I did not have many opportunities to be trained in any other skills to perform other duties. Training was not available to me to progress my skills, learn new competencies or further my career."

Overt experiences of discrimination were described, with members reporting failure to comply with the DDA. Information received indicates that employers are unaware of or do not comply with the requirements for dog guide access in the workplace.

"I have experienced discrimination in various forms. Personal and disability discrimination but also discrimination regarding my guide dog and being able to access facilities.

In a specific incident, to further develop my employability and skills, I was a volunteer at an aged care facility. During this time, I experienced discrimination because I'm blind and a perceived risk. In addition, the workplace said my guide dog was unable to access the facility.”

Section 9 of the DDA specifically stipulates that dog guides, with the appropriate accreditation, are permitted access to all public areas.

**6. What practical and sustainable steps can governments take to create a more inclusive society for people with disability?**

BCA recommends the following changes to legislation and policies to increase the inclusion of people who are blind or vision impaired in the workforce:

1). Anti-discrimination cases need to result in significant consequences for workplaces who clearly breach the DDA. It is critical that appropriate penalties are issued, to dissuade workplaces from breaching the DDA.

2). BCA supports the strengthening of the DDA to ensure that people with disabilities are protected in the workplace, by ensuring a legislative requirement to remove systemic discrimination, in addition to specific cases that are brought before disability anti-discrimination commissions. Systemic discrimination by workplaces should lead to significant penalties.

3). Taking into account the relative power and financial resources of an employer when compared with an employee with disability who is lodging a complaint of discrimination, BCA urges that the onus be placed upon the employer to demonstrate that discrimination has not occurred. The employer should be required to demonstrate what they did to ensure that an employee who has a disability did not endure discrimination in the workplace, rather than placing the burden of proof upon the employee.

4). Cases proceeding to post-conciliation levels in State based Equal Employment Opportunity or national Human Rights and Equal Opportunities Commission commissions should be low or no-cost. The cost of pursuing an action at Federal Court level, if conciliation fails, is prohibitive to most people who are blind or vision impaired. There is also the risk of bearing the employer's costs if the case fails. These costs and risks often outweigh any potential benefit to be gained from pursuing Federal Court action.

5). It is essential that there be disability employment support services for people who are blind or vision impaired who are over 65. People over 65 cannot access DES providers and it is important they are catered for in the employment service market.

6). Employment quotas generally target entry level positions. It is critical that people with disabilities are offered opportunities at all levels of employment, including management. At present, there is a distinct lack of representation of people with disabilities in higher leadership positions and on boards of organisations.

7. The requirement of a driver's licence to qualify for a job should be deemed discriminatory in the DDA and other anti-discrimination legislation, unless driving is an essential element of the job.

**7. What practical and sustainable steps can nongovernment institutions, the private sector and communities take to promote a more inclusive society for people with disabilities?**

BCA asserts that all of the above areas would be improved and promote the inclusion of people who are blind or vision impaired if the following recommendations be implemented:

8). Extensive workplace training, including expert advice from people with disabilities and disability advocacy organisations, should be provided to all employers, to combat negative attitudes toward people with a disability within the workplace. This includes understanding indirect and overt discrimination and understanding the workplace's responsibilities under the DDA. This includes a workplace's responsibility to accommodate dog guides under Section 9 of the DDA.

9). Workplace disability awareness training for employees who are involved in recruitment processes is critical. People with disability and disability advocacy organisations can deliver training to assist recruiters to understand the intricacies involved in employing people with disabilities. Further, people with disabilities who are employed should speak to recruiters in such training, to explain their experience of being employed, with a focus on best practice in the workplace.

10). Workplace training and implementation of interview processes that are accessible are fundamental in ensuring that all candidates can equitably participate in the interview process and have the same opportunity as other candidates. This includes making sure that IT components of interview processes are compatible with screen-readers and voice navigation software. Online components of interview processes should meet Website Content Accessibility Guidelines (WCAG).

11). The onus should not be placed upon employees to make their own accessibility accommodations in the workplace. Employers can contact Job Access to make the appropriate accommodations.

12). If issues are occurring within a workplace, solutions should be sought first, rather than taking the action to terminate employment. Training for the employee or other staff, bringing in accessible technology, or making other appropriate accommodations should all be considered first, in discussion with the employee. If the problem persists, pressure should not be placed upon the employee to resign, but appropriate external disability organisations and disability advocates should be called in to assist in finding an appropriate solution.

13). An employee should be able to bring an advocate into all meetings where there are issues occurring with their ongoing employment. They should be able to engage any support, including legal support, in these situations.

14). It is important that in undertaking diversity and inclusion training, and in introducing diversity and inclusion measures into workplaces, that intersectionality is considered. This includes measures which appropriately support people with disabilities who are also First Nations people, people identifying as LGBTQIA+, people from culturally and linguistically diverse backgrounds, and women. These measures can be advised upon by people who are part of these communities and by the organisations directly representing them.

15). People with disabilities should be employed at a level which is commensurate with their qualifications, employment history and capability. They should be matched appropriately by DES providers when they are exploring employment opportunities for clients. Employers need to make decisions based on these factors, rather than deciding not to offer an individual an employment opportunity, based solely upon their disability.

16). In light of high turnover of staff in DES providers, it is essential that all client information is handed over to new consultants without clients having to re-introduce themselves, explain their employment history, and their goals for employment.

17). Currently only one organisation provides blindness-specific employment services. That organisation provides both broader blindness services and is also a DES provider. It is critical that more DES providers are trained in working appropriately with clients who are blind or vision impaired. This will enable choice and control for people accessing employment services.

18). Prior to a person with disability being placed in the Job at Jeopardy scheme by a DES provider, all other options for workplace accommodations and supports that could enable the person to perform their job must be exhausted. This would include interviewing the employee about their needs, why things have not been working, and working with their direct management to ensure that appropriate accommodations have been put in place.

19). Workplaces need to be made more aware of and to make use of the Job Access scheme to ensure the procurement of appropriate assistive technology and that other workplace modifications are undertaken, so that people with disabilities can do their jobs effectively.

20). Workplaces should be responsible for ensuring that any assistive technology procured through Job Access is compatible with their IT systems. When any upgrade is required, it is the responsibility of the workplace to ensure that it happens, and that it is treated as urgent, so that an individual can continue with their work.

21). Workplace preparation programs for people who are blind or vision impaired developped and funded. These programs would include orientation and mobility training, IT training, job seeking and interviewing skills and other employment readiness skills.

22). An employment mentoring program should be introduced. This program would pair people who are blind or vision impaired, who are either seeking employment or newly employed, with a person who is blind or vision impaired, who is currently working. The mentor would be matched based on their expertise and their compatibility with the needs of the trainee.

23). It is important that workplaces endeavour to ensure that people who are blind or vision impaired entering employment have a key person they can connect with, to ensure a smooth transition and an ongoing positive experience. Workplace training in how to appropriately support people who are blind, or vision impaired is a major facet of this recommendation.

24). Work experience opportunities should be available and appropriate for people who are blind or vision impaired, during secondary education. Schools could work with disability groups to facilitate this. Schools should be aware of internship opportunities available following completion of secondary education, in order that students may apply for them.

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