Comments from Australian Association of the Deaf to the HREOC National Inquiry into Employment and Disability

Australian Association of the Deaf (AAD) welcomes the Inquiry and the opportunity to comment and participate.

We appreciate the work that HREOC has put into developing its four Issues Papers. These papers are comprehensive in scope and we commend HREOC on its efforts to be thorough. We note the request that responses be made in terms of the questions set out in the issues papers. These questions are extensive and to answer them fully would involve a great deal of time and resources, which we do not have. Representative organisations like AAD are small and poorly resourced to meet demands that are heavy and continually increasing.

Therefore, a first comment we would like to make in our response to the issues papers is that government needs to provide better resources to representative organisations like AAD so that we are better able to respond to detailed inquiries such as the current employment inquiry.

In response to the issues papers themselves, we note that many questions overlap and many require detailed research that is better done by others. We therefore would like to make the following comments as a general response to various issues raised in the four issues papers:

Statistics

It would be useful to collect statistics about the number of people who use Auslan (Australian Sign Language). Statistics about people with disabilities do not generally distinguish between people who are hard of hearing/hearing impaired and those who are Deaf, but the differences are significant. People who become deaf later in their lives are fluent in English, but Deaf people's, native (or primary or preferred) language is Auslan. This difference is not well understood by the general community but is important because the access and communication needs of the two groups are very different. Hard of hearing/hearing impaired people generally need assistive listening devices and written English information, but Deaf people need communication and information provision to occur in Auslan.

Statistics about numbers of Auslan users can be collected in the census – the 2001 census included a question about language and it was possible to enter

Auslan as an "other" language. However, there are a number of problems that make the results unreliable:

i)   the question does not specifically state Auslan as a language option, so many people do not clearly understand that they can write Auslan in their answer;

ii)   the question relates to the use of "spoken" language, but Auslan is a signed language, not a spoken language, so many Deaf people do not understand that they can write Auslan in their answer;

iii)   the question relates to the use of Auslan in the home, but many Deaf people who live with hearing families may use Auslan outside the home but not actually in the home, and so many people do not understand that it is still relevant to write Auslan in their answer;

iv)   older Deaf people who use Auslan were indoctrinated in childhood to believe that Auslan is not a language and they have still not changed this mindset;

v)   many Deaf people (mainly young people who are still at school or who have only recently joined the Deaf community) use signed English rather than Auslan (most later go on to change their signing and use Auslan) and this causes confusion over whether or not they should answer the question;

vi)   many hearing people use Auslan, not just Deaf people, and there is no way to know from this question whether the Auslan user is a Deaf or hearing person; the Census needs to include a question that will identify the number of Deaf people as well as the number of people who use Auslan.

A more reliable method needs to be developed for collecting statistics about the number of Deaf people who use Auslan (and the number of hearing people who use it).

A study undertaken by Hyde and Power in 1991 identified some 15,400 Deaf people who use Auslan. This information is now out of date and the study needs to be repeated. In 2003 Johnston challenged this study and claimed that there are only about 6,000 Deaf people who use Auslan. The Johnston paper is now itself undergoing challenge, with several commentators asserting that his assumptions and methodology are inaccurate and narrow and do not cover the wider community of Auslan users; these challenges are expected to be published early in 2006.

The 2004 report by Orima Research to the Department of Family and Community Services on the Supply and demand for Auslan interpreters across Australia documented some useful statistics on geographic distribution, age, gender, educational qualifications, income, employment

status and industry of employment of Deaf Auslan users. This research was based on a sample of Deaf people but is nevertheless very useful.

Employment issues facing people who are Deaf and use Auslan

a) Education, and employment services

Many Deaf people do not get a good, or even a reasonable education. Not because they cannot be educated but because educators in all states continue to disregard evidence that the education system does not meet their needs. This has a huge impact on their employability, on others' perception of their employability, and on the type of assistance they need when they seek employment.

Information about assistance for job seekers is confusing for everyone, and it is even more confusing and incomprehensible to Deaf people who (a) are not fluent in English – the language used to provide the information, and (b) are not well enough educated to readily understand how to use the information even if they can understand it. Therefore one of the most pressing concerns for Deaf people is how to get information about where to get help to get a job.

In addition, many Deaf people need skills training in how to get a job. Their lack of education makes this training very difficult, especially if it is delivered by people who do not have a good understanding of their needs. It is best developed and delivered by other Deaf people who understand their situation and can empathise and communicate effectively with them.

