

20 September 2004

Dr Sev Ozdowski OAM  
Acting Disability Discrimination Commissioner  
Human Rights and Equal Opportunity Commission  
GPO Box 5218  
Sydney NSW 2001

Dear Dr Ozdowski,

### **Possible public inquiry on employment and disability**

In response to your request for comment on a possible public inquiry on employment and disability, Australian Association of the Deaf (AAD) would like to urge you to undertake such an inquiry.

For people who are Deaf, we would hope the following issues would be among those investigated by a public inquiry:

#### **Unemployment**

As a general rule, the majority of Deaf people of working age are able to work and want to work, and the majority are in employment. However, the rate of unemployment is higher for deaf people than it is for the wider community. According to the (now a little old) Deaf Society of NSW 1998 study, *Hands Up NSW!*, 11.8% of Deaf people were unemployed at a time when the seasonally adjusted national average for unemployment (June 1998) was 7.6%.

There are a variety of reasons for this including a lack of access to education and training. A significant and, according to anecdotal evidence, increasing problem is misinformed and unfairly biased employers. For example, many Deaf people do have excellent qualifications and skills and yet fail to get jobs for which they are qualified because employers make erroneous assumptions based on their deafness. Common assumptions are that communication will be "too hard", that they "can't use the telephone", that engaging Sign Language Interpreters is "too expensive", or that they are a safety risk.

Occupational Health & Safety seems to be an increasingly used argument to not employ Deaf people, and an example of "over the top" OH&S regimes is the Deaf truck driver of many years experience and an accident-free record, who lost his truck license and was put on lower paid duties because of a new safety standard that required license holders to pass a medical examination which disqualified anyone with a hearing loss beyond an arbitrarily imposed specific decibel level. To our knowledge no "Deaf experts" were consulted in the development of this new standard. Doctors and audiologists surely are not

qualified to assess a person's abilities to undertake a whole range of occupations, or the inherent requirements of those occupations.

The following are comments from an employment service for Deaf people, made to AAD:

*The issue of safety (or perceived issue of safety) is one of the most inhibiting factors facing deaf jobseekers. Many employers are of the erroneous opinion that deaf employees are far more prone to injury and accident than hearing employees. "What if a brick falls off a building and hits them in the head" is the type of question regularly asked. Employers also believe that employing deaf people will affect their workers' compensation insurance premiums – a total fallacy.*

*Many employers have archaic attitudes about the level of employment deaf people can aspire to. Through ignorance, a significant percentage of employers believe that deaf people can only undertake manual, menial or 'back room' type roles.*

*The propensity for employers to stereotype is a significant barrier to employment for deaf people. "I employed a deaf person before and they did x, y, z... I'll never employ another deaf person again" – this is a quote that we hear ad nauseam.*

## **Underemployment**

The type of attitudes among employers as described above also leads to underemployment, a situation where Deaf people are in employment but working in much lower level positions than they are qualified for and capable of, and it is more difficult for them than their hearing colleagues to gain promotions. An example is the employee who had effectively been working at a higher level for a number of years but each time she applied for a position at that higher level she was unsuccessful because her English language skills made it difficult for her to complete the stringent and inflexible selection process.

This clearly is a waste of resources by employers, disadvantages the Deaf person and does not make good economic sense.

## **Low income**

The above situations have the result that Deaf people by and large are relatively low income earners and experience all of the problems of this characteristic.

## **Low qualifications and early school leaving**

The education system for Deaf people does not meet their needs: it does not provide an equitable and accessible education. Because the majority of deaf children are not exposed to Auslan early enough in their lives and consequently do not acquire a language to native fluency, and because the education system provides insufficient and inappropriate support and has low expectations of them, they leave school with poor language skills (in both English and Auslan) and a poor education. This has a flow on impact on their employment opportunities. Fixing the education system will help to fix problems in employment for Deaf people.

## **Discrimination**

Discrimination in employment for Deaf people is an on-going issue and has not been effectively addressed by current Equal Employment Opportunity policies or the *Disability Discrimination Act*. It is very hard to prove. For example, when a Deaf person does not get a job they applied for, employers need only say that “another person was better qualified” and the Deaf person has nothing on which to appeal, even though they may be certain they did not get the job because of a perceived problem with communication or some other reason as described above.

In addition, with the vast number of employers using recruitment agencies, they are able to hide behind an additional smokescreen to escape being called to account under these laws.

## **Interpreting**

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
- Skill level of interpreters
- Cost
- Refusal by training providers and employers to accept responsibility for providing interpreters, including government employers at all levels
- Specialist employment services have limited funds to meet the cost of providing interpreters, and generic employment services will not usually provide interpreters at all for their Deaf job seekers.

## **Telecommunications**

There is a perception that Deaf people cannot do a whole range of jobs because they “can’t use the telephone”. But there are a number of technological solutions to this, for example TTYs, SMS on mobile phones, email, Instant Messenger, on-line chat.

Many employment services and employers will not provide the type of telecommunications access that Deaf people need. There are different ways to approach this issue and different problems with different approaches, eg: Deaf people can rent a TTY from Telstra or Optus (depending on who provides their telephone line) for the same cost of a standard telephone rental at their home, but they cannot also do this at their workplace. One way to solve this problem is through changing the rules of the telecommunications Disability Equipment Program.

Specialist employment agencies for Deaf jobseekers can access funds from the Workplace Modifications Scheme to purchase TTYs or to modify the workplace as required. However, apart from the limited availability of these funds, jobseekers must be linked to a specialist service provider to access the funds; jobseekers who secure employment independently cannot access this assistance.

An additional problem is that TTYs only work with analogue lines. The increasing digitalisation of telephone lines is rapidly making TTYs obsolete in the workplace, with no comparable real-time technology to replace them. This is being addressed by an Australian Communication Industry Forum working party but progress is slow.

### **Support for Deaf job seekers**

The availability of specialist employment services that understand the needs of Deaf jobseekers is limited and unable to meet the demand.

There are large numbers of Deaf people who do not qualify for specialist support services and must use the general Job Network agencies. There they get next to no useful help because they are “too hard” and there is no incentive for the agency to do the extra work required to convince employers to give them a chance. So they fall through the cracks in the system.

These are the major issues we see affecting Deaf people in employment. Some opportunities that would enhance employment participation by Deaf people might be:

- Government leading the way and employing more Deaf people. Government used to be a major employer of Deaf people but is not now.
- Compulsory training, especially for government bodies (Auslan courses, communication training, how to realise the Deaf person’s potential as an employee)
- Encouraging businesses to adopt diversity employment policies – IBM is currently “the” Deaf-friendly company. “The” Deaf-friendly employer used to be the Tax Office.
- Community education led by consumer groups – but they need funding to do this.
- Funding to, for example, 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 funding to “buy” the person a job.

We trust that you will take these issues into account when considering the need for a public inquiry into employment and disability, and we urge you once again to undertake such an inquiry. We believe that much of the problem lies in a lack of public awareness and commitment to diversity in employment and we believe that a high profile public inquiry would go a long way to addressing the situation.

Yours sincerely,

Karen Lloyd  
Manager