**Disability Confident Employers:**

**A Research Policy Report into Methods and Policies to Bring More Disabled People into Work**

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**Written for the Disability Employment Forum and Disabled Person's Assembly.**

*I would like to acknowledge the input of the Disability Employment Forum throughout this project, and to thank them for allowing me to work with them on this important subject. I hope that this project helps and informs strong policy for the future.*

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**Introduction and Outline**

Building and supporting the concept of ‘Disability Confident Employers’ is one of the goals of the Disability Employment Forum (DEF). This is because employment for disabled people is one of the most pressing issues currently facing the sector. The Disabled Persons Organisation Parallel Report to the United Nations' Committee on the Rights of Persons with Disabilities gives a strong evidential picture of the current state of affairs in Aotearoa. Workforce participation rates (43.6% compared to 70% for non-disabled people) and surveys have strongly indicated that prospects have not increased dramatically[[1]](#footnote-1), and with the 2008 recession, it is quite likely that the situation has deteriorated (although as the report points out, there is very little data on this). The reasons for this come down to the employers. Disabled people have the skills, the interest and the drive to work, but problematic attitudes abound and act as barriers to employment. Therefore, it is in attitudes and confidence that work and effort has to be focused.

‘Disability Confident Employers’ is one of the concepts that various stakeholders, service providers and Disabled Persons Organisation's (DPOs) have put forward as a framework for changing attitudes. There is uncertainty about what this specifically means in terms of the actions employers need to take, but the end goal is clear – Disability Confident Employers, with the skills, knowledge and attitude to employ disabled people will mean more disabled people in employment, and a strong, ongoing commitment to the principles of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Information is going to be a fundamental and important part of developing these ideas. Experience from across the globe, analysis of policies and practice in Aotearoa and critical examination of how to create disability confident employers is vital.

This report aims to inform readers of the evidence and thinking around Disability Confidence, drawing information domestically, internationally, and academically to provide a clear and practically useful picture for going forward. It should be read in the context of ongoing work in this area being done by several organisations, notably the DEF, to create and promote Disability Confidence in Aotearoa New Zealand.

The report will cover the following;

1. The theoretical and practical understandings that underlie the discrimination and inequality disabled people face in the economy.
2. Some of the problems faced by policymakers in this area, particularly around 'feedback fatigue'.
3. Defining the specific 'policy problem', and describing an analytical 'split' between the 'knowledge' problem and 'preconceptions' problem.
4. A case study of Australia's 'Jobaccess' website as an example of excellent techniques around the 'knowledge' problem
5. A case study of the United Kingdom's 'Disability Confident Campaign' to highlight potential pitfalls, particularly in respect to the 'preconceptions' problem.
6. Recommendations for policy in Aotearoa New Zealand.

**Background; Theoretical and Practical Underpinnings**

Two documents are central to disability policy in Aotearoa New Zealand; the UNCRPD and the Office for Disability Issues' 'Disability Action Plan'. They provide a basis for ongoing policy development and they are considered by the community and by the ODI itself as foundational. It is important to understand what these documents require in order to maintain a clear and cohesive focus for policymaking. The UNCRPD deals with employment in article 27, and requires signatories to not only protect the right of disabled people to work, but also to actively promote employment opportunities in the private sector as well. This is a higher demand than simply requiring non-discrimination laws, or providing state-run employment centers.[[2]](#footnote-2) The New Zealand Government, according to the 2014 parallel report to the committee on the UNCRPD, is very good at setting aspirations, in practice progress is slow and often the practical reality does not match official policy. In addition, the parallel report also stated that in employment, little has changed over the past decade or so, with the gap in employment still large, and there is a lack of good data around employment.[[3]](#footnote-3) The DAP is a 'full policy document', that is a publication designed for ongoing use by policymakers which made increasing the number of confident employers a priority. The actions which were attached to that priority focused on the government, however, and did not refer to DPO or provider involvement.[[4]](#footnote-4)

