

# SUBMISSION

**To Disability Employment Taskforce**

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**National Disability Employment Framework: Issues Paper**

**From the Australian Human Resources Institute**

**13 July 2015**

On behalf of its 20,000 members, the Australian Human Resources Institute is pleased to respond to the invitation from the Taskforce to contribute to the first phase of the government consultation on the National Disability Employment Framework.

AHRI has a longstanding interest in disability employment. We have conducted periodic surveys of our members that resulted in research findings that we published in 2011 and 2013. We have also published material within our stakeholder network on the issue, in addition to contributing to discussion on the matter in the mainstream media.

We have largely come at the issue from the employer perspective and so, in addition to the public interest issues that relate to improving the workforce participation of certain disadvantaged groups within the Australian population, we have focused on demand-side issues that we believe are in the interests of our member constituency with respect to the search for talent and competitive advantage.

For the purposes of responding to this Issue Paper circulated by the Taskforce, our submission will focus mainly on the areas in which we have experience in relation to the discussion questions that have been set out in the Paper. We note a broader consultation is scheduled for August-September when the Taskforce will issue a Discussion Paper, and we expect to contribute to that.

For a more complete outline on the mission and organisation structure of AHRI, please see the 'About Us' section of the website: <https://www.ahri.com.au/about-us>

## Questions

- What can improve employment outcomes for people with disability?
- What can help reduce barriers for people with disability seeking employment?
- What can help reduce barriers for employers hiring people with disability?
- How can we promote the benefits of employing people with disability?
- What more can be done to assist people with mental illness to find a job?
- What more can be done to support people with mental illness in the workplace?

AHRI's involvement as a stakeholder in the area of disability employment has not been on the supply side. We have had no direct involvement with the provision of employment services for job-seekers, nor the government system which oversees and manages those services.

Our interest derives from the knowledge that many of our members are committed to workplace inclusion and diversity personally, and likewise a number of the organisations for which they work are interested in the value proposition of employing a workforce that reflects their customer base and that also maximises the pool from which they can attract and select the best people in the interests of boosting competitiveness.

Yet we also know that for many employers, the issue of employing people with disability is caught up with general community attitudes about disability, many of which are ill-informed and involve notions of stigma.

### **The war for talent, employer governance and workplace risk**

Workplace studies on this subject that we conducted in 2011 and 2013 show that among other stigma issues related to the employment of people with disability, is the workplace perception, rightly or wrongly, that they pose a risk to the organisation that employs them and that employing them could be costly.

Not surprisingly, those perceptions feed into the mindsets of people who hold those views and amount to significant barriers for people with disability who seek employment.

Without making a judgement on the merits or otherwise of that perception, it would appear that a case exists for appropriate management and governance oversight in an area of business that contains the possibility of being risk prone with respect to customers and co-workers, and also costly to the business.

In the case of listed companies and government departments and agencies, we would contend that mandatory reporting on progress made in this area would indicate that businesses take the matter seriously.

To a requirement to report on risk issues, we would add the advisability of those bodies reporting in a 'light touch' manner on what they are doing with respect to the employment of people with disabilities, and in particular on the matter of employee disclosure.

### **Disclosure and workplace disability**

According to the Australian Bureau of Statistics in 2009, more than one million working Australians with disability were in paid employment. Assuming that number is made up of employees who disclose their disability, to that number can be added an unknown number of employees working in Australia whose disability is not disclosed either to the world at large, to their work colleagues or to the managers of the organisation that employs them.

Successive Australian Public Service Commission *State of the Service Reports* comment on the decreasing representation of public sector workers with disability (from 6% to around 3% in recent years), a representation which is premised on an unknown level of non-disclosure; that is, on the stated belief that there are considerably more people working in the public service with a disability than the official figures reveal.

The APSC is conscious of a management obligation with respect to reporting data on employees with disability and has authorised various management advisory committees to oversee the issue over time, with limited success.

An organisation cannot oversee the employment of people with disability if it does not know who those unidentified people are, or what risk their undisclosed disability might contain with respect to themselves, their colleagues, the organisation or its customers.

In recent months, we have both published articles on this matter, as AHRI Chairman & National President and CEO respectively. One article appeared in *The Weekend Australian* and the other in the *Australian Financial Review*. The links to the articles are set out below and the full copies appear as Appendices 1 and 2.

