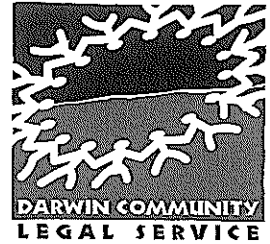


8 Manton Street Darwin
GPO Box 3180 Darwin NT 0801
phone: 8982 1111
freecall: 1800 812 953
fax: 8982 1112
email: info@dcls.org.au
website: www.dcls.org.au
ABN: 42 840 626 724



Ken Simpson
Commissioner for Public Employment
GPO Box 4371
DARWIN NT 0801

20/3/09

Re: Review: *Public Sector Employment and Management Act*

Dear Sir

The Darwin Community Legal Service (DCLS) provides advice and assistance to people on a range of issues, including welfare rights and disability discrimination.

In this context we are pleased to make a submission to the Inquiry into the *Public Service Employment and Management Act* and congratulate the NT Government on undertaking this review.

A copy of our submission is attached.

Yours sincerely

Dawn Lawrie JP
Disability Discrimination Advocate
Darwin Community Legal Service
17 March 2009



free legal advice and information • human rights and public interest law
residential aged care rights • disability rights • welfare rights • tenants' rights
Darwin Community Legal Service Inc.

Patrons: His Honour Mr Tom Pauling AO QC Administrator of the Northern Territory and Mrs Tessa Pauling

Darwin Community Legal Service

Review of the *Public Service Employment and Management Act*

Background

The Darwin Community Legal Service (DCLS) provides advice and assistance to people with a disability, including assisting them to prepare complaints of discrimination to the two agencies responsible for investigating and conciliating such complaints, the Human Rights Commission (HREOC) and the Northern Territory Anti-Discrimination Commission (NTADC).

DCLS also acts as advocate for people needing assistance in accessing goods and services, education, employment and access to public buildings.

Employment

One of the most sensitive issues for people with a disability is overcoming barriers to employment and training. These barriers include being "screened out" of interviews once it becomes known they have a disability, interview panels with little or no understanding of the way in which to assess an applicant's **ability** rather than focussing on the disability, and the reluctance of an employer to make a reasonable adjustment in the workplace (if necessary) to enable employment. Small business employers may be unwilling to take the first step in employing a person with a disability through fear of the cost of making a reasonable adjustment within the workplace, or simply because the employment opportunities within a small business are limited and may not suit the valuable expertise of an applicant. Similarly training opportunities within small businesses are often limited.

The Northern Territory Public Service

As the Northern Territory's largest employer the NTPS has not only a capacity to embrace diversity in its workforce, but a responsibility to offer a range of employment and training opportunities across the NT to the identified disadvantaged (EEO) target groups, *viz*: people from a culturally and linguistically diverse (CALD) background, people with a disability, indigenous people and women seeking senior management positions. In the past the Office of the Public Service Commissioner has had a unit assisting indigenous people to enter and receive training within the NTPS, an initiative of which it could be proud. There has also been training and mentoring for women such as the "Senior Women In Management" (SWIM) program.

"willing & able - a strategy for the employment of people with disabilities in the NTPS 2003-2006" was published by the Office of the Commissioner for

Public Employment with a Foreward from The Hon Syd Stirling MLA who was the Minister for Public Employment at the time.

This excellent publication outlined the NT Government's commitment to the employment and training of people with a disability within the NTPS including action to be taken, performance indicators, responsibilities and time frames for the implementation of the policy.

Anecdotal evidence suggests that since the passing of the date (2003-2006) and the subsequent lapse of the requirement for reporting by agencies there has been a lessening of employment and training for people with a disability within the NTPS. This perception has led to a belief that either the NT Government is not as committed as it was to its own policy or that the Office of the Commissioner has not been sufficiently robust in ensuring the policy initiatives are followed through and, if necessary, expanded.

DCLS recommends that as part of the review into the NTPS the employment and training of people with a disability be recognised as a core component of the Service, to be implemented from the framing of job advertisements through the interview and selection process across all agencies and throughout the Northern Territory. This is particularly important in regional centres where job opportunities in the private sector are limited and training options scarce.

It is noted that in the Commissioner's 2007-2008 Annual Report priorities for 2008-09 include

"Implement new arrangements which will be required after the intended change to the definition of merit to allow for consideration of the value diversity brings to the workplace"

It is further noted that government recognises people with a disability as being part of this diversity.