Employer attitudes form the basis of discrimination against disabled people in employment. The Human Rights Commission in their report “What Next? – A National Conversation on Employment” represented a major contradiction. On the one hand, employers “Treat employees as part of their extended family” and are enthused about the ability and performance of their employees, as opposed to being entirely focused on their bottom line. However attitudes of employers towards disabled people show a fear and unwillingness to employ them, for a variety of reasons.[[5]](#footnote-5) These include perceived issues around health and safety, unpredictability, connections and perceptions of consumers and staff, and perceived threats to profitability. There are too many for this report to study individually, although some specific examples will be used in Section 3 "The Policy Problem". It is ultimately, however, an exclusion based in misunderstanding and to some extent, ignorance. Clearly disabled people are excluded from this ‘extended family’ and find it hard to gain employment. This is a potential problem with legislative methods such as quotas or subsidies – it can serve to isolate disabled people from the social structures at work, and encourage employers to see them as a cost to be compensated for, not as an asset for their business.[[6]](#footnote-6) It is not necessarily financial incentives and changes that employers need, but a change in attitude and confidence. Therefore this study does not seek to solve these perception issues individually, but as a systematic whole.

This fits in with the academic understanding of disability and particularly with the social model of disability.[[7]](#footnote-7) Disability, as a social product, has the disadvantages that society places upon it: what disabled people 'can and can't do', how much disabled people 'cost' to employ, are all barriers that are perceived and socially constructed by employers. As far back as 1998[[8]](#footnote-8) sociologists have examined how the social construction of a workplace is closely linked to an employer's need to foresee and control costs. The perception of disabled employees costing more, even if it is false, can significantly damage the employment opportunities of disabled people.

**Feedback Fatigue and the Problems for Policymakers in the Disability Sector**

In order to realise the goals and aims of the UNCRPD, policies that closely interact with the disability community, both on an individual level and with DPOs and Providers, will need to be developed. The problems of perception previously mentioned cannot be solved by top-down policy development that excludes the input of the people it seeks to include.

Engagement is a critical component of policy, particularly in the disability sector. Both the UNCRPD and the DAP refer to the need to engage people in policymaking. Quoting from the DAP, the aim is to "*involve the right people, at the right time, in the right work"*. The policy literature agrees: solving issues such as employment for disabled people can be seen as 'Wicked' policy problems, open ended and complex, and so participation by stakeholders and citizens is very important.[[9]](#footnote-9),[[10]](#footnote-10) There are unintended consequences to this philosophy, however, in that with so much request for involvement, individuals in the disability sector can become fatigued with feedback and so end up not becoming engaged.

Originally, this project was going to include an attempt to concretize the ideal of 'Disability Confidence' by asking people in the community for their experiences in employment, to examine closely how they were able to navigate issues of disclosure, accommodation, and any other factors that may have been unexpected, or unknown by the existing literature. This was to be accomplished via a letter that was sent out to the community. Unfortunately, no responses came. It is valuable to realize the potential reasons why this has occurred, because if similar cases impact on the development of confidence policy, the process will miss out on the inclusion of Disabled People's voices.

What is clear from previous studies is that 'feedback fatigue' or 'research fatigue' happens when change resulting from the research is slow, small, and not clearly visible.[[11]](#footnote-11) Citizens need to feel that they are actually involved in the policy process, and not just a ticked box. One critique of the DAP is that for the majority of policy goals, the 'lead' is a government department, and for the most part, DPOs are involved in educating the community. To put it into policy terms, collaboration only seems to happen in 'Agenda Setting', where DPOs inform government agencies of what they feel needs to be done, and in 'Education'.[[12]](#footnote-12) Both of these processes are quite unidirectional and have limited chances of achieving realistic change. This creates a barrier for disabled people to be involved in government, despite the invitation to participate.

The same process may have been responsible for the lack of response on this project. The information about this project may have been lost among the common requests for input that the community goes through consistently, without the prospect of results. Likewise, should this 'fatigue' prevent disabled people from engaging with developing and implementing confidence policies, then the end result will be diminished.