[Workplace mental health requires a far better response](#), Peter Wilson, *The Australian*, 20 June 2015

[Mental illness disclosure in businesses needs to be reviewed](#), Lyn Goodear, *Australian Financial Review*, 24 April 2015

We would like to refer to these two articles to indicate ways in which organisational governance on disability employment can be improved, barriers to employment of people with disability could be reduced, and employment outcomes improved.

In summary, both articles argue that many examples of mental illness, whether temporary or permanent, fall into the category of disability that is not observable at any given time and may well go unnoticed in the workplace most of the time or all of the time, or may reveal itself without notice at inopportune moments.

In addition, a significant but probably fewer number of cases of physical disability are not immediately observable and therefore many go undisclosed. We might refer in passing here to the case of Bill Moss, the former real estate and banking executive at Macquarie Bank, who headed up the Macquarie Group's \$23 billion property portfolio and retired \$40 million better off in 2007. Moss said he would never have been employed had he revealed at the outset that he suffered since he was 10 years of age from facioscapulohumeral dystrophy, a disability that has finally put him into a wheelchair but was still not noticeable to an observer at the time of his employment 25 years earlier.

The Bill Moss story is well documented, and includes this item from the *Australian Financial Review* (see Appendix 3):

<http://www.afr.com/news/policy/industrial-relations/rallying-call-from-the-heart-20110125-j4v8v>

The Moss case also illustrates that organisations which mindlessly discriminate against employing people like Moss, simply because they have a disability, needlessly exclude themselves from the competitive marketplace for the best talent.

The work that bodies such as the Australian Network on Disability (AND) do with like-minded employers in sharing and showcasing the successful employment of people with disability is evidence that there are employers who understand the need to widen the pool in order to secure the best people. That said, we hasten to add that those organisations are in a minority.

### **Risk and training**

*The Australian* article (see Appendix 1) by Peter Wilson proposes that, given the high likelihood of employees being touched by a mental health episode at some point in their working lifetime, responsible workplaces have an obligation to fulfil their duty to provide a safe and healthy workplace.

The article notes that the response to a fellow employee suffering a psychotic episode is more likely to result in the police being called than an ambulance, where if appropriate training were provided for co-workers to respond in such cases, either a more timely response could be taken or appropriate assistance could be sought on the spot before matters get out of control.

Peter Wilson sees the need for more adequate response capability being a board of directors and senior executive responsibility.

### **Workplace culture and disclosure**

*The Australian Financial Review* article (see Appendix 2) by Lyn Goodear proposes that workplaces which encourage disclosure of mental illness in particular and disabilities in

general, are workplaces that take workplace risk and health and safety seriously and also understand the power of a positive workplace culture with respect to generating employee trust, engagement and high productivity.

Because there are inherent limits on the capacity to cite cases of non-disclosure, the *AFR* article refers to the fictional case of a central character in the US television series ‘Homeland’. The case is an example of an employee with a serious bi-polar disability. Her condition on the one hand is one that needs to be personally managed by daily medication, and on the other is a condition that enables her to perform at a higher level as an intelligence operative than her colleagues who do not suffer from the condition, and she is recognised and relied upon as a top performer by her superiors.

However, out of fear of losing her job she does not disclose her disability to the managers who employ her and who have come to rely on her continued high performance and good judgement. That fear is fully justified and so she also needs to source the medication she requires covertly so her employer is not alerted to her condition. A number of things can go wrong in such a situation, and they do at considerable cost and risk to life.

As an aside to amplify this fictional case, AHRI conducts annual awards that include a disability employment award. A winner of that award in recent years was Calamity Monitoring, a business that has a high-level capability in relation to monitoring frail and aged-care customers. The company took the strategic view that, like many office jobs, the work it offers is perfectly suited to people with disabilities. It did not adopt a corporate-social-responsibility position on the issue, nor did it make a humanitarian gesture but simply formed the view that it represents good business, and is a model other businesses could follow. Calamity staff members often have a level of empathy which benefits customer service and overall quality. In other words, it sees disability as an employment advantage, in a similar way that the ‘Homeland’ employee had an advantage. The contrast, however, is that disclosure is not an issue at Calamity Monitoring because the company openly expresses a preference for employees with disability.

