## Submission by Workbridge New Zealand

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## Who is Workbridge Inc?

1. Workbridge Inc (Workbridge) is a disabled person governed and led service organisation in Aotearoa New Zealand. Our Constitution states that our object is, “to enable disabled people to participate and experience equal opportunities in the labour market.”
2. Founded in 1931, Workbridge has a proud history of service to both employers and disabled people.
3. For the last 12 years, Workbridge has been led by chief executives who identify as disabled people. Currently, our Council President and Board Chair are disabled people, and our Chief Executive is a disabled person.
4. Workbridge has been at the forefront of thought leadership on the employment of disabled people since our founding. Over time, we have led advocacy for changes in public policy to reflect evolving attitudes towards the self-determination and growing choice and control exercised by disabled people.
5. That desire for self-determination is reflected in our current Constitution. Even prior to the adoption of the CRPD, Workbridge adopted a Constitution that ensured that disabled people controlled the organisation. Our Council, the supreme governing body of Workbridge, must comprise a majority of disabled people. It includes representatives of DPOs, the union movement, human resource professionals and the business sector.
6. Workbridge has long established relationships with peak business organisations in Aotearoa New Zealand such as Business NZ and the Chambers of Commerce.
7. We fulfill our Constitutional object by:

Contracting with the Aotearoa New Zealand Government to provide supported employment services in the open labour market

* Advocating for a less disabling society that lowers barriers to participation in the open job market
* Identifying new business partnership opportunities for services that result in disabled people gaining work.

1. Workbridge has previously submitted to the United Nations Committee on the Rights of Disabled people as part of the New Zealand Disabled Persons Organisations (DPO) Shadow Report 2014 providing comment upon Article 27[[1]](#footnote-1)

## Aotearoa / New Zealand context

1. In Aotearoa New Zealand disabled people account for 24% of the population, at the 2018 Census, NZ Disability Survey totalling 1.1 million people.
2. Only 42.5% of 15–64-year-old disabled people were employed compared to 78.9% of non-disabled people.
3. In Aotearoa New Zealand we are experiencing a disability employment crisis. To increase employment opportunities for disabled people, State driven actions are needed.
4. Further underscoring the disability employment crisis, young disabled people have a NEET[[2]](#footnote-2) rate of 42.3% compared to a NEET rate of 10.6% for non-disabled people.
5. The failure of disabled people to gain and maintain employment represents a social, economic, and moral failure. Workbridge asks the committee to make strong recommendations for State Driven action to fully implement Article 27.

## The language of Disability in Aotearoa New Zealand

1. Workbridge supports the current consensus, based on advice from the New Zealand Disability Strategy Revision Reference Group, for the use of the term "disabled people”.  In future, it is possible the disability community may decide to revise the way to describe themselves.  If this happens, the language can be changed to reflect this.[[3]](#footnote-3)

## Our submission

1. In general, Workbridge supports the normative content of the General Comment on Article 27 there are some comments that we would like to make for the consideration and the Committee.

* Workbridge will provide comment on the following normative content of the General Comment on Article 27 of the CRPD.
* Article 27 (b) part II: Applying health and safety considerations in a non-discriminatory way,
* Article 27 (h): Affirmative action programs and special attention to disabled people who are particularly excluded from the labour market
* Article 27 (i): The obligation to provide reasonable accommodation in the workplace and the denial of reasonable accommodation as a form of disability-discrimination, including in recruitment processes

## Article 27 (b) part II: Applying health and safety considerations in a non-discriminatory way

1. Aotearoa New Zealand Government research confirms that only 3% of employers perceive Health & Safety to be a barrier to hiring disabled people.
2. Workbridge, in collaboration with Allen & Clark, reported in 2016 that many of the risk-based perceptions held by employers about hiring disabled people were in fact misconceptions, which reinforces research conducted by Deloitte in Australia in 2011, that:

“Many employer concerns about recruiting disabled staff are myths. A Deloitte report (2011) looking at Australia found that the cost of recruiting disabled employees was generally lower, productivity equal or greater and disabled people had better attendance, lower health and safety issues than non-disabled staff”

1. If an employer applies Health and Safety legislation to a person with a disability as a reason not to employ, an employer is not applying just and favourable working conditions to a disabled person on an equal basis with others in a non-discriminatory way, and a remedy should be available to the person with a disability.

## Article 27 (h): Affirmative action programs and special attention to disabled people who are particularly excluded from the labour market

1. In the policy document, Policy that Works[[4]](#footnote-4) released in 2020, Workbridge argues that: “…Government should encourage the hiring of disabled people by preferring to do business with disability service providers who employ disabled people in leadership roles”
2. Workbridge believes if this practice is put in place two important objectives will be achieved. First, governments will use the power of procurement to positively influence disability employment, and secondly; by preferencing disability employment service providers this will promote the leadership of disabled people in employment which is a key goal.
3. Workbridge believe States Parties should be encouraged to procure in a manner that takes account of inclusive practices, such as physical and online accessibility. If Government contracts are in jeopardy due to these factors, it provides a significant incentive to remediate the issue.
4. The Aotearoa New Zealand Government has referenced social procurement in the Disability Employment Strategy ‘Working Matters’ [[5]](#footnote-5) making reference to exploring options. Workbridge encourages States Parties the use the power of procurement in an active manner to positively influence procurement policies and practices, with data kept of the impact that these practice changes make upon the employment of disabled people.
5. Workbridge encourages the Committee to investigate the Social Procurement Framework[[6]](#footnote-6) implemented in the State of Victoria, Australia.
6. Social procurement is when organisations use their buying power to generate social value above and beyond the value of the goods, services, or construction being procured.
7. This framework seeks to incentivise all suppliers and supply chains to adopt and maintain fair, inclusive and sustainable business practices. The private sector plays a vital role in providing direct employment for people from disadvantaged communities, and in providing employment opportunities that are gender equitable and inclusive of persons with disability.
8. Specifically, by providing supportive employment opportunities to people with moderate to severe disability. Under this framework, the Government encourages engagement with Victorian Australian Disability Enterprises that offer award-based pay rates for all staff.