**The Policy Problem**

Given what has previously been discussed, we can make a few statements on the 'policy problem' as it stands;

1. **Employment for disabled people is unacceptably low compared to the rest of the population**
2. **New Zealand is obligated, both by the principles of the United Nations Declaration on the Rights of Persons with Disabilities, and by the government's own Disability Action Plan, to encourage employment in the private sector**
3. **The reasons for the gap can be partially attributed to employers, as opposed to solely economic reasons. While the two interact, this report looks to the employers both as a source of the problem, and important to a potential solution.**

It is clear, therefore, that we need to increase the number of employers who will hire disabled people. 'Disability Confidence' is a very compelling way of understanding and promoting this. It focuses on the attitude, knowledge and interpersonal resources of employers, strongly situating itself in a social model of disability. More importantly, it implicitly supports the potential for change, by focusing on, in a sense, 'upskilling' the employer.

During this project, it has been necessary to see the 'disability confidence' problem as two interconnected, but still distinct areas of analysis; the 'knowledge' problem, and the 'preconceptions' problem. The reason for this analytical split is in order to allow for a response that can work on a broad scale, as opposed to solving one aspect of the problem and not others. As will be shown more clearly in the case examples below, the two areas of analysis do have different effects and require different responses.

The 'knowledge' problem is based around a lack of understanding of how to accommodate disabled people, or a lack of knowledge around obligations and rights. Seeking accommodation during the employment process is currently difficult for many disabled people, and some employers are more likely to turn applications down when requests are made.[[13]](#footnote-13) An uncompromising attitude towards time management is perceived as a barrier for disabled people, and some employers believe that disabled people will be unable to fit into the modern 'workday'.[[14]](#footnote-14) Some employers, particularly in the 'heavy' sector, feel that they can't employ people with disability, alongside people with mental health issues because of 'health and safety', believing that their duty as an employer to promote safe workplaces precludes hiring them. The legislation in fact just asks for them to take all practical steps, essentially another way of putting 'reasonable accommodation'.[[15]](#footnote-15) There are many more instances of knowledge-lack throughout the problem, and the common thing behind it is that there are answers available. Understanding how to easily work flexible and accommodating hours into the workday, the actual risks, responsibilities and support for employers who want to make their workplaces safe, and methods for directly asking all applicants what accommodations are needed (not if, since non-disabled people also often require some accommodations) are not complex issues to understand. The prime problem for 'knowledge', therefore, is finding how to get that information to employers.

The 'preconceptions' problem is much more complicated, difficult, and political. As with instances of racism or sexism, the phenomenon of 'ableism' is not as simple as blind prejudice, but a complex interaction with the society we live in. Those who score highly on 'Social Dominance Scales', or 'Right-Wing Authoritarian' scales have been found to be the most opposed to expanded rights and support for disabled people.[[16]](#footnote-16) Attitudes that prioritize the status quo and strict hierarchal social values also tend to place disabled people at the bottom of the pile, and attribute the problems that face disabled people to their own impairments. In addition, people who have little contact with disabled people tend to hold attitudes that blame disabled people for their own employment difficulties.[[17]](#footnote-17) This is influenced by a extraordinarily broad range of social actions, from media to political speeches, and as the case study will show below, a flaw in this area can be a crippling blow to policies that try to solve the problem.

**Case Study 1: The Experience of the United Kingdom**

The U.K's 'Disability Confident' campaign began in July of 2013, focused upon employers and helping them to become 'disability confident'. It was officially 'kicked off' by a large-scale event run by the Government, with the Prime Minister introducing and essentially giving the business case for employing disabled people, followed up by similar speeches from business leaders and other government figures.[[18]](#footnote-18) This has been accompanied by a slew of promotional material involving 'case studies' that highlight individual cases of 'disability confident' employers.[[19]](#footnote-19) They have released a long guide on 'employing disabled people'[[20]](#footnote-20) The key aim appears to be for employers to share and promote 'best practice' when it comes to employing and supporting disabled employees. Similarly to Aotearoa New Zealand, this campaign came in the wake of studies and surveys that showed the primary barrier to disabled people getting into employment was from employer attitude. [[21]](#footnote-21) While on the whole, the image of the campaign looks successful, with highly professional websites and promotional materials, there are some significant issues that have led to problematic outcomes.

