



**Limbs 4 Life™**  
Empowering Amputees

# **Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability**

**Submission Issues Paper:  
Employment**

**August 2020**

**Making a real difference together**

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## Definitions

Amputee	A person living with limb loss, due to the absence or surgical removal of a limb or limbs
Assistive technology	Adaptive, and rehabilitative devices for people with disabilities or older persons to assist them to lead independent lives
EAF	Employment Assistance Fund
Limb deficiency	Congenital absence of a limb at the time of birth
Limb loss	Acquired absence of a limb or limbs
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
OT	Occupational Therapist
Prosthesis (artificial limb)	A device which helps to replace the mobility or functionality of a missing limb/s
Prosthetic provider	A trained clinical practitioner who manufactures prosthetic devices (artificial) limbs

*Please note: for the purpose of this submission all people living with limb loss, including young people with limb deficiency or limb difference, are referred to as amputees.*

## **1. Executive Summary and Recommendations**

Over the last 16 years Limbs 4 Life has heard from amputees across Australia about the challenges that living with limb loss poses in obtaining and sustaining meaningful employment.

Issues and barriers largely relate to return-to-work difficulties, limited access to assistive technology and workplace modifications which adequately facilitate workforce participation, and poor levels of disability awareness and inclusivity in workplace settings. Such barriers are often environmental, attitudinal and structural ones. At times, these are tantamount to forms of abuse and neglect. However, to a lesser degree, Limbs 4 Life has also been made aware of ways in which amputees, their employers and government support systems have mitigated or eliminated barriers.

In order to prevent employment-related neglect and abuse, and make workforce participation accessible and inclusive for Australian amputees, all parties must continue working towards overcoming and combating the challenges and barriers that still exist.

We must ensure amputees have timely access to the individualised assistive technology they need to attend work, perform specific tasks and remain safe. We must ensure that amputees are provided with workplace modifications and devices that facilitate access to workplaces and internal facilities, which enable them to meaningfully perform their jobs and engage with colleagues. We must ensure that amputees are engaged in workplaces that have an organisation-wide culture of inclusivity which is free of discrimination and bullying. We must also ensure that all those funders and providers of assistive technology and workplace modifications understand that without timely access to these amputees' risk facing negative employment experiences or, worse still, an inability to enter into or sustain employment at all.

By removing these barriers, Australian amputees will have greater opportunities to reach their full potential, set employment goals and participate in the economy and community.

The comments and recommendations presented in this submission are premised on almost two decades of supporting amputees, widespread local and international research in the field of amputees' workplace needs, and a recent Limbs 4 Life survey which canvassed amputees' workplace experiences and transformative ideas for making employment more accessible and enjoyable.

Limbs 4 Life would welcome the opportunity to provide evidence should a hearing in relation to disability employment take place.

## **Recommendations:**

### **Recommendation 1**

The Royal Commission recommend that the Australian Government engage in a national strategy to engender greater employer awareness of, and employees' entitlements under, the Employment Assistance Fund (EAF). This would reduce widespread lack of knowledge of this program and ensure that people with disability gain access to timely assessment of workplace-specific assistive technology needs and the provision of reasonable and necessary devices.

### **Recommendation 2**

The Royal Commission recommend that the Australian Government initiate and endorse Australia-first nationally-consistent Minimum Standards of Amputee Care. Whilst some states (NSW, SA, Queensland) already have standards in place to assist clinicians in the management of people who have experienced amputation or limb deficiency, national guidelines could inform development of similar ones in other jurisdictions. While such a guiding document would comprise a wide range of standards reflecting the level of health care and services expected by amputees, it is imperative that standards related to vocational rehabilitation and access to timely prosthetic servicing to facilitate individual's employment goals also be included.

### **Recommendation 3**

The Royal Commission recommend that State and Commonwealth Governments urgently work together to develop a funded National Assistive Technology Program, as proposed by the Assistive Technology for All Alliance, to provide equitable support to people with disability ineligible for NDIS supports.

### **Recommendation 4**

The Royal Commission recommend that the Department of Social Services engage with state and territory jurisdictions, disability employment providers, industry peak bodies, disability peak bodies and consumers, to develop a 5-year co-designed plan to better support, engage and retain people with physical disability in the workforce. The publicly accessible plan should clarify:

- Policies, practices and strategies for improving the workforce participation of people with physical disability, particularly in the areas of assistive technology and workplace modification provision
- How annual performance and outcome targets will be tracked and measured
- Levels of resources committed to achieving strategic goals.

### **Recommendation 5**

The Royal Commission recommend that the revised National Disability Agreement and National Disability Strategy:

- Clarify who will be responsible for funding assistive technology and workplace modifications required by amputees to participate socially and economically.
- Include specific deliverables and performance indicators relating to the timely provision of assistive technology and workplace modifications, from governments and service providers.
- Measure and track employment outcomes of people with disability to inform future government policy interventions, guide action plans, and program development and implementation.