It follows that it is imperative that selection panels are fully aware of the EEO principles applying to people from diverse backgrounds, and it is preferable that at least one member of a selection panel reflect that diversity. Panels are not necessarily restricted to three members and can be expanded to include a person or persons reflecting the applicants' diversity in the event of one or more applicants being from an EEO target group.

This principle should follow through all aspects of employment within the NTPS – training for people with a disability to allow them to fulfil their potential is part of the equation but training for managers and supervisors on the application of EEO principles is equally important.

One of the issues which can be overlooked is that of barriers to the employment of the profoundly deaf. Wheelchair accessibility has rightly been considered a

basic right, but because deafness is not visible it can be difficult for deaf people to obtain the same level of acceptance and, if necessary, assistance. All of the public health studies into hearing impairment indicate that the Northern Territory has a high incidence of deafness and hearing impairment, particularly in indigenous communities. With OCPE's policy of employing and training indigenous Territorians it would be appropriate to have a specific program encouraging people with hearing impairments to apply for employment in the NTPS. It would also be appropriate to foster the training of Auslan interpreters within the NTPS - this could be done by offering a scholarship for Auslan training and the paying of an appropriate "language" allowance for employees using Auslan in their contact with deaf people.

DCLS is confident that the review of the NTPS will identify and address the issue of the employment and training of people with a disability as government policy, but without specific measures being undertaken to ensure implementation this policy alone will not be sufficient to ensure compliance.

DCLS believes that a publication such as the 2003-2006 "willing and able" is absolutely necessary to ensure the recruitment, training and retention of people with a disability within the NTPS.

The publication would be endorsed by the Minister and published by the Office of the Commissioner for Public Employment.

It would contain :

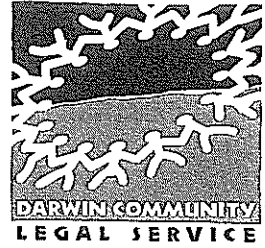
- **Action to be undertaken**
- **Performance indicators**
- **Responsibility for implementation**
- **Time frames**
- **Reporting requirements (such as in Annual Reports)**

Senior managers would be required to **demonstrate** their successes in implementing the policy as part of their performance appraisal/review/extension of contract or application for a senior position. This is not a new concept - it was used in the Australian Public Service where senior managers had to demonstrate their understanding and commitment to multiculturalism.

DCLS hopes that this enquiry into the NTPS will result in the employment and training of people with a range of disabilities, and congratulates the NT Government on undertaking this review.

COPY

8 Manton Street Darwin
GPO Box 3180 Darwin NT 0801
phone: 8982 1111
freecall: 1800 812 953
fax: 8982 1112
email: info@dcls.org.au
website: www.dcls.org.au
ABN: 42 840 626 724



Ken Simpson
Commissioner for Public Employment
GPO Box 4371
DARWIN NT 0801

Re: Review: *Public Sector Employment and Management Act*

Dear Sir

The Darwin Community Legal Service (DCLS) provides advice and assistance to people on a range of issues, including welfare rights and disability discrimination.

In this context we are pleased to make a submission to the Inquiry into the *Public Service Employment and Management Act* and congratulate the NT Government on undertaking this review.

A copy of our submission is attached.

Yours sincerely

Dawn Lawrie JP
Disability Discrimination Advocate
Darwin Community Legal Service
17 March 2009



free legal advice and information • human rights and public interest law
residential aged care rights • disability rights • welfare rights • tenants' rights
Darwin Community Legal Service Inc.

Patrons: His Honour Mr Tom Pauling AO QC Administrator of the Northern Territory and Mrs Tessa Pauling

Darwin Community Legal Service

Review of the *Public Service Employment and Management Act*

Background

The Darwin Community Legal Service (DCLS) provides advice and assistance to people with a disability, including assisting them to prepare complaints of discrimination to the two agencies responsible for investigating and conciliating such complaints, the Human Rights Commission (HREOC) and the Northern Territory Anti-Discrimination Commission (NTADC).

DCLS also acts as advocate for people needing assistance in accessing goods and services, education, employment and access to public buildings.

Employment

One of the most sensitive issues for people with a disability is overcoming barriers to employment and training. These barriers include being "screened out" of interviews once it becomes known they have a disability, interview panels with little or no understanding of the way in which to assess an applicant's **ability** rather than focussing on the disability, and the reluctance of an employer to make a reasonable adjustment in the workplace (if necessary) to enable employment. Small business employers may be unwilling to take the first step in employing a person with a disability through fear of the cost of making a reasonable adjustment within the workplace, or simply because the employment opportunities within a small business are limited and may not suit the valuable expertise of an applicant. Similarly training opportunities within small businesses are often limited.