### **The Germanwings co-pilot case**

The Wilson and Goodear articles both cite the case of the Germanwings co-pilot Andreas Lubitz, suggesting he who may have been prevented from crashing his plane into the Alps and killing 150 people had there been a training regime in place that alerted colleagues to any strange co-worker behaviour and/or a culture that encouraged disclosure without penalty, and that also guaranteed discretion and confidentiality. As it was, no one in Lubitz workplace appears to have known about his mental health history and accordingly Lufthansa went on record having certified him 100 per cent fit to fly. He clearly wasn’t.

We are mindful that the notoriety surrounding that case may well make employers more cautious about employing people with disability than they already are, but we would contend that a more appropriate response is the type of response that accepts the reality of

the scale of the real numbers of people with physical and mental disabilities either in the workforce or applying to enter it.

Such a reality check should shift employer thinking towards the creation of workplace cultures that openly encourage disclosure about disability by existing employees as well as openly stating in job advertisement that applicants with a disability should feel free to disclose the fact in the job application, and if they do, they will be treated as special cases with respect to the application process. That would mean flexible allowances, if appropriate, being made to the recruitment process to accommodate the disability which is disclosed. That is not to say that such applicants would be given an advantage over other applicants because of the disability, but having taken steps to level the playing field, their disclosed disability would not count against them in assessing their competitive capability to perform the role advertised.

We are conscious also that this is not a universally shared view on disclosure. Indeed, the well regarded mental health advocate, Ruby Wax, argues against disclosure. The writer of this British article takes up that perspective and offers an opposing view (see Appendix 4):

[http://www.theguardian.com/commentisfree/2015/jul/06/mental-illness-stigma-ruby-wax-work-employers?CMP=ema\\_1364](http://www.theguardian.com/commentisfree/2015/jul/06/mental-illness-stigma-ruby-wax-work-employers?CMP=ema_1364)

### **‘Soft-touch’ reporting**

For the two reasons cited above (to acknowledge the business risks involved in non-disclosure and to maximise the pool of talent available to business) the model proposed by AHRI is that listed entities and government departments should be required to report on the matter.

We hasten to add that we do not mean reporting on progress towards meeting a quota or a targeted number of employees with disability. Such a mechanism would be counter-productive as it would jeopardise confidentiality and discretion, and risk leading to negative outcomes such as naming and shaming. However, by reporting more generally on ‘light-touch’ matters such as developing a policy to encourage disclosure or on improving the workplace culture in the context of disability employment, we would see organisations putting related objectives on their radar and setting KPIs to meet them.

We would see this requirement happening in listed companies in the first instance, which would require an amendment to the Recommendations and Guidelines made by the ASX Corporate Governance Council. Despite our members resistance to additional regulation, we have taken this ‘light-touch’ idea up with the Council and regard the issue as worth pursuing.

## Questions

- Can we improve support for people moving out of ADEs into open employment?
- How can ADEs operate as viable businesses?
- Are employers aware of these supports?
- How can supports help achieve long-term employment for people with disability?
- Are the support needs of large employers different to the support needs of small employers?
- How can we encourage more engagement between employers and people with disability?
- What other supports or approaches could increase employment participation of people with disability?
- In what way do you think the NDIS can support employment outcomes for people with disability?
- What do you think we can learn from the NDIS to improve job services for people with disability?

Having been an observer of, rather than a participant in, the disability employment services system for the past decade or so, AHRI is not ideally placed to comment on its operation other than to note the outcomes of the service.

Set beside the significant expenditure over that time in the order of many billions of dollars, it would appear that the return on investment has been modest, with the numbers of Australians drawing on disability support pensions over that period remaining constant at around the 800,000 - 900,000 mark.

A part of the problem from the perspective of our member survey intelligence on the demand side, can be put down to a lack of awareness of the range of services on offer to employers, including awareness of services related to meeting the costs of reasonable adjustment, subsidies for certain placements, and assistance in sourcing and placing candidates.