In order to gain a 'ground level' understanding of the issues, I sent out emails to a small selection of around 5 DPOs and providers in the U.K., to inquire about how the confidence campaign has impacted them and the state of support for disabled people. I received two responses, one from a DPO and one from an employment-related provider. The responses I received are utilized liberally in this section, however because many of these organisations need to work alongside government in their own projects, correspondence carried with it an expectation of anonymity. Therefore I will not be referencing their names, simply noting where the information was gathered through such correspondence.

In the first instance, the campaign launch was notable for being primarily an affair between the government and employers. There was almost no involvement at the launch of Disabled People's Organisations, apart from a few employment service providers, and from the correspondence the campaign would appear to have been developed almost entirely in-house, that is by the government without DPO or provider inclusion. This is backed up by a survey through disabled news sites such as http://disabilitynewsservice.com/ [[22]](#footnote-22). 2 years worth of articles were briefly examined for mention of co-production or significant consultation, but none were found. The strategy appears to be one of government announcement, and community response. This is most strongly evident in articles dealing with the employment 'strategy' announced by the government.[[23]](#footnote-23) Policies and strategies are formulated within the government with little to no consultation and then presented as 'the agenda'. Responses from DPOs and experts goes largely unheeded. This conflicts with the desire for disabled people to have a say in the policies that effect them. In addition, by not acknowledging the experience and sector knowledge that DPOs have, government campaigns miss out on having the best information around what disabled people need, what attitudes need to be changed, and the networks and pathways that already exist.

The promotional material supplied by the disability confident campaign carries some strong messages. For example, the "great minds think differently" poster stresses the business case for employing people with mental illness specifically, and while it is short, the language it uses is one of capability and productivity. The case studies, however, have a problematic theme; most of them are either government departments or businesses that actually work in the disability sector. While any business becoming disability confident and employing more disabled people is a good thing, when the promotional material focuses on these kinds of workplaces it implied that these are the only places that can become disability confident. Having said that, there have been exceptions. KPMG[[24]](#footnote-24) is one of the largest professional service companies in the world, and is far from being 'in the disability sector'.

What ultimately matters is the change that is seen, and unfortunately by statistical and empirical measurements so far, the disability confidence campaign has been a failure. A particularly damming report from the Employers Network for Equality and Inclusion (ENEI) found that unconscious bias against disabled people was at least 8% higher now than before the 2012 Paralympics games, a time period that includes the disability confident campaign.[[25]](#footnote-25) Correspondents within the United Kingdom felt that this was due to government rhetoric, especially around the use of words such as 'skiver', and the stressed market making employers even less likely to take on perceived (even if false) risks. One poignant quote;

*" I think you could learn much from the UK’s attempt, in terms of how not to do it! Firstly it needs to be led by an organisation which doesn’t also denigrate disabled people to the point of a sharp rise in disability hate crime. Secondly it needs to be led and informed by employers and disabled people themselves (no need for politicians to be involved at all, unless they are going to do something genuinely helpful), and thirdly we need to recognise that if there are far fewer jobs than there are people needing jobs, no amount of “disability confidence” is going to help!"*

**Case Study 2: 'Jobaccess' website in Australia**

"jobaccess.gov.au" began in Australia in 2006, with the aim of supporting disabled people into work through the education of employers.[[26]](#footnote-26) It is a large database of information, designed to be easily understood and searched by prospective employers. It covers methods of reasonable accommodation, disclosure, support mechanisms that both employers and disabled people can use, along with a plethora of other information. As a policy aimed at solving the 'knowledge' problem, it works as a very strong example.

The business case it puts forward for employing disabled people is very clear; disabled workers are more productive, take less sick leave, improve morale and human management practices, and the employers gain access to free advice and recruitment services.[[27]](#footnote-27) It explains how making reasonable accommodations will actually increase productivity and staff capabilities.[[28]](#footnote-28) It even has a comprehensive rebuttal of many of the myths around disability, informing employers, for example, that insurance costs for disabled workers are actually lower than the rest of the population[[29]](#footnote-29), that 20% of the Australian Population have some form of disability and how that improves and increases a business's customer base, or that disabled employees have lower rates of absenteeism than non-disabled workers.