### **Recommendation 6**

The Royal Commission recommend that the Department of Social Services consider making programmatic changes to the Employment Assistance Fund (EAF) that would have the potential to increase disability awareness and inclusive cultures within workplaces. Potential changes that could support such an effort include:

- Mandatory participation in online disability awareness training (e-learning) for at least one senior staff member from a business in receipt of EAF funding
- Access to voluntary online disability awareness training (e-learning) for all staff within businesses in receipt of EAF funding, thus providing organisation-wide opportunity to free professional development and upskilling opportunities.

### **Recommendation 7**

The Royal Commission recommend state and commonwealth governments incentivise businesses, not in receipt of EAF funding, to participate in online disability awareness training (e-learning). This would reach a breadth of organisations and industries, increase disability knowledge, ensure more Australians are keeping pace with contemporary disability employment policy and practices, and demystify what inclusive workplace cultures are. Incentives could include:

- A small payment to businesses who register and take part; recognising that such e-learning will require taking staff offline to meaningfully participate
- Recognition certificates for all individuals who complete the online training.

### **Recommendation 8**

The Royal Commission recommend that the Australian Government continue to fund the National Disability Advocacy Program. Currently an array of organisations have been funded via this grant to provide independent advocacy for all people with disability in designated regions. Ongoing provision of funding in current and/or new organisations will play a role in ensuring that people with disability have access to effective disability advocacy that promotes, protects and ensures their fair and equal enjoyment of human rights which enable community participation.

## 2. About Limbs 4 Life

Limbs 4 Life's mission is to provide information and support to amputees and their families while promoting an inclusive community.

Our philosophy is to *empower amputees with knowledge and support to make a real difference, because no one should go through limb loss alone.*

Limbs 4 Life is the peak body for amputees in Australia, founded as an incorporated charity in 2004. Limbs 4 Life provides services to thousands of amputees and their care givers, who rely on its programs and support for assistance prior to or after a limb amputation. Limbs 4 Life is supported by over 200 trained Peer Support Volunteers, located across Australia, who visit people pre or post an amputation.

Since its formation, Limbs 4 Life has greatly extended the supports available to amputees, their families, primary care givers and healthcare staff. Limbs 4 Life's services include provision of:

- Peer Support Programs
- Evidence-based health literacy and resources and wellbeing information
- Independent support and advocacy to assist people to navigate healthcare and disability systems
- Access to social and economic inclusion activities.

Limbs 4 Life advocates for amputees by initiating or taking part in research, provides recommendations to government, responds to submissions, and educates the community about amputation and limb loss.

For more information visit [www.limbs4life.org.au](http://www.limbs4life.org.au)

## 3. Submission background

Limbs 4 Life welcomes the opportunity to provide a submission to the Disability Royal Commission regarding 'employment'. Our response focuses on issues relating to the experience of amputees and thematically responds to many of the questions asked in the Disability Royal Commission's Employment Issues Paper (12 May 2020).

In order to respond to this paper Limbs 4 Life has drawn upon relevant literature, policies, legislation and international covenants governing disabled persons' employment and human rights. Our response has also been informed by qualitative feedback from amputees regarding their personal experiences with workplaces and some government employment support services.

In order to provide lived experience responses, through the unique lens of amputees, a qualitative survey was designed and disseminated by Limbs 4 Life between June – July 2020. The survey canvassed amputees' employment and workplace issues, concerns and experiences and was



responded to by 239 individuals living with varying levels of limb loss. One hundred and ninety-three (193) respondents were within the working age range of 15 – 64 years, and the remaining 41 were aged over 65 years. Notably some which sat outside the working age were actually still current members of the labour force, while the remaining were either retired or seeking employment.

Respondents commented on a mix of negative and positive workplace experiences and the impacts of those. Respondents also shared their own best practice recommendations as to how employment participation could be improved for not only amputees, but persons living with disability more broadly. For the purpose of responding to the 'Employment Issues Paper', responses have been thematically analysed. These insights have helped to inform our submission and enabled inclusion of deidentified comments throughout.

Please note, this submission does not take account of the recent significant impacts that COVID-19 is having on Australian labour force participation.

We are reassured by the Royal Commission's interest in understanding and learning about workplace-related abuse and neglect and identifying ways that practices and services can mitigate these and better support the labour force participation of people with disability. We trust that our submission will assist the Royal Commission in exploring and considering recommendations in this regard.

#### **4. Instruments guiding lawful disability employment and support arrangements in Australia**

A number of covenants, standards and legislation guide the provision of employment services and support for people with disability in Australia. The key ones being: The Convention on the Rights of Persons with Disability; the Disability Discrimination Act; and, National Standards for Disability Services. It is notable that these are not only concerned with increasing employment opportunities through the reduction of barriers, but also address the critical role that assistive technology and accessibility plays in enabling people with disability to enter into and participate in the workforce.

##### **4.1 Employment under the Convention on the Rights of Persons with Disabilities**

Specific Articles within The Convention on the Rights of Persons with Disabilities commit Australia to increasing employment opportunities, mitigating discriminatory practices which impede it, and reaffirms that provision of assistive technology and access to healthcare are vital human rights which reduce barriers to socio-economic participation.

