

Amaze Position Statement

Employment

Key points.

- **Autistic people bring a range of strengths, interests and skills to the workforce but face barriers finding, maintaining and engaging in employment.**
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- **In Australia, the unemployment rate for autistic people is 31.6%. This is three times the rate of people with disability, and almost six times the rate of people without disability.**
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- **Current government disability employment programs and support services need to be adapted for autistic people as they often fail to meet their social and communication needs.**
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- **Amaze recommends that Australian governments partner with autistic people and other relevant stakeholders to:**
 - Develop a comprehensive multi-sectoral strategy to reduce employment discrimination and support workplaces to better recruit, support and retain autistic people.
 - Lead education campaigns for employers, including to dispel the myths about employing autistic people.
 - Build the capacity of autistic people to communicate their strengths, skills and adjustment needs to employers.
 - Support school pathways/career programs to support transitions to employment and build the capacity of employers and employees to support autistic people.
 - Demonstrate leadership by hiring autistic people and developing resources to support positive workplace culture.

1. Background: legal obligations of employers.

The *Disability Discrimination Act 1992* (Cth) and equivalent state and territory law and policy, make it unlawful for an employer to discriminate against, harass or victimise a person in the workplace on the ground of that person's disability. This includes subjecting an employee to any detriment during the recruitment process, when determining terms and conditions of employment and when identifying employees for promotion or demotion, transfer, training, retrenchment or dismissal.

The Act prohibits both direct and indirect discrimination, including where an employer fails to make "reasonable adjustments" for an employee with disability.

A person with a disability has no legal obligation to disclose their disability to their employer or employees, although disclosure may often be practical, i.e. where workplace modifications are required.

2. Current experiences.

a. Employment and outcomes

Work is essential to an individual's economic security and is important to achieving social inclusion. As a leading social determinant of health, it is a large contributor to physical and mental health, personal wellbeing and a sense of identity. Unemployment and underemployment can result in lifelong consequences and economic costs, including loss of confidence, lowered self-esteem, increased mental illness and dependence on government and family support.¹

Autistic employers and employees can bring a range of strengths, interests and skills to the workforce, often demonstrating exemplary characteristics in the areas of visual thinking, attention to detail, honesty, efficiency, precision, consistency, low absenteeism and disinterest in office politics.² However, in 2015 the unemployment rate for autistic people was 31.6%, more than three times the rate for people with disability (10.0%) and almost six times the rate of people without disability (5.3%).³ A survey conducted by Amaze of the autism community in Victoria in 2016 similarly found that only 50% of respondents had been able to find employment, with 94% reporting that they had not received enough support to help find a job. Autistic people are now among the National Disability Insurance Scheme (NDIS) participants most likely to have funding for employment supports included in their NDIS plan (with 24% of participants with funding for employment supports identifying autism as their primary disability).⁴

Autistic people encounter a range of barriers when seeking to enter and remain in the workforce. The report *Shut out: The experience of people with disabilities and their families in Australia* stated that by "far the biggest barrier (to employment) identified was employer attitudes".⁵ It is often assumed that autistic employees will be less capable or that it will be burdensome or costly to provide any required assistance, modifications or adjustments in the workplace. Employers may therefore state that they 'do not have the capacity, expertise or skills' to employ autistic people. These views have been found to be common in surveys of employer attitudes by various industry groups.⁶

Further barriers to employment for autistic people can include:

- Relatively low educational attainment rates for autistic students, with autistic students being less likely to complete Year 10, Year 12 and education qualifications beyond school than people without disabilities.⁷ This is largely due to the ongoing failure of many schools to provide an inclusive culture and meet the needs of autistic students.
- Social elements of job retention, including job search and interview processes and the social reciprocities of the workplace (workplace politics, workplace socializing etc.).
- Negotiating adjustments that may be required to workplace routines, workloads, communication and environments (i.e. to meet sensory needs).
- Anxiety that can affect the ability of autistic people to succeed in standardised employment practices, such as interviews and meetings.
- Discrimination, Harassment and Bullying.⁸

Due to the differences in how autism may present in autistic men and women, and associated differences in support needs, the difficulties experienced across gender can vary. Similarly, autistic people bring a range of strengths, interests and skills to the workforce so should not be stereotyped as suited only to certain types of work, such as in the computer and technology industries.

b. Current supports and services.