The other part of the problem has to do with reputation. Our member feedback indicates that the disability employment service suffers from the practice of some service providers who seek to place job-seeker candidates in positions for which they are not suited, simply to secure a placement. HR practitioners, and line managers who they advise and assist, are invariably looking to fill positions with the best candidates, not just any candidates, and are keen that the knowledge, skills and attitudes of candidates are consistent with the requirements of the position to be filled. The malaise of random placement may well derive from a welfare bias on the part of some providers or a system-driven approach to secure quotas, rather than a business-centred bias to satisfy employers, but they are short-sighted biases because counter-productive practices rebound on employers and job-seekers alike whenever an avoidable but nevertheless unsuitable placement is made. And when that happens the reputation of the service is further damaged, such that some employers refuse to use it and look to source disability applicants through their own recruitment avenues.

That said, alternative ways to conduct the system and distribute the money are well overdue and we are gratified to note that the present Minister, the Hon Senator Mitch Fifield, is looking to a market share option that places clients of the system in the foreground rather than contracted service providers intent on meeting quotas.


## Further contact

We appreciate the opportunity that the Taskforce and the consultation will be providing to look more closely at the options that are proposed during the course of the year, and await the forthcoming Discussion Paper with considerable interest.

If the Taskforce wishes to contact AHRI further about this submission, please do so in the first instance through Paul Begley, the National Manager, Government and Media Relations, on 03 9918 9232 or 0402 897 884 or email [paul.begley@ahri.com.au](mailto:paul.begley@ahri.com.au)

A handwritten signature in black ink that reads "Peter Wilson". The signature is written in a cursive style with a large initial 'P'.

Peter Wilson AM  
Chairman

A handwritten signature in black ink that reads "Lyn Goodear". The signature is written in a cursive style with a large initial 'L'.

Lyn Goodear  
Chief Executive Officer



# Appendix 1

## Workplace mental health requires a far better response

PETER WILSON, 20 JUNE 2015

**A recent case at a major Australian airport saw an infrastructure utility employee suddenly leave work distressed, get into his car, drive through a carpark barrier, and pile into a bollard.**

The worker abandoned the car and ran into a security area, where he set off alarms and was apprehended by guards.

The worker later reported experiencing a psychotic attack in which he believed he had to escape being chased by evil pursuers.

Co-worker interviews later revealed the man had been acting strangely prior to the incident, but no-one knew what to do about it.

That situation could have been much worse, but possibly avoided with a few hours of mental-health training designed to assess symptoms of anxiety and emerging psychosis. Dare it be said, but greater mental-health training for the Germanwings co-workers of Andreas Lubitz may have prevented what happened on Flight 4U9525, before he crashed into the Alps in March, killing 150 people.

The statistics on mental illness should be enough to make any manager sit up and take notice. But the dominant reactions within organisations seem to be knee jerk or tick-a-box in nature, rather than reflecting a wake-up call that comes from an understanding of the incidence of mental illnesses already occurring on the job and how to deal with them.

Twenty per cent of workers suffer a mental-health illness each year, three million experience moderate anxiety or a mild depressive state, while another 650,000 experience a severe episode stemming from schizophrenia, bipolar disorder or severe depression. A further 65,000 experience a severe psychosocial disability.

Adding up the last two means there is a good chance your workplace will experience a serious mental-health episode. Over a working lifetime 40 per

cent of us will be touched by some form of mental illness, which means we will all share in the knock-on effects.

Half of mental-health conditions emerge by age 14, and three quarters by 25. Mental illness is present from the beginning of a working life, and developing a pervasive response capability cannot be left in the too-hard basket.

The Australian Human Resources Institute has evidence from focus groups on workplace health and safety, but most is directed to detection and training of physical and operational risk issues. A psychological or mental condition usually leads to a hands-off, delayed referral to an offsite employee assistance counsellor, or a clinical psychologist.

In fulfilling their duty to provide a safe and healthy workplace, boards and senior executive groups risk being blindsided by the physical side of work, and miss its mental-health dimensions.

In the past 10 years there has been much progress on alerting us to mental-health issues. Inroads have been made on stigma directed at anxiety, but less so with psychosis and depression.

The primary response to a psychotic event in most workplaces is to call the police rather than an ambulance. That is regrettable because most responses could be handled internally on the spot.

The evidence is that most businesses are running on empty with their mental-health response capabilities. Our government highlights the need to do in a potential terrorist, but too little attention goes into helping those who suffer from mental illnesses to deal with the sudden outbreak of terror in their own heads.