##### **Article 1 states that the purpose of the Convention**

*"... is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity."* <sup>1</sup>

**Article 2 outlines key definitions which underpin the Convention, and with respect to employment two of the five are notable, and outline that:**

*“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;”*

*“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;”<sup>2</sup>*

**Article 4 of the Convention sets out the general obligations that are placed upon state parties, including:**

g) *“To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost”<sup>3</sup>*

**Article 5 of the Convention sets out the equality and non-discrimination obligations that are placed upon state parties to:**

- 1) *“... recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.”*
- 2) *“... take all appropriate steps to ensure that reasonable accommodation is provided.”<sup>4</sup>*

**Article 8 of the Convention sets out the awareness-raising obligations that are placed upon state parties to promote:**

- 2 a, iii) *“... recognition of the skills, merits and abilities of persons with disabilities, and their contributions to the workplace and labour market;”*
- 2 c) *“... awareness awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.”<sup>5</sup>*

**Article 9 of the Convention sets out the accessibility obligations that are placed upon state parties to:**

- 1) *“Enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:*
  - a) *Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;”*

- 2) *“Also take appropriate measures:*
  - a) *To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;*
  - b) *“ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;”*<sup>6</sup>

**Article 20 of the Convention relates to personal mobility and timely access to assistive technology, noting that governments have a role to play in:**

- a) *“Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;*
- b) *Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;*
- c) *Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;*
- d) *Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities”*<sup>7</sup>

**Article 25 of the Convention sets out that persons with disability have the right to receive the highest attainment of health standards and without discrimination, noting that state parties are required to:**

- b) *“Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons.”*<sup>8</sup>

**Article 26 of the Convention sets out the requirements of state parties to take effective and appropriate habilitation and rehabilitation measures enabling persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life by:**

- 3) *Promoting “... the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.”*<sup>9</sup>

**Article 27 of the Convention sets out the work and employment obligations placed upon state parties to:**

- 1) *“... recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:*

- a) *Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;*
- b) *Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;*
- c) *Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;*
- d) *Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;*
- e) *Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;*
- f) *Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;*
- g) *Employ persons with disabilities in the public sector;*
- h) *Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;*
- i) *Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;*
- j) *Promote the acquisition by persons with disabilities of work experience in the open labour market;*
- k) *Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.”* <sup>10</sup>

## **4.2 Employment under the Disability Discrimination Act 1992**

The Disability Discrimination Act 1992 makes it unlawful to discriminate against a person with disability, in many areas of public life, including: employment; education; accessing and using services; housing; and, accessing public places.

Under the Act, people with disability are protected against direct and indirect disability discrimination. With respect to employment, the Act makes it unlawful to discriminate in relation to:

- the recruitment process, such as advertising, interviewing, and other selection processes
- decisions on who will get the job
- terms and conditions of employment, such as pay rates, work hours and leave
- promotion, transfer, training or other benefits associated with employment
- dismissal or any other detriment, such as demotion or retrenchment. <sup>11</sup>

While the Act outlines that there are lawful exceptions available to employers, such as when someone with a disability cannot perform the inherent requirements of a job, it articulates that employers must consider how a person with disability could be provided with reasonable adjustments to assist them to perform a role. An adjustment is reasonable on the proviso that it does not impose 'unjustifiable hardship' on the employer. Unjustifiable hardships can be proven if an adjustment to the workplace would be too expensive, difficult, time consuming or cause some other hardship.

As an employer may not know what reasonable workplace changes are required by a person, they can be advised by the individual and/or government agencies or organisations which represent people with disabilities. Examples of reasonable adjustments include:

- changing recruitment and selection procedures
- modifying work premises
- changes to work design, work schedules or other work practices
- modifying equipment
- providing training or other assistance. <sup>12</sup>

#### 4.3 Employment under the National Standards for Disability Services

The National Standards for Disability Services was endorsed and adopted by the Standing Council on Disability Reform Ministers from all jurisdictions in 2014. The six standards underpin the practices of Australian Government funded employment service providers and advocacy agencies funded under the National Disability Advocacy Program. The standards have a focus on person centred approaches and promote choice and control, and significantly informed by The Convention on the Rights of Persons with Disability and the National Disability Strategy. <sup>13</sup>

The six standards are:

- **Rights.** The service promotes individual rights to freedom of expression, self-determination and decision-making, and actively prevents abuse, harm, neglect and violence.
- **Participation and Inclusion.** The service works with individuals and their families, friends and carers to promote opportunities for meaningful participation and active inclusion in society.
- **Individual Outcomes.** Services and supports are assessed, planned, delivered and reviewed to build on individual strengths and enable individuals to reach their goals.
- **Feedback and Complaints.** Regular feedback is sought and used to inform individual and organisation-wide service reviews and improvement.
- **Service Access.** The service manages access, commencement and leaving a service in a transparent, fair, equal and responsive way.
- **Service Management.** The service has effective and accountable service management and leadership to maximise outcomes for individuals.

## 5. Amputee population and amputation impacts

There is a paucity of data as to the total and/or projected number of amputees in Australia, taking account of all causes. Although, Limbs 4 Life has recently commissioned an Australia-first burden study investigating national amputee characteristics, prevalence and aetiology, and the socio-economic burden of limb loss; with this report due for release in late 2020.