Deaf people whose education has been very basic often do not have a good understanding of "hearing culture" or workplace culture and conflicts in the workplace can arise. There is no training in "hearing culture" for Deaf people – even Deaf people who supposedly grow up in the hearing culture often do not understand it because they have not had adequate access to communication.

b) Interpreters

Auslan interpreting is needed in a range of employment situations, for example:

- Job seeking
- Pre-service training
- On the job training
- Personal development courses
- Staff meetings
- Client contact
- Strategic planning meetings
- Interviews

Deaf people do not need interpreters full time in the workplace; they only need them for specific situations. However, there are a number of serious problems with interpreting:

- Shortage of interpreters. (As an example of the impact, a lot of interview opportunities are lost because interpreters are in short supply and an interpreter cannot be found at short notice and employers will not delay the interviews.)

- Skill level of interpreters. (Example of impact: a Deaf person has an interpreter for a professional development course but the interpreter's own educational level, experience and knowledge is not adequate to the information being conveyed. The Deaf person is unable to understand much of the information or participate in a meaningful way because the interpreter is unable to adequately interpret the information.)

- Cost. (Many training providers and employers will not accept responsibility for providing and paying for interpreters, including government employers at all levels, claiming the costs are too high.)

- Inefficient systems for booking and providing interpreters. (Current systems are based on a minimum 2 hour booking and interpreters physically attend the appointment. Many situations do not actually require this length of time but the full 2 hours fee still must be paid. Interpreters spend a great deal of time travelling from one appointment to another. The system does not take advantage of the efficiencies of remote video based interpreting.)

c) Access to telecommunications.

Deaf people need some adjustments in the workplace, particularly for telecommunications access. They need to be provided with a TTY, however TTYs are only available to people who are eligible for assistance from the Workplace Modifications Scheme, and not everyone is eligible. In the home, Deaf people can ask Telstra or Optus to provide them with a TTY instead of a normal phone handset at the same rental cost, but they cannot do this for their phones in the workplace.

In addition, TTYs are now old technology and are not compatible with many of the telephone systems now used in many workplaces. An Internet relay service would help solve this problem because an ordinary workplace computer with access to the Internet then can become the Deaf person's telephone access. However, in the draft Statement of Requirement for the National Relay Service for NRS operations in the next contract round, the Department of Communications, Information Technology and the Arts has included Internet relay only as a "premium" service. It needs to be a standard service and AAD has made representations about this to the Department. At the time of writing we have not heard any further information on the Department's decision.

d) Employer attitudes

As with other disabilities, most employers know very little about Deaf people or have incorrect ideas about them and are reluctant to employ them. Many also stereotype Deaf people – if they have had a bad experience with one Deaf person they assume all Deaf people are bad employees.

It is all very well to say that employers need to be educated. But who should be providing this education? Who should be funding it?

e) Promotion

Once in a job, Deaf people often find it difficult to gain promotions even though they are capable of doing higher level jobs. Indeed there have been cases of Deaf people actually doing the work of higher level jobs but not being given the positions or pay that should go with the work they actually do. This is often because (a) employers are prejudiced, (b) the Deaf person does not really understand the process and protocols of applying for promotions, and (c) their poor grasp of English makes it difficult for them to shine in the English-based application process.

Two things need to be done:

i)   The education system for Deaf people needs to change. Educators need to begin listening to Deaf people and to accept the evidence before them that the current system does not meet the needs of the majority.

ii)   There needs to be flexibility in the applications process.

f)   Hearing aids

Many Deaf people use hearing aids, but hearing aids are expensive and there is no financial assistance available to people of working age to purchase hearing aids. This creates a vicious circle for these Deaf people if they are unemployed – they need a hearing aid to help them communicate when they are seeking a job, but they need a job in order to be able to afford a hearing aid.

Solutions

There are a number of quite simple things that can be done now to improve the situation, but larger, longer term initiatives also need to be investigated. AAD would like to make the following recommendations:

a) Employment services and supports

- Deaf school leavers need to be given training in how to look for work, how to apply for jobs, interview techniques etc. Who should provide this? Schools? Centrelink? Job Network?

- Centrelink needs to give Deaf job seekers a clear explanation – beyond the normal explanations – about how the system works.

- Employment service providers need to have a real understanding of Deaf culture and "Deaf English" – ie they need to be able to explain things to Deaf people in Auslan and in culturally appropriate ways. It is best if employment consultants are themselves Deaf. General employment services and even broad-based disability employment services do not have a good understanding of Deaf people's needs. Many Deaf people need other Deaf people to work with them to help them into employment and they need services tailored to their unique needs.

- Training programs need to be developed specifically for Deaf job seekers.