The bulk of the website's material is around comprehensive information about impairments and mental illnesses, giving employers direct and clear information on how to bring them into the workplace. An employer can go to the 'accommodation tool'[[30]](#footnote-30) to choose from requirements, information about specific disabilities, products that support disabled employees and employers, and suppliers and services. If, for example, an employer had a prospective employee with bipolar disorder, and wanted information on emotional support in the workplace, they could use the tool to be directed to a page[[31]](#footnote-31) which gives information on discussing emotions, and further directs to strategies about emotional support.[[32]](#footnote-32) If the employer then wanted more general information on depression and how to deal with it in the workplace, they could use the tool to be directed to another information page that directly informs the reader of services available and how to access them.[[33]](#footnote-33)

The website also covers government services in great detail, giving an A-Z list accessible directly from the interface, from Advocacy Services to Wage Subsidies.[[34]](#footnote-34) Other information that one can come across very easily using this service is; 'how to create a disability action plan'[[35]](#footnote-35), sign language training for coworkers[[36]](#footnote-36), and case studies supporting disability confidence.[[37]](#footnote-37)

The website is tied into a call centre, which fields questions from users where the website is unable to answer their questions, as well as work with the user to utilize the information correctly. This resource means that the website is not a monolithic source, and is able to be responsive to changing requests.

In short, jobaccess is an excellent resource for employers and disabled people alike, and is an example of good 'e-governance' in information sharing. It won the United Nations Public Service award in 2008[[38]](#footnote-38). How effective it has been in supporting disabled people into work, however, is very much up for consideration. The statistics covering the period of the websites introduction shows no appreciable increase in employment up to 2009.[[39]](#footnote-39) More recent data is unavailable, and is certainly something that needs to be rectified, but given the case both in Aotearoa and the United Kingdom previously discussed, it would be surprising if the data had changed significantly in the past 5 years.

The reasons for this are more difficult to ascertain. The website would appear to be reasonably popular and widely used; enough at least to utilize a call centre dedicated to it. It is possible that it has not been marketed to the right employers, and it would be worthwhile to explore in more detail methods both the Australian and other governments have used to advertise their resources. From the U.K. evidence it is possible to draw the same conclusion; the government has not embarked on a campaign to change media perceptions, and the political/social climate is similar, therefore it is reasonable to suggest that the 'preconceptions' problem is the primary culprit.

**Conclusions and Recommendations**

The inequality that disabled people face in the economy is unacceptable, and encouraging a higher level of disability confidence is an excellent step towards solving that problem. The problem is not so easily solved, unfortunately, and it will take work to accomplish. Having split the problem into two parts, "knowledge" and "preconceptions", it can be hoped that two policy responses can be designed, to achieve a holistic, radical and wide-ranging change. The recommendations made below are speculative, but considered based on the evidence previously discussed. More complex work will need to be done before implementation, and this should not be seen as an endpoint of analysis. There are other international situations to consider as well, especially in Scandinavia and Canada. The choice of Australia and the United Kingdom was on the basis of what they could tell us about the possibilities and pitfalls.