### 5.1 Amputation causes

The aetiology of surgical amputation of major limbs (upper and/or lower limbs) in Australia is varied and diverse, with the main causative factors including diabetes-related complications, vascular disease, trauma, cancer, and infections. Such limb loss can occur at any stage within an individual's lifetime, and in many cases occurs during a person's working years. In addition, members of the amputee community comprise those born with congenital deficiencies of major limbs, which sees this cohort experience a lifetime of living with limb loss.

Annually, diabetic-related complications alone results in close to 9,000 amputations across Australia.<sup>14</sup> Notably, Australia has an appalling record when it comes to diabetic-related amputations with the rate of such limb loss increasing by 30 per cent in the past decade and resulting in our country having the second highest rate of such amputations in the developed world.<sup>15</sup> Of grave concern is the fact that major limb amputations are 38 times more likely in Indigenous Australians aged 25-49 years than in the general population.<sup>16</sup>

### 5.2 Amputation recovery and rehabilitation

People who experience an amputation spend a period of time in acute hospital settings recovering from the surgery, after which they are then moved into rehabilitation facilities to learn to adjust to the loss of a limb/s. Rehabilitation includes the involvement of a multidisciplinary healthcare team to support new amputees to learn how to: ambulate safely; regain upper and/or lower limb functionally; use a wheelchair and/or other mobility aids (assistive technology); overcome fears; prepare for the fitting of a prosthesis (assistive technology) if suitable; and, prepare for socio-economic re-entrance into the community.

The national mean length of stay in rehabilitation for lower limb amputees is 36.1 days.<sup>17</sup> With respect to lower limb amputations, it is estimated that recovery post-amputation occurs over a 12 to 18 month period and is inclusive of activity recovery, reintegration, and prosthetic management and training; a period during which many amputees seek and/or return to work.<sup>18</sup>

### 5.3 Prosthetics and other assistive technology

The vast majority of lower limb amputees are suitable candidates for the fitting of a prosthesis, an assistive technology device, which aims to replace the missing body part and restore mobility. The decision to fit a prosthesis is normally determined on the basis of the person's general level of health, condition of the residual limb (stump), weight, activity level, ability to manage personal healthcare, and willingness to accept and be trained to use the device safely and effectively.

Some people may not be suitable candidates for a prosthesis, in which case other assistive technology will be offered. In the case of lower limb amputees this is usually a wheelchair, and in upper limb amputees it is often solution-based devices. Any assistive technology is intended to assist amputees with mobility, independence, functionality, communication, recreation and leisure, and workplace participation.

## **6. Assistive technology: a human right essential for workforce participation**

Assistive technology is the terminology now used to describe the aids and equipment that help people overcome the limitations created by disability. Assistive technology helps people to be mobile, communicate, hear, or perform daily living activities. Assistive technology is an umbrella term for a device or system that allows a person to perform tasks that they would otherwise be unable to do, or increases the ease and safety with which tasks can be performed.<sup>19</sup>

Everyday and task-specific assistive technology are also critical for some people with disability, and particularly amputees, to enter into and sustain labour force participation and perform specific roles within workplaces.

With respect to amputees, key assistive technology devices used by this cohort include: prostheses; wheelchairs; mobility aids (e.g. walking frames); adaptive computers/ technology and communication programs; modified vehicles (e.g. modified pedals, hand controls); adjustable tables and chairs; and, modified homes or workplaces to enable accessibility (e.g. ramps, railings, flooring, seating). Assistive technology is very individualised, but all are required to enhance a person's safety, independence, and socio-economic participation.

A lack of access to functional assistive technology to facilitate labour force participation is not only a denial of human rights but also demonstrative of discrimination and neglect. It also highlights environmental, attitudinal and systemic barriers to workplace participation. This matter, as well as exemplary assistive technology provision practices, was a strong feature of amputees' responses to Limbs 4 Life's recent employment survey.

### **6.1 Assistive technology is a human right**

The World Health Organization states that "Without assistive technology, people are often excluded, isolated, and locked into poverty, thereby increasing the impact of disease and disability on a person, their family, and society."<sup>20</sup> Thus, the timely provision of appropriate assistive technology ensures people with disability have the prerequisite tools necessary to uphold their rights, safeguard themselves against harm and act on any instances of abuse or neglect that occur in personal and/or workplace settings.

In a World Health Organization policy brief, aimed at international policy makers involved in designing assistive technology policies and programs which address human and employment rights, noted that:

- Access to assistive technology is a fundamental human right, a legal obligation for all countries within the Convention on the Rights of Persons with Disabilities and a prerequisite for the full and equitable achievement of the Sustainable Development Goals.
- Access to assistive technology is an investment in a more participatory society; it gives people the means to be more independent enabling both users and their caregivers to have better access to education and employment opportunities.
- Improving awareness at all levels, empowering workforces that are fit-for-purpose, ensuring appropriate production and service provision, and safeguarding affordability through universal health coverage, are all key to ensuring equitable access to assistive technology. <sup>21</sup>

The Convention on the Rights of Persons with Disability notes that signatory governments commit to the provision of assistive technology to enable socio-economic participation, and is specifically highlighted in Articles 1, 4, 5, 9, 20, 25 and 26. <sup>22</sup>

The Disability Discrimination Act also notes that employers should support the supply of employment support devices to people with disability, provided that it is within reason and doesn't cause any undue hardship on the business. <sup>23</sup>

The provision of individualised everyday assistive technology (e.g. prosthesis, wheelchair) and workplace-specific devices play critical roles in assisting to ensure that amputees' human and employment rights are ascribed. A discriminatory and neglectful lack of assistive technology provision has the opposite effect, resulting in amputees being unable to perform their role, experience personal difficulties, the need to personally fund vital resources and/or an inability to maintain/regain employment.