## Article 27 (i): The obligation to provide reasonable accommodation in the workplace and the denial of reasonable accommodation as a form of disability-discrimination, including in recruitment processes

1. The Aotearoa New Zealand Government made the following observation in the Response to the Second and Third Periodic Review of New Zealand

The CRPD’s definition of ‘reasonable accommodation’ is already recognised in NZ law and NZ courts have applied it consistently with Article 2, CRPD[[1]](https://auc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DUS&rs=en%2DUS&wopisrc=https%3A%2F%2Fworkbridgeinc.sharepoint.com%2Fsites%2FSeniorLeadershipTeam%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F3d3a849c24a94a5cb36f5a4052304cea&wdlor=c52994F23-F018-4E85-B60D-BD0AF938A426&wdenableroaming=1&mscc=1&hid=D6C51C1E-5B4F-438E-BBEA-D7AE23520A76&wdorigin=Outlook-Body&wdhostclicktime=1638311871983&jsapi=1&jsapiver=v1&newsession=1&corrid=9fa15b86-e737-04a6-2e1a-356048cbbf2a&usid=9fa15b86-e737-04a6-2e1a-356048cbbf2a&sftc=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&preseededsessionkey=566a4b03-0c46-b59d-0cfe-d6a2468b5709&preseededwacsessionid=9fa15b86-e737-04a6-2e1a-356048cbbf2a&rct=Medium&ctp=LeastProtected#_ftn1). NZ also has guidelines on reasonable accommodations[[2]](https://auc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en%2DUS&rs=en%2DUS&wopisrc=https%3A%2F%2Fworkbridgeinc.sharepoint.com%2Fsites%2FSeniorLeadershipTeam%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F3d3a849c24a94a5cb36f5a4052304cea&wdlor=c52994F23-F018-4E85-B60D-BD0AF938A426&wdenableroaming=1&mscc=1&hid=D6C51C1E-5B4F-438E-BBEA-D7AE23520A76&wdorigin=Outlook-Body&wdhostclicktime=1638311871983&jsapi=1&jsapiver=v1&newsession=1&corrid=9fa15b86-e737-04a6-2e1a-356048cbbf2a&usid=9fa15b86-e737-04a6-2e1a-356048cbbf2a&sftc=1&mtf=1&sfp=1&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush&preseededsessionkey=566a4b03-0c46-b59d-0cfe-d6a2468b5709&preseededwacsessionid=9fa15b86-e737-04a6-2e1a-356048cbbf2a&rct=Medium&ctp=LeastProtected#_ftn2).

1. Workbridge, as an organisation that works with thousands of employers every year would like the committee to know that one of the most frequent question that employers pose to Workbridge staff is in relation to the reasonable accomodations required to sucessfully place a disabled person into employment.
2. We ask the committee to recommend that a more comprehensive education program is implemented to both the public and private sectors to create better understanding of what reasonable accomodation is, and is not.
3. Workbridge thanks the Committee on the Rights of Persons with Disabilities for providing the opportunity for Civil Society organisations such as Workbridge to submit on the General Comment. Workbridge is committed to creating employment opportunities for disabled people in Aotearoa New Zealand and welcomes the General Comment in furtherance of that goal.

[[7]](#footnote-7)

1. <https://www.dpa.org.nz/store/doc/DPO%20Shadow%20Report.pdf> [↑](#footnote-ref-1)
2. Not in Education Employment or Training https://www.stats.govt.nz/news/forty-two-percent-of-disabled-youth-not-earning-or-learning [↑](#footnote-ref-2)
3. <https://www.odi.govt.nz/home/about-disability/disability-etiquette/> [↑](#footnote-ref-3)
4. <https://workbridge.co.nz/wp-content/uploads/2021/10/WB0032-Policy-That-Works-Manifesto-V3.pdf> [↑](#footnote-ref-4)
5. <https://www.msd.govt.nz/documents/what-we-can-do/disability-services/disability-employment-action-plan/working-matters-2020-spreads.pdf> [↑](#footnote-ref-5)
6. <https://www.buyingfor.vic.gov.au/social-procurement-victorian-government-approach#suppliers-that-provide-inclusive-opportunities> [↑](#footnote-ref-6)
7. Guidelines on reasonable accommodations include: the Independent Monitoring Mechanism’s “Reasonable accommodation guide focussing on persons with disabilities”, and Government guidelines for employers and employees which are available from the Ministry of Business Innovation and Employment, the Office for Disability Issues and the Ministry of Social Development’s websites. [↑](#footnote-ref-7)