The Northern Territory Public Service

As the Northern Territory's largest employer the NTPS has not only a capacity to embrace diversity in its workforce, but a responsibility to offer a range of employment and training opportunities across the NT to the identified disadvantaged (EEO) target groups, viz: people from a culturally and linguistically diverse (CALD) background, people with a disability, indigenous people and women seeking senior management positions. In the past the Office of the Public Service Commissioner has had a unit assisting indigenous people to enter and receive training within the NTPS, an initiative of which it could be proud. There has also been training and mentoring for women such as the "Senior Women In Management" (SWIM) program.

"willing & able – a strategy for the employment of people with disabilities in the NTPS 2003-2006" was published by the Office of the Commissioner for

Public Employment with a Foreward from The Hon Syd Stirling MLA who was the Minister for Public Employment at the time.

This excellent publication outlined the NT Government's commitment to the employment and training of people with a disability within the NTPS including action to be taken, performance indicators, responsibilities and time frames for the implementation of the policy.

Anecdotal evidence suggests that since the passing of the date (2003-2006) and the subsequent lapse of the requirement for reporting by agencies there has been a lessening of employment and training for people with a disability within the NTPS. This perception has led to a belief that either the NT Government is not as committed as it was to its own policy or that the Office of the Commissioner has not been sufficiently robust in ensuring the policy initiatives are followed through and, if necessary, expanded.

DCLS recommends that as part of the review into the NTPS the employment and training of people with a disability be recognised as a core component of the Service, to be implemented from the framing of job advertisements through the interview and selection process across all agencies and throughout the Northern Territory. This is particularly important in regional centres where job opportunities in the private sector are limited and training options scarce.

It is noted that in the Commissioner's 2007-2008 Annual Report priorities for 2008-09 include

"Implement new arrangements which will be required after the intended change to the definition of merit to allow for consideration of the value diversity brings to the workplace"

It is further noted that government recognises people with a disability as being part of this diversity.

It follows that it is imperative that selection panels are fully aware of the EEO principles applying to people from diverse backgrounds, and it is preferable that at least one member of a selection panel reflect that diversity. Panels are not necessarily restricted to three members and can be expanded to include a person or persons reflecting the applicants' diversity in the event of one or more applicants being from an EEO target group.

This principle should follow through all aspects of employment within the NTPS – training for people with a disability to allow them to fulfil their potential is part of the equation but training for managers and supervisors on the application of EEO principles is equally important.

One of the issues which can be overlooked is that of barriers to the employment of the profoundly deaf. Wheelchair accessibility has rightly been considered a

basic right, but because deafness is not visible it can be difficult for deaf people to obtain the same level of acceptance and, if necessary, assistance. All of the public health studies into hearing impairment indicate that the Northern Territory has a high incidence of deafness and hearing impairment, particularly in indigenous communities. With OCPE's policy of employing and training indigenous Territorians it would be appropriate to have a specific program encouraging people with hearing impairments to apply for employment in the NTPS. It would also be appropriate to foster the training of Auslan interpreters within the NTPS – this could be done by offering a scholarship for Auslan training and the paying of an appropriate "language" allowance for employees using Auslan in their contact with deaf people.

DCLS is confident that the review of the NTPS will identify and address the issue of the employment and training of people with a disability as government policy, but without specific measures being undertaken to ensure implementation this policy alone will not be sufficient to ensure compliance.

DCLS believes that a publication such as the 2003-2006 "willing and able" is absolutely necessary to ensure the recruitment, training and retention of people with a disability within the NTPS.

The publication would be endorsed by the Minister and published by the Office of the Commissioner for Public Employment.

It would contain :

- **Action to be undertaken**
- **Performance indicators**
- **Responsibility for implementation**
- **Time frames**
- **Reporting requirements (such as in Annual Reports)**

Senior managers would be required to **demonstrate** their successes in implementing the policy as part of their performance appraisal/review/extension of contract or application for a senior position. This is not a new concept – it was used in the Australian Public Service where senior managers had to demonstrate their understanding and commitment to multiculturalism.

DCLS hopes that this enquiry into the NTPS will result in the employment and training of people with a range of disabilities, and congratulates the NT Government on undertaking this review.