*"I requested an ergonomic assessment. However, the assessor did not know how to assist me in making a more comfortable desk area. There is a corner desk it's difficult getting in and out. No good solution because of built in desk. Just had to put up with the difficulties ... My experience after a number of years was that the budget was limited and therefore solutions were difficult. It annoyed me that I was counted in the EEO stats as disabled, so just a number."* (Female, above-knee amputee, Queensland, 66 years)

*"I requested assistive technology and furniture modifications. My manager was not supportive. The reason was that all staff should be treated the same way. So I purchased some of the equipment myself."* (Male, upper limb congenital amputee, Western Australia, 37 years)

*"I have worked from home for over 8 years. My employer never asks if I need anything related to my disability, or offers assistance."* (Male, above-knee amputee, Western Australia, 55 years)

*"They are open to changing things or getting equipment I need if it won't cost a lot of money."* (Female, below-knee amputee, Victoria, 33 years)

*"I was offered work in a different role but the company couldn't afford all the assistive technology changes to accommodate me working there. Paper trail/ red tape too long and they needed someone straight away."* (Female, hemipelvectomy amputee, 46 years)



Conversely, adequate provision of appropriate and fit for purpose assistive technology enables amputees to fulfil their workplace responsibilities, ensures safety and comfort, demonstrates company support and/or supports return to work post-amputation.

*"I'm employed as a truck driver prime mover. After amputation my employer had a truck converted to suit my needs." (Male, below-knee amputee, Victoria, 61 years)*

*"The teachers at the school I work in adapted equipment so that I could participate without the full use of my right leg, which was greatly appreciated." (Female, below-knee amputee, New South Wales, 71 years)*

*"They were very supportive and even provided scooters for use as needed as it was a large organisation and this assisted with getting from one area to the next in a timely manner." (Female, below-knee amputee, Victoria, 64 years)*

*"They offered support, did an occupational therapy assessment, and purchased equipment when I went back to work." (Male, partial hand amputee, South Australia, 40 years)*

*"Company paid to ensure I had the correct PPE." (Female, below-knee amputee, Western Australia, 35 years)*

*"My employer accommodates everything and anything I require. Sit/stand desk, standing mat, time for medical appointments etc. They are great!" (Female, below-knee amputee, Queensland, 43 years)*

Drawing upon their own experiences, amputees suggest a number of recommendations that would improve access to person-centred assistive technology.

*"There needs to be compulsory communication with Job Access at the start of employment. Consider the safety issues of not having mods." (Male, upper limb amputee, Western Australia, 35 years)*

*"Talk to the amputee to see how to help them do their job to the best of their ability." (Female, above-knee amputee, Tasmania, 59 years)*

*"Run through everyday scenarios with the limb loss individual and workshop any changes required or any tasks that are beyond the individual, often these will not cost the employer to implement." (Female, above and below bi-lateral amputee, Victoria, 45 years)*

## 6.2 Assistive technology provision and funding

Depending on a person's age, reason for amputation and/or location the provision of 'everyday' assistive technology is funded through the NDIS, state-based artificial limb schemes and/or aids and equipment programs, compensatory insurance bodies, the aged care system, or not-for-profit organisations. In fact, there are 60 assistive technology funding programs across Australia, which are not equitable, harmonised or nationally consistent; making access complex and confusing. <sup>24</sup>

While employers can apply for Employment Assistance Funding (EAF), via Job Access, to assist in the purchase of specialised work equipment it is a government funded support program not widely advertised. Subsequently, employers are missing out on funding aimed at supporting amputees in their workplaces; the consequences being individuals going without task-specific devices, employers self-funding these or, more concerningly, the loss of employment altogether.

### 6.2.1 National Disability Insurance Scheme (NDIS)

While the NDIS is enabling amputee participants to request reasonable and necessary ‘everyday’ assistive technology, there is no uniformity in the decision-making processes. Consequently, some participants are receiving the specialised and vital devices and supports required to achieve their goals in a timely and seamless manner, while others have their requests denied and/or must go through the lengthy and distressing experience of appealing a decision. Indeed, Limbs 4 Life knows of many situations where two ‘like amputees’ sees one approved for all the NDIS assistive technology supports requested and the other receive considerably less, resulting in outcomes which directly affect the person’s ability or inability to work.

The NDIS can provide amputees with assistive technology that is reasonable and necessary and specifically related to the individual’s NDIS Plan. However, when the NDIA is considering a person’s assistive technology request it is expected that only ‘minimum necessary’ or ‘standard level’ *value for money* support will be provided.<sup>25</sup> So, although a person may require a prosthesis that will provide them with greater levels of comfort and utility, which will enhance workplace participation, this request may be deemed as ‘above standard’ and then denied by the NDIS. And if this occurs the person may then need to rigorously pursue a NDIS plan review to clinically justify why a more advanced prosthesis will support their goal to maintain employment.