*Peter Wilson is chairman of the Australian Human Resources Institute.*

THE AUSTRALIAN

## Appendix 2

# Mental illness disclosure in businesses needs to be reviewed



Those with mental illnesses do not want to tell employers.

by **Lyn Goodear**

24 April 2015

The incident involving a Lufthansa co-pilot who allegedly took control of his Germanwings plane and crashed it into a mountainside in the French Alps, killing all 150 passengers on board, has lent new urgency to old questions about mental illness and disclosure.

Disclosure is one of those words that signify honesty, transparency and openness. Members of boards disclose a personal interest prior to decision-making, and listed companies pre-emptively disclose matters that may affect the market. For most people, disclosure is a word that is free of negative connotations.

Unless, that is, you have something you do not wish to disclose. If you are a person suffering from a mental illness and you are looking for a job or are keen to keep your job, any mention of disclosure to an employer is likely to inspire dread.

You know that if you don't disclose and workplace problems arise related to your illness, you risk being accused of deceit or culpable secrecy. You know also that if you disclose in the recruitment phase, you are almost certain not to succeed in

getting the job even if your credentials are the best on offer. You know you will be judged on your disclosed disability rather than your demonstrable capabilities.

A little over a year ago, the organisation I lead made a submission to the ASX Corporate Governance Council on potential revisions to the guidelines and recommendations the council routinely makes to member companies. The submission noted our research, which indicated the existence of a workplace perception, rightly or wrongly, that people with disability pose a potentially costly risk to organisations that employ them.

Without making a judgement on the merits or otherwise of that perception, we argued a case exists for appropriate management and oversight of the corporate risk, and that a "light-touch" reporting regime would amount to evidence that listed companies take the matter seriously.

In addition, we noted the diminishing representation of employed people with disability in successive Australian Public Service Commission State of the Service reports. We accepted the stated view that the numbers were not as bad as they looked because of an apparent high level of employee non-disclosure within the public service.

## **RISK**

While we were not able to cite actual cases of non-disclosure in our ASX submission, we speculated prevailing organisational cultures would be likely to have a bearing on employee readiness to disclose a disability that is known to the person but would otherwise go unnoticed by their colleagues or by management. Primary among that type of disability are cases of people with a mental illness.

We concluded workplace cultures which make it difficult to disclose are cultures that contain within them a degree of governance dysfunction, and potentially expose the organisation to serious risk.

To illustrate, we referenced a fictional case. Carrie Mathison is the central protagonist in the US television series Homeland. Her case is a credible example of an employee with a serious bi-polar disability. While her condition needs to be personally managed by daily medication, it is also a condition that enables her as an employee to perform at a markedly higher level as an intelligence operative than her peers who do not suffer from the condition.

However, fear of losing her job prevents her disclosing her condition to her superiors who have come to rely on her outstanding performance level and uncanny judgement. Because her fear is fully justified, she sources her medication covertly to avoid alerting her employer to the condition. A number of things can go wrong in such a situation, and inevitably do. Circumstances separate her from the source of the medication for a period, and what was a potential workplace risk becomes real risk, and contributes to a national security crisis.

## LIGHT TOUCH

Exposure to that type of risk, we proposed, would be forestalled were management to take responsibility for the creation of workplace cultures that encourage disclosure, and to report the fact within a "light-touch" context. Disclosure would not need to be made to co-workers or to the world at large but only to management which could ensure appropriate monitoring and so avert the need for cover-up activities to ensure knowledge about the condition was protected. That way, employee privacy would be maintained and employers would be in a better defensive position, in the event of an untoward incident, to show proper oversight was foreseen and exercised.

A Euronews report last week indicated the German Federal Aviation Office had "no information" about the co-pilot's history of depression before giving him a licence to fly commercial aircraft, while Lufthansa stated bafflingly it had met "its duty to provide information to the LBA", and insisted the pilot "had been certified 100 per cent fit to fly".

With an estimated one in five Australians likely to suffer a mental health issue at some time during their lives, I suggest it is timely the governance and reporting issues relating to mental illness in workplaces are revisited at appropriately senior levels in the private and public sectors.