There are a range of services and programs that aim to support people with disability, including autistic people, to enter and maintain open and supported employment. Services funded by the Australian Government to support people with disability access employment in the open labour market include:

- **Disability Employment Services (DES)** - Non-profit and for-profit organisations funded by the Commonwealth to provide training and recruitment to people with disability who require both short and long term assistance in gaining and maintaining employment.⁹ ;
- **Employment Assistance Fund** – Provides financial assistance to purchase a range of work related modifications and services for people with disability¹⁰;
- **JobAccess** - Information and advice service funded by the Australian Government to provide assistance and workplace solutions for people with disability and employers¹¹;
- **National Disability Insurance Scheme** – Provides individual funding to support participants to achieve their employment related goals¹²; and
- **National Disability Recruitment Coordinator Program** – Works with larger employers to increase their knowledge of DES and other government services available to support employees with disability. The Program also assists in implementing workplace supports for employees with disability and provides training for staff¹³.

A service that provides supported employment options for people with disability is:

- **Australian Disability Enterprises (ADEs)** - Commonwealth-funded non-profits with charitable status that provide supported employment opportunities to people with disability. Many ADEs operate commercial or industrial businesses where people with disability work in areas such as packaging, assembly line production or cleaning services with the supervision of a support worker. Employees in ADEs can be paid award wages, however productivity-based wages can also be used. ADE's are currently in the process of being transitioned to the NDIS.¹⁴

Unfortunately, feedback from the Victorian autism community to Amaze in recent years has been that there is high variability in the provision of employment services and a limited understanding of the needs of autistic people (by their employers and colleagues). In particular, there is little understanding and support for people who may experience difficulties navigating the social and communication demands of a workplace, including conventional interview processes.¹⁵

In the private sector, Specialisterne Australia has led the Dandelion Program since 2015, with Hewlett Packard Enterprise and the Department of Human Services, to support autistic people to harness their strengths and work within the IT sector. Specialisterne Australia also offers consulting services to businesses and governments to assist them to recruit, train and manage autistic people. Evaluations of this program have demonstrated a range positive outcomes for autistic people involved in the program, as well as broader economic and social benefits for employers and government.¹⁶

The I CAN network, a social enterprise developed and run by autistic people, has also demonstrated leadership in this area through championing the value of autistic people to the workplace and providing mentoring programs and peer support groups to empower young people to enter and advocate within the workforce. ¹⁷

3. What is being done?

In 2017, the Commonwealth Department of Social Services announced a number of changes to the DES program aimed at improving choice and control for participants, generating greater competition and contestability between providers, improving financial incentives for providers and improving education and employment outcomes. The changes will take effect from 1 July 2018, including a two year School Leaver Trial to evaluate the benefits of expanding eligibility for DES to students with disability who are in their final year of school but are not currently eligible for DES (i.e. students that may not qualify for the Disability Support Pension or individual education assistance).¹⁸

These changes have arisen out of a substantial review of the entire disability employment system by a Disability Employment Taskforce to develop a new Disability Employment Framework for a staged implementation from 2018, in line with the philosophy of the NDIS to deliver better choice and control to people with disability. This includes DES, ADE's and other government-funded programs that provide employment assistance for job seekers with a disability.¹⁹

In June 2017, the Final Report of the Victorian Parliamentary *Inquiry into services for people with autism spectrum disorder* recommended the development of a Victorian State employment strategy for autistic adults. Recognising a role for the Victorian state government in collaboration with relevant groups, such as the I CAN network, Specialisterne Australia and peak bodies, it recommended a strategy that would aim to build employers' understanding of how to best support autistic employees. It also recommended that leadership be shown across the government's own employment practices, by promoting the employment of autistic people within Victorian government services.

Amaze welcomed the Victorian Government's commitment in December 2017, in response to the Victorian Parliament's report, to develop an Autism Plan that will drive inclusion, support and well-being of autistic people, including in the workplace.²⁰

4. What needs to be done?

Leadership is required on a number of levels (including across governments and government bodies, non-government organisations, businesses and individual employers) to reduce employment discrimination and build workplace capacity to better support autistic people.