Furthermore, the NDIS also takes account of other funding sources available to assist a person to access assistive technology, so is not obliged to fund assistive technology or modifications that a person wouldn’t otherwise use outside of their workplace role. In those instances, it often falls upon the person’s employer to self-fund these and/or seek EAF support through Job Access.

It is also critically important to remember that only those aged under 65 are eligible for NDIS coverage, despite the fact Australians aged over 65 currently account for 13% of the workforce population.<sup>26</sup> It is equally important to note that, because of eligibility restrictions, the NDIS is only projected to provide support to around 10% of Australians with disability.<sup>27</sup>

The arbitrary decision to cap the NDIS access at 64 means that anyone who acquires a disability and in need of assistive technology past that age, or those who have a disability but don’t meet other NDIS eligibility requirements, must then rely on one of the other 60 assistive technology programs that exist across Australia to receive the basic equipment they need. Notably, in most cases the delay of approval and limitations in funding will not cover total costs.

### 6.2.2 State-based artificial limb schemes and other funding programs

Unlike the NDIS, alternative state-based assistive technology programs deny amputees of ‘choice and control’ and based on funding models which, in some cases, have not increased for decades. Consequently, amputees receiving assistive technology via one of these programs, predominately Artificial Limb Schemes, are only provided with basic everyday devices (e.g. prosthetics). This means that recipients are not benefiting from the advances in assistive technology which have occurred in recent decades and known to improve independence, safety and socio-economic participation.<sup>28</sup> It is this cohort, particularly, that are being left behind and at a greater risk of losing opportunities to participate in the labour force.

And, like the NDIS, the provision of workplace-specific assistive technology is unlikely to be granted but must instead be provided by the employer and/or sourced through other disability employment assistance funding schemes.

### 6.2.3 Employment Assistance Funding (EAF) and Job Access

Because of the limitations in the provision of workplace-specific assistive technology through the NDIS, artificial limb schemes or aids and equipment programs, many amputees and employers rely on Job Access managed EAF support to fund such devices and workplace modifications.

However, it is concerning that not all amputees or employers are aware of the EAF or don't understand how to initiate an application.

*"Much more advertising on the availability of funding and support to businesses and how to access it for the benefit of disabled/ returning staff ... My insistence that the company used the EAF to modify a vehicle for my use was fundamental in my continuing employment, but I had to push them to even bother to apply as they thought it was too complicated." (Male, below-knee amputee, New South Wales, 56 years)*

*"I initiated application to the EAF as my company had no idea that there was any such thing." (Male, below-knee amputee, Victoria, 51 years)*

*"I made contact with the appropriate Government entity to modify workplace equipment as required, as my HR Dep't had no idea on who to contact or how to go about it." (Male, above-knee amputee, New South Wales, 55 years)*

*"They were happy to employ me and make changes but couldn't get the financial assistance to make alterations and purchase - process too long and service providers in rural area either not available or long wait." (Female, above-knee amputee, South Australia, 44 years)*

*"There needs to be a little greater flexibility in considering assistive technology funding." (Male, bi-lateral above and below limb amputee, New South Wales, 55 years)*

Amputees who have accessed EAF propose suggestions that would improve awareness of, and access to, EAF support.

*"Workplace modification information should be better shared." (Male, partial foot amputee, Queensland, 60 years)*

*"Increased awareness. Make sure employers know there is a central fund where workplace adaptations can occur so that the company is not out of pocket and can get OT visits to help assess needs and suggest modifications." (Female, below-knee amputee, Tasmania, 64 years)*

*"Improve the Job Access process - difficult application process online, steps not clear, plus confusing language used." (Male, partial-hand amputee, Western Australia, 35 years)*

## 6.3 Assistive technology fitting and maintenance

The fitting and ongoing maintenance and repairs of prosthetics and other assistive technology are vital for amputees to remain safe, healthy and able to contribute socially and economically.

Studies have shown that timely prosthetic assessments and maintenance has a significant impact on an amputees' workplace presenteeism and capacity to undertake assigned roles in safe and

productive manners.<sup>29 30 31</sup> Furthermore, regular servicing and clinical reviews assists in optimising the function and life of a prosthesis.

However, as most Australian public and private prosthetic providers are only available to see clients during business hours, many amputees in employment often have no choice but to take time out of their working day to attend these critical appointments. More concerningly, some amputees are not attending regular or annual maintenance prosthetic-check appointments which impacts on their health and safety. While some others are experiencing impacts on leave entitlements and income. Limited, or lack of, access to timely assistive technology provision and maintenance counters objectives and principles within Articles 5, 9, 20 and 25 of the Convention on the Rights of Persons with Disabilities; highlighting potential systemic flaws which can lead to employment barriers.