*Lyn Goodear is the chief executive of the Australian Human Resources Institute*

The Australian Financial Review

# Appendix 3

## Rallying call from the heart

by **Fiona Carruthers**

25 January 2011

Rarely do you hear a former Macquarie Group executive lamenting the lack of blue-chip job opportunities for people with disabilities and ethnic minority groups. Up until 2007, Bill Moss headed Macquarie Group's \$23 billion property portfolio and was revered as one of the toughest, meanest operators in town.

As former head of real estate and banking for Macquarie Group, where he worked for almost 25 years, he retired from the millionaires factory four years ago with \$40 million for his trouble.

These days, Moss has little truck with the ruthless corporate sector to which he once subscribed.

"What do you need to change corporate culture?" Moss barks over a glass of water in the Suisse Hotel in Sydney's CBD. "We have a paradigm in this country where we don't discriminate: every CEO will say 'we don't discriminate'. But we all know we do discriminate! Go around the business community – you don't see a lot of Sikhs, Muslims, Aboriginals – or people in wheelchairs or people who are blind or employees with some simple mental deficiencies.

"The question is why? How many board directors do you see with disabilities? Why aren't they out there – can't they make decisions? Could they have done a worse job leading into the GFC than the ones already there? It's the same issue women had 20 years ago."

There's a ready explanation why the fearsome money maker has turned industry critic. Since childhood, Moss has suffered a rare condition known as facioscapulohumeral dystrophy, or FSHD. Symptoms appeared from age 10 and have steadily worsened.

Throughout his teenage and early adult life, Moss learned to live with the throwing of his legs; with not being able to close his lips properly, as well as the constant joint, tendon and muscle pain.

In 2007, he retired from Macquarie Group when treatments necessary to manage the pain – physiotherapy, acupuncture and chiropractic – affected the time he could devote to work. He left Macquarie and established a boutique funds management and advisory company, Moss Capital, directing his personal profit share to supporting international research into FSHD. But would he have been quite so altruistic had he not suffered FSHD?

"If you ask around town, everyone says: 'Oh Bill's tough – he's as tough as it gets.' A lot of people have said I never realised while I was at Macquarie that many colleagues were too scared to talk to me because they were intimidated. I am certain my disability made me even tougher on other people.

"But it's a very fine line and there's a whole other side to that toughness. It's a different image when you can't get out of bed or do simple things. It is an awakening. There's a point in your life where you change. It's not nice getting emails from individuals with FSHD who say: 'I'm thinking of committing suicide because I can't take it any more.' "

For lobbyists in this sector, it's like gaining a steel-plated chief executive of Disability Inc. Rarely does someone with such insider knowledge, business acumen and high-level connections take an interest in the 1.8 million Australians who have trouble getting a job or undertaking educational training due to a physical or mental impairment.

"It's obviously very rare, if not unique, to have someone so high up the corporate ladder with a disability – it's only through a combination of unusual circumstances that Bill had the chance to prove his worth before his physical disability became apparent," says Sue O'Reilly, mother of a disabled son, and head of the lobby group she co-founded in March last year, Australians Mad as Hell. Within six weeks, more than 10,000 people – and counting – had pledged their support to the group.

"There's a huge amount of discrimination against people with physical disabilities," O'Reilly says. "People have extremely strong innate assumptions that if you have a disability, you are automatically mentally inferior."

Moss still marvels that no savvy politician has tapped into this massive community and sought to own the space. Given some 2 million Australians are caring for a loved one with a disability, it represents a formidable slice of the electoral pie. And achieving a fair go for those battling a disability is an issue with the power to link voters nationwide.

While people with disabilities and their carers have never enjoyed prime media real estate, the situation could change this year, considering the escalating cost of services.

The most recent figures from the Organisation for Economic Co-operation and Development's division for employment, labour and social affairs show that since 2004, the number of people claiming disability benefits in Australia has exceeded those on unemployment benefits.

Australia's public spending related to sickness and disability makes up 15 per cent of all public social spending – substantially above the OECD average of 10 per cent.

A revised forecast of Disability Support Pension (DSP) expenses contained in the 2010 Mid-Year Economic and Fiscal Outlook shows the estimate of total support payments has been revised up by nearly \$900 million for the next four years.

About \$9.5 billion is spent on DSPs each year, and as of June 30 this year, 792,581 people claimed the DSP. This figure has risen by about 30 per cent over the past decade, with the biggest jump after the global financial crisis.