- A system could be developed for part-time or casual work experience before moving into a full time job. This would give the Deaf person time to develop an understanding of the world of work – workplace rules, ethics etc.

- Intensive career analyses and assistance needs to be provided for some Deaf job seekers. For example, for apprenticeships, Deaf job seekers need a detailed explanation of what is involved and apprenticeship centres need more help in knowing how to work with Deaf people.

- Interpreters must be available at short notice for interviews and on the job. The use of remote video relay interpreting can help solve this problem.

- Job Network providers and general employment agencies need access to funding so that they can provide interpreters for Deaf job seekers. This could be linked in with a central national interpreting service for employment related interpreting.

- Most Job Network providers do not have accessible phones (TTYs) for Deaf people to use. An Internet relay service would help solve this problem – Deaf job seekers would then be able to use computers at Job Network offices to make calls via Internet relay.

- There are not enough specialist employment services for Deaf people, and the eligibility criteria for these services are too narrow. Most Deaf people need some help in getting a job, even if it is only to convince employers to give them a chance.

- Government needs to actively consult with Deaf people themselves and with specialist employment services for Deaf people, to design support services that meet their specific needs.

b) Interpreting

- The issue of the provision of interpreting for Deaf people both when they are seeking employment and when they are in employment needs to be properly investigated and appropriate solutions developed. While the question of how interpreting for these situations should be funded needs to be addressed, other issues that also have a significant impact also need to be addressed.

  In the meantime:

- In an effort to solve the problem of employers refusing to provide interpreters for on the job training, meetings etc, the Workplace Modifications Scheme could include interpreting.

c) Equipment

- The Disability Equipment program should be open to workplaces to provide TTYs for people in the workplace on the same basis as they are supplied to Deaf people in the home. Alternatively or additionally, Government could organise a centralised Workplace Equipment Program which could cover a wide range of equipment needs for employees and employers; this would also address the problem of employers not knowing where to go to get information and assistance to provide appropriate equipment.

- The time limit for applications under the Workplace Modifications scheme also needs to be reviewed and increased.

- The Workplace Modifications Scheme is only available to Deaf people who have received help from specialist employment and Job Network providers. Deaf people who are not eligible for specialist assistance or who find jobs for themselves also need help to obtain such support as TTYs and interpreters.

d) Education and assistance for employers

- Education for employers, including positive information about Deaf people as employees, eg that they often work harder and are very loyal because they know how difficult it is to get a job.

- Funding needs to be provided to cover the additional time and resources that are sometimes required to train or induct a Deaf employee or to train the employee's colleagues – this is preferable to incentive funding to "buy" the person a job.

- A new system similar to the New Zealand Workbridge program, where each Deaf job seeker/employee is given an annual amount of funding to use as appropriate to their situation (instead of incentives for employers) should be investigated. In addition, the Job Assistance Network (in the USA) system should be investigated.

- Government should lead the way and employ more Deaf people.

- Deafness Awareness training (Auslan courses, communication training, how to realise the Deaf person's potential as an employee) should be provided, especially for government bodies. A national centre could provide this training using accredited trainers. Trainers could be accredited, for example by AAD. Employment services should allocate funds to provide this training for employers. Other employers should be able to access a pool of funds to pay for it.

- Business needs to be encouraged to adopt diversity employment policies.

- Funding needs to be made available to consumer groups to provide community education – for both Deaf people and the wider community.

- Government could provide tax breaks for employers who provide reasonable adjustments in the workplace.

e) Assistance for Deaf people already in the workforce

- Deaf people already in the workforce need help to gain promotions. Often they do not know how to apply for promotions, how to "sell themselves" at interview etc. They need to be able to access Job Network training, or more preferably specialist Deaf training programs – at the moment they are not eligible to do this.

- English literacy skills are an issue for many Deaf people, both Job Seekers and those in the workforce. In many situations they can do the job but cannot write well in English. A service to provide an amanuensis could be provided and paid for in the same way as interpreters.

f) Discrimination
- There needs to be more flexibility in job design and in many workplaces, eg Army, Navy, Police. Deaf people should be permitted to work in many areas such as administration, community liaison police officers.

- Employers need to be encouraged to have affirmative employment policies (ie if two applicants are equally suitable and one is deaf or disabled, the job should go to the deaf or disabled applicant).

- In an effort to solve the problem of discrimination being hard to prove, a "watchdog" system could be established. For example, deaf people who believe they have been discriminated against should be able to report this to the watchdog and the watchdog then keeps a watching brief on the organisation concerned to identify whether there is a pattern of excluding people with disabilities.

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