Article 5 (3) requires that reasonable accommodation be provided to promote equality and eliminate discrimination; making limited access to prosthetic servicing at accessible times a denial of reasonable accommodation. Article 9 requires that access to facilities and services be provided on an equal basis with others; suggesting that the profession should pursue a goal of eliminating time-bound barriers and obstacles that impede employed amputees from accessing prosthetic servicing outside of normal business hours. Article 20 (d) requires that entities manufacturing assistive technologies support the mobility goals of persons with disabilities; with accessible prosthetic service appointment limitations potentially discriminatory constraint to amputees' independence. Article 25 requires that health services and early intervention be provided to minimise and prevent further disabilities; making barriers to accessible prosthetic servicing a potential example of benign neglect. Article 26 (3) advocates for the provision of effective and appropriate measures to enable persons with disabilities to attain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life; making limited access to prosthetic servicing or repairs outside of working hours a potentially discriminatory practice.

Limbs 4 Life acknowledge the current challenges of skill shortages in the prosthetic provider workforce and the difficulty in delivering easily accessible services in rural and remote locations. Limbs 4 Life is also aware that not all public and private prosthetic providers will be in the position to offer servicing outside of normal business hours. Nor will the provision of accessible appointments meet the needs of all amputees. However, it is a strategic matter that the profession should explore and could draw upon international examples of ways in which other countries have successfully addressed this issue.

Amputees have reported mixed levels of employer support in relation to attending prosthetic appointments, ranging from discriminatory behaviours through to supportive actions.

Amputees have reported that inability to access prosthetic appointments outside of working hours not only impacts on their physical health but can also take a toll on their mental health and employer relationship.

*"My employer was often unreasonable about my prosthetic appointments during the day and I was not allowed to take time off. Hospitals don't have after hours appointments."* (Female, above-knee amputee, Queensland, 59 years)

*"They need to understand fixing a prosthetic isn't like a car service, it is often like a broken bone - without it fixed you can't walk, can't work."* (Male, below-knee amputee, Victoria, 31 years)

*"I work for a gov't agency that should know about disability ... I am also repeatedly told that I need a doctor's certificate if I take the day off to go to see my prosthetist. That is, I must also go to my GP. I am tired of having to prove that I need to go."* (Male, through-knee amputee, Queensland, 54 years)

*"My workplace has generally been supportive since I became an amputee, however I have had issues with medical appointments and prosthetist appointments where my employers have become less tolerant as time has gone on about me having to take time I have require to attend these appointments."* (Male, below-knee amputee, New South Wales, 53 years)

*"I had informed my employer about needing to sometimes have time off for medical appointments when first employed, and was assured it would not be a problem. In my second year of employment my manager changed and began to SMS my personal phone threatening my employment if I had any more time off work. Additionally, she made it clear that any complaints made about this would result in me being fired. I was unable to attend prosthetic appointments because of this and had to delay getting a new leg for several months."* (Female, below-knee amputee, Queensland, 34 years)

Attending regular prosthetic provider appointments are vital for amputees' health, mobility, safety and independence. Yet, the need to attend these during usual business hours can significantly affect a person's sick leave or annual leave entitlements, or result in immediate loss of income amongst those in casual employment.

*"I don't always have enough leave to get a new socket or to attend prosthetic appointments. I don't feel like anyone understands it and so I put up with the pain."* (Male, below-knee amputee, Western Australia, 22 years)

*"Flexible hours and unpaid half day leave when it's time for a socket review rather than eating up your sick and annual leave. Prosthetic socket needs ongoing adjustment and reviews often."* (Male, below-knee amputee, Western Australia, 28 years)

*"It's hard. I am casual. I lose shifts when I take time off to get my leg checked. Sometimes I just don't go and put up with the pain."* (Male, above-knee amputee, Victoria, 41 years)

More supportive workplaces understand that prosthetic appointments are necessary and vital for the person's wellbeing. Such businesses enable staff members to attend these during working hours, an action demonstrative of an inclusive and disability-friendly culture.

*"My immediate manager has always allowed me to take time off for appointments for my prosthesis. With no caveats or bad feeling. Although I try to minimize impact on work, I never feel beholden to my employer when I do take time off."* (Male, above-knee, Western Australia, 55 years)

*"I have open discussions with my employer ... He understands that my prosthetist isn't open after work or on weekends so I can only go during work time. He is supportive of me taking time off whenever I need to so that my prosthesis is in good working order."* (Female, below-knee, Victoria, 41 years)

Feedback indicates that the lack of access to regular prosthetic maintenance or repairs is having harmful socio-economic effects on some amputees. It is also worth noting that some prosthetic devices require annual servicing in order to maintain the product warranty, and failure to comply voids warranty and could result in expensive repairs and/or reduced product lifespan.

Indeed, the provision of prosthetic appointments outside of business hours, as is offered by many other allied health practitioners (e.g. physiotherapists, podiatrists, psychologists, occupational therapists), could play a key role in mitigating these negative impacts and ensure that the human and employment rights of amputees are protected.

#### 6.4 Assistive Technology for All (ATFA) Alliance

The Assistive Technology for All (ATFA) is an alliance of organisations across the disability and ageing sectors, of which Limbs 4 Life is a key member. It represents a growing concern about the lack of access to assistive technology for all people not eligible for the NDIS.