The "knowledge" problem is perhaps the easier of the two to work with. For the most part, it is a case of information flow: policy needs to ensure that the right information gets to the right people quickly and easily. The jobaccess website gives a good start on how to present and distribute the information, and the similarities between Aotearoa New Zealand and Australia are numerous enough that as a baseline, it can be used here. **Government agencies, service centers and DPOs should utilize jobaccess on a regular basis when explaining disability confidence, and the worksite Disability Action Plan guide it provides can be adapted for use domestically as well.** Eventually, New Zealand agencies need to adapt and develop a similar project to be shared across government, and potentially create similar call-centre resources. Beyond this, employers need to be engaged by DPOs to educate themselves and their colleagues on disability confidence. The DEF has excellent interpersonal resources to do this, and should be supported by government to lead the way with employers. It is important that the 'movers and shakers' of this process are employers and DPOs together, as opposed to government agencies, because they are the groups who have repeated, lived experience of the issues. In addition, it is not enough for this education to only happen in one subset of employers. Small, mid-sized and large employers need to be engaged with. This education can happen in a number of methods. Simple workshops that bring together employers using existing networks (such as Business New Zealand or BNI chapters) are a good tool. Case examples, where employers document and share the process they have gone through, will also be a powerful method of education, particularly if they utilize existing media resources. All of these need to happen at a single contact point, preferably built by DPOs, Providers, business leaders and government together, so that individual employers know where to go in order to get all of the information and knowledge support they need, and to provide a unified 'marketing' campaign to disseminate this information. Therefore, **an 'education project' should be operationalized, as a single contact point both for employers to go to, and to go out to employers, to make sure that confidence information, knowledge and skills are spread widely.**

The second problem, of 'preconceptions' is much more difficult. Overt and unidirectional 'attitude' campaigns are not enough to change people's minds. The United Kingdom study shows in particular how campaigns that use all the right language, and are highly resourced, can be ineffective in changing public opinion when in a negative context. Attitudes to disabled people are a product of complex political and social factors, but at the it comes down to the process of valuing people that society goes through. If beneficiaries are being exploited and portrayed as 'skivers', if politicians continue to use derogatory language, if news media continues to reduce explanations for violence to mental illness alone, it will be exceedingly difficult to have real change. The solution for this has to cover all of government and community. Firstly, **disability issues need to be considered in all areas of government business, and one way of encouraging that would be to have the Minister for Disability Issues within cabinet, able to bring that perspective into all high-level decision-making**. This is not a platitude; cabinet makes decisions across all of government business, and is one of the few areas that gets around the isolation of departments, therefore having the Minister for Disability issues inside cabinet can go some way to insure that disability issues are covered across all government business. Valuing people on short and shallow statistical tools presents the danger that disabled people will be forgotten or considered worth less effort, which in turn contributes towards the negative preconceptions of disabled people. **Tools such as the 'better public service targets' should be changed away from overly statistical goals, and government should try to develop analytical tools which promote the individual value of everyone, including disabled people.** DPOs need to be more closely involved in both the media and policy, and resourced to do that. These are admittedly radical changes, but even if the specific ideas here are not implemented, the philosophy of valuing people needs to be considered widely.

There are a lot of areas that still need to be examined, both within this sphere of disability confidence, and in the wider government approach to disabled people. Finding the right ways to market to and engage businesses in disability confidence have to be, to an extent, trailblazed here in Aotearoa New Zealand, especially in navigating the divide between providers/DPOs and the government. Further studies that can go in-depth into relationship-building between community and business will help to point the way. For example, Scandinavian nations may be able to provide case studies to link business and community. This project focused on the two countries with similar cultural and political dynamics as Aotearoa New Zealand, but future work can and should take on a wider remit. The 'preconceptions' problem is going to be a standing and continual problem for a long time, and future study can focus on that as well. Asking questions on wide societal change, how to alter the way the media depicts vulnerable or different groups of people is a task that needs to be taken on. The specifics of how to actually create analytical techniques that value people is difficult, and cannot be solved by one report; there needs to be a literature built up on techniques by which government can do this. This project contributes a few insights and some recommendations that could be beneficial, but finding the 'solution' to disability inequality in society is a much larger, and important task.

**List of Recommendations**

1. **Government agencies, DPOs and Service Providers should use jobaccess.gov.au in their day-to-day operations**
2. **Employers should be encouraged to build Disability Action Plans in their own workplaces.**
3. **An education project should be run, lead by the Disability Employment Forum and Business New Zealand, to inform and upskill employers to be disability confident**
4. **This project should cover a wide range of businesses, and should utilize already-existing networks.**
5. **A 'whole of government' approach needs to be taken with disability issues, starting with having the Minister for Disability Issues being in cabinet.**
6. **Highly statistical evaluation tools should be phased out in preference for holistic measures that value people.**

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