In particular, a multi-sectoral national strategy for the employment of autistic people, developed in partnership with autistic people and other relevant stakeholders is urgently required. Drawing upon the recommendations contained in the National Disability Strategy, it should aim to build awareness, reduce barriers and disincentives and encourage innovative approaches to employment (including social enterprises) and services. It should highlight the value of autistic employees and employers to the workplace, encourage flexible workplace arrangements and provide guidance on negotiating and making reasonable workplace adjustments. Most importantly, it should recognize that what is required to support employment will depend on the specific needs and circumstances of each autistic person. Given the high numbers of autistic NDIS participants seeking employment supports, it is important that the NDIA understands the support needs of autistic people so that funding allocated for employment supports meets its objectives.²¹ Government leadership in hiring autistic people in the public service would also send a strong message and ensure the Government's own hiring practice is reflective of the principles contained in the National Disability Strategy.

Government support for transition programs in secondary school will be essential to bridge the gap between the education environment and the workplace. Internship programs, peer support networks, virtual reality and role play have been methods to teach these skills.²² Age-specific and highly individualized programs are essential to ensure that the diversity of skills and characteristics autistic people bring to the workforce are taken into account.

5. Key recommendations.

Amaze recommends that:

1. Australian governments partner with autistic people and other relevant stakeholders (including Specialisterne Australia, the I CAN network and peak bodies) to:
 - a. Develop a comprehensive multi-sectoral strategy to reduce employment discrimination and build workplace capacity to better recruit, support and retain autistic people.
 - b. Lead education campaigns for employers to dispel the myths about employing autistic people, showcasing the strengths of autistic people as employees and the reasonable adjustments that need to be made to support them.
 - c. Build workplace capacity to support autistic people, including through the development of accessible resources to support training and adjustments.
 - d. Build the capacity of autistic people to communicate their strengths, skills and adjustment needs to employers.
 - e. Provide workplaces with well-coordinated and accessible information regarding rights, responsibilities and services for employers and employees.
 - f. Support schools in their pathways/career programs to support autistic students' transition to employment, and build the capacity of employers and employees to support autistic people.
2. Australian governments demonstrate leadership by hiring autistic people and developing resources to support positive workplace culture.

Attribution:

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**Shaping the future
for Autism.**

6. References

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- ² See Hensel, W 2017. People with Autism Spectrum Disorder in the Workplace: An Expanding Legal Frontier. Harvard Civil Rights-Civil Liberties Law Review, 52;73. Available at <http://harvardcrcl.org/wp-content/uploads/2017/02/Hensel.pdf>
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- ⁴ Productivity Commission 2017. NDIS Costs – Productivity Commission Study Report. Australian Government. October 2017
- ⁵ Shut out: The experience of people with disabilities and their families in Australia, National People with Disabilities and Carer Council 2009 Commonwealth of Australia,
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- ⁸ See Hensel, W 2017. People with Autism Spectrum Disorder in the Workplace: An Expanding Legal Frontier. Harvard Civil Rights-Civil Liberties Law Review, 52;73
- ⁹ Australian Government Department of Employment 2015. Disability Employment Services, Commonwealth of Australia.
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- ¹² Australian Government JobAccess 2016. National Disability Insurance Scheme, at <https://www.jobaccess.gov.au/people-with-disability/national-disability-insurance-scheme>
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- ¹⁴ 7 Department of Social Services 2015. Australian Disability Enterprises, Commonwealth of Australia, Canberra, viewed 4 December 2015, <https://goo.gl/RquMtv>.
- ¹⁵ Amaze's survey of the Victorian autism community, 2016. See also Specialisterne Australia 2015, Submission to Victorian Parliamentary Inquiry into services for people with ASD. Available at https://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/58th/Autism/Submissions/S064_Specialisterne_Australia.pdf
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- ²⁰ Victoria State Government 2017. Response to the Parliamentary Inquiry into Services for People with Autism Spectrum Disorder. Department of Health and Human Services, December 2017, available at https://www.parliament.vic.gov.au/file_uploads/Response_to_the_Parliamentary_Inquiry_into_Services_for_People_with_Autism_Spectrum_Disorder_59nNyXPV.pdf
- ²¹ Productivity Commission 2017. NDIS Costs – Productivity Commission Study Report. Australian Government. October 2017.
- ²² See I CAN Network 2015. Submission to Victorian Parliamentary Inquiry into services for people with ASD. Available at https://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/58th/Autism/Submissions/S127_1_CAN_Network.pdf . See also, for example, the Project Search Model at www.projectsearch.us and the United States Vocational Rehabilitation state based programs, utilizing the TEACCH approach, see for example <http://www.acces.nysed.gov/vr/>