ATFA notes that when trying to access assistive technology through one of the many other non-NDIS funding schemes people often: experience long waiting lists; need to self-fund items; trade off funding for other supports; have to use second-hand and not individually prescribed items; continue to use outdated or inappropriate items; or, go without the aids and equipment they need altogether.<sup>32</sup>

Members of the ATFA Alliance and the consumers we represent feel very strongly that the lack of equity in the current funding streams and arrangements is unjust and intolerable. The Alliance firmly believes that without timely and affordable access to assistive technology some people with a disability are unable to participate socially and economically. The Alliance believes that this matter would be best resolved through establishment of a harmonised and nationally consistent assistive technology to support people with disability who are not covered by the NDIS.

#### 6.5 Recommendations to the Royal Commission

Limbs 4 Life is of the view that restrictive access to individualised and adequately maintained assistive technology, which promotes equal access to employment participation, is a breach of human rights. Limbs 4 Life believes that greater awareness of the EAF, initiation and endorsement of nationally-consistent Minimum Standards of Amputee Care, and establishment of a National Assistive Technology Program could play key roles in overcoming this issue.

##### **Recommendation 1**

The Royal Commission recommend that the Australian Government engage in a national strategy to engender greater employer awareness of, and employees' entitlements under, the Employment Assistance Fund (EAF). This would reduce widespread lack of knowledge of this program and ensure that people with disability gain access to timely assessment of workplace-specific assistive technology needs and the provision of reasonable and necessary devices.

## **Recommendation 2**

The Royal Commission recommend that the Australian Government initiate and endorse Australia-first nationally-consistent Minimum Standards of Amputee Care. Whilst some states (NSW, SA, Queensland) already have standards in place to assist clinicians in the management of people who have experienced amputation or limb deficiency, national guidelines could inform development of similar ones in other jurisdictions. While such a guiding document would comprise a wide range of standards reflecting the level of health care and services expected by amputees, it is imperative that standards related to vocational rehabilitation and access to timely prosthetic servicing to facilitate individual's employment goals also be included.

## **Recommendation 3**

The Royal Commission recommend that State and Commonwealth Governments urgently work together to develop a funded National Assistive Technology Program, as proposed by the Assistive Technology for All Alliance, to provide equitable support to people with disability ineligible for NDIS supports.

## **7. Workplace modifications, accessibility and flexibility: vital accommodations which enable workforce participation**

Workplace modifications, accessible premises and work spaces, and flexible practices are critical for some people with disability, and in particular amputees, to enter into and sustain labour force participation and perform specific employment roles.

A number of studies note that amputees can be accommodated in the workplace by carrying out modifications or adjustments, on the proviso that the person will be able to safely perform the required tasks without risk to themselves or others and that it doesn't place the employer under undue hardship.

Such reasonable accommodations and workplace modifications may include:

- making the physical workplace environment accessible
- providing assistive equipment
- transferring an employee to a different job or location
- providing flexible scheduling
- tools to accomplish jobs
- suitable desks, chairs and computers
- accessible buildings and facilities (such as ground floor access to work stations and parking)
- transport.<sup>33 34</sup>

Accessible design principles, a subset of universal design, is available to assist employers, funding bodies and service providers to identify and make products and facilities more accessible to individual amputees.<sup>35</sup>

The Convention on the Rights of Persons with Disability notes that signatory governments commit to supporting workplace modifications, accessibility and flexibility as a means of enabling socio-economic participation, as specifically highlighted in Articles 5, 9, 20, 26 and 27. <sup>36</sup>

The Disability Discrimination Act 1992 also notes that modification of work premises and equipment, and flexible changes to work design and schedules should be facilitated, provided that it is within reason and doesn't cause any undue hardship. <sup>37</sup>

As noted earlier (section 6.2.3) reasonable, necessary and fit-for-purpose workplace modifications and accessibility funding is available to employers through the government supported Employment Assistance Fund (EAF) scheme. Provided via Job Access, this scheme is designed to support employers' capacity to engage people with varying disabilities in workplaces. As a physical disability cohort, amputees often need workplace modifications to facilitate task-specific activity, access to premises, use internal workplace facilities, ensure safety, and minimise discomfort or pain. Furthermore, these modifications and adjustments enable amputees to engage with colleagues and customers, as well as participate in team-wide activities.

A lack of access to reasonable workplace modifications, accessibility and flexibility is not only a denial of human rights but also demonstrative of discriminatory and neglectful employment experiences. This matter, as well as exemplary employer actions in this regard, elicited considerable responses from amputees who took part in Limbs 4 Life's recent employment survey. Drawing upon their own lived experience, respondents also provided sound recommendations for changes that would enhance workplace accessibility and flexibility.

## 7.1 Workplace accessibility and modifications

Amputee commentary about workplace accessibility and the provision of modifications highlighted a mix of negative and positive experiences.

Feedback regarding discriminatory and neglectful practices and barriers pointed to some workplaces being inaccessible, unsafe, inappropriate or demonstrating poor disability attitudes. One comment also suggested that their employer may have found a way to game the government funding system.

### Difficulty accessing the workplace

*"Just an inaccessible workplace. Meant I was hired on a very short contract despite having exact prior experience before limb loss that had seen me get many longer contracts. The physical workplace only had stairs; couldn't get beyond the front door. This was a federal government department." (Male, below-knee amputee, Tasmania, 57 years)*

*"Environmental difficulties. The work place has