A brave new world is on the horizon when the Productivity Commission reports its recommendations for the National Disability Insurance Scheme in July 2011.

The commission is considering the "feasibility, costs and benefits" of replacing the current system of disability services with a new national "care and support scheme".

The proposed national scheme would consider the projected cost of long-term essential care and support, also taking into account the desired and potential outcomes for each person over a lifetime.

Moss is among many eagerly awaiting the finding. In the meantime, he has his own solutions. "The federal government is going to hit a brick wall mid-way through 2011," Moss says.

"That's when the results from the Productivity Commission will be known – and it could affect a whole lot of things, including the way people are supported for a lifelong disability. The government is going to have to make a decision – do we adopt a national disability insurance scheme? Can we finance it? What does it mean for average Australians? It will be the catalyst for a lot of lobby groups to tackle governments."

At present, the system is complex and people with disabilities can claim a number of payments from various state and federal agencies. Approval of a national disability insurance scheme is widely viewed as an important building block for a viable, long-term national financial strategy.

"My argument is, if more corporates employ people with a disability, fewer people will require insurance," says Moss. "We have to change the paradigm. Whether it's indigenous people or people with disabilities, the one thing you need to do to make a difference is give them jobs."

Moss is proposing the government consider imposing a target on the top 500 ASX companies that people with a disability should comprise 3 per cent to 5 per cent of their workforce. Increasing or lowering payroll and/or company taxes could be used as penalty or reward for those who fall short or exceed the quota.

"Financial penalties are the only way you are ever going to get serious debate on the issue at board level," says Moss. "We need a new space. All these corporations like PricewaterhouseCoopers and Macquarie Group have their private foundations they donate money to and the foundations have separate boards – and that's all very nice. But these foundations don't find solutions. I would say scrap the foundations and start being part of the solution. Business and government need to work together. I put out a challenge: Are Gail Kelly and Westpac going to be part of the solution? Is she going to tell the board of Westpac:



'We need to review our employment policies for people with a disability?' Is Ralph Norris going to do it – what is the Commonwealth Bank's policy? Are they actively trying to help the economy by hiring more people with disabilities? They bank people with disabilities – they take their money. Why not employ them too?"

Executive director of the University of Sydney's Brain and Mind Research Institute, Ian Hickie, nods in vigorous agreement. It's an argument he's been mounting for years.

The professor points to the fact that the casualisation of the jobs market has contributed to a long-term trend of the public service employing fewer people with disabilities. The rate of employment for people with a disability in the Australian Public Service was 3 per cent in 2009 (or 4566 employees), compared with 6.6 per cent in 1986.

"There's a strong relationship between youth with mental health issues and unemployment," says Hickie. "They develop the least impressive employment record then struggle for the rest of their lives – not only to keep getting health services, but also to find employment. The social and economic cost is astronomical. They never build a job record and then they are lost. It's an old saying in mental health circles, you don't get well to go to work – you go to work to get well. Employment should be part of the cure."

The depth of the problem recently hit home to Moss, who is looking to hire young guns with real estate funds management experience for Moss Capital.

"I'd love to employ someone with a disability, but I can't think of anyone I know in the funds management industry that has a disability to employ. They never got to first base in the first place. That's the problem. If there's anyone out there, please call me."

*The Australian Financial Review*

## Appendix 4

# Should you tell your boss about mental illness? Absolutely

[Eleanor Morgan](#)

Ruby Wax's advice threatens to reverse the progress many employers have made on this delicate issue

If you become mentally ill, don't – whatever you do – tell your boss. That's [Ruby Wax's advice](#). The comedian and author, who was recently awarded an [OBE for her services to mental health](#), told the Times: “When people say, ‘Should you tell them at work?’, I say: ‘Are you crazy?’ You have to lie. If you have someone who is physically ill, they can't fire you. They can't fire you for mental health problems but they'll say it's for another reason. Just say you have emphysema.” Mental illness, she added, “is like the situation used to be with gay rights. Like being in the closet, but mental illness is now the taboo instead.”

For Wax, a prominent advocate of mental health awareness and visibility, to tell those of us who experience a mental health problem – one in four in the UK each year – that we're still stigmatised seems a significant regression. Because as a nation we've got much better at not looking on those with mental health problems as weird.

Yes, there's still no true parity between physical and mental healthcare in this country, and rates of suicide continue to increase. Clearly, many of us are still ashamed of reaching out when we're not feeling right, and fear being judged, or what it means to become mentally unwell.

I can attest to the fear of being thought of as The Mad One –  
that I am my anxiety, and my anxiety is me

Yet attitudes are improving. If a colleague struggles with anxiety, we're less likely now to describe them as “a bit nutty”, drawing an imaginary spiral near our temple. I'm writing a book about anxiety, and the general consensus among the psychologists, psychiatrists and GPs I've spoken to is that the discourse is evolving – even if it feels like the pace of change is glacial. There is tangible optimism, even within a sector of the NHS that has [come apart at the seams under public spending cuts](#), that people are more open about how they feel in their heads.

What certainly won't help is campaigners such as Wax – who has [battled depression over the years](#) – telling us to keep our mouths shut or, worse, lie about our illness.

Mind, the mental health charity, has made openness in the workplace one of its primary aims. Its research suggests that [a culture of fear and silence around mental health represents a cost to employers](#). Of the people Mind surveyed, one in five said they take days off work with stress; one in 10 had resigned from a job because of stress; one in four had considered resigning due to stress; and one in five felt they couldn't speak to their managers about stress. Over half of employers said they'd like to do more to improve staff wellbeing, but felt stuck due to a lack of training or guidance.

This suggests that most employers, however clumsy at reacting appropriately when staff tell them they are under pressure, want to get better at looking after people. Wax is right to say that an employer can't fire anyone for mental health problems – but on what grounds can she claim they'll find an excuse to fire you for “something else”? What experience would a wealthy, successful woman –with no line manager to answer to about sick days or compassionate leave – have to back up her “you have to lie” advice?

Here are the facts: it's illegal to be dismissed from your job because of a mental health problem. The [Equality Act](#), bringing together the laws that were found in the Disability Discrimination Act, Race Relations Act and Sex Discrimination Act, protects people from discrimination on the grounds of disability. If you have a mental health problem you may not think of yourself as disabled, but if it has a significant impact on your day-to-day life for a period of time, it will probably be considered a disability under this law. It's a very detailed law, but Mind provides a legal briefing about how it works.

Most important, an employer should not treat you unfavourably because of a disability, and must make “reasonable adjustments to work practices, and provide other aids and adaptations” – for example, being flexible about hours, and temporarily allowing you to work part-time, or have a period of sick leave with the clear reassurance that you are still valued as an employee. If you feel as if you've been fired under the cloak of “something else”, chances are you will be protected.

Wax's remarks tap into the fear that being mentally unwell is an absolute: a tattoo on our very self. She might be happy for her struggle with depression to be a significant

part of her identity, but many who live with, say, an anxiety disorder can have a nauseous fear that their problems will eclipse every other part of their character.

I can attest to the fear of being thought of as The Mad One. When a close friend said recently, with affection, that I was “nutty”, it tapped into a nagging insecurity – that I am my anxiety, and my anxiety is me. Because I am also a successful, capable person with, I think, heightened levels of empathy that come from my own struggles, accepting that I have a predisposition to being anxious has helped me get better.

Everyone has “mental health” because we’re highly evolved animals with big, complicated brains, and we all have undulating reserves for the stresses of life. As Mark Salter, a consultant psychiatrist, told me recently, “becoming mentally ill isn’t a full stop in a sentence – it’s a comma”. No one is 100% “well” all the time, but unless the stigma is challenged with openness the wider conversation will never change. Anyone who has experienced mental health problems will remain “other” and we’ll stay stuck in awkward loops of shame.

We should really just be talking about “health”, full stop – there needn’t be a separation of brain and body. In discouraging people from telling employers they’re unwell – because that’s what depression or anxiety is, a blip in our overall health – Wax is feeding the very stigma she’s warning against.

So tell your boss if you’re struggling. Ask for time off. Be honest and try not to lie. You don’t just owe it to yourself to get back on your feet (or, to use Dr Salter’s metaphor, to carry on with your sentence) – you owe it to the next person. Secrecy doesn’t help. The cold reality of the suicide statistics proves it. What Wax has said is backwards-looking, pessimistic and dangerous. She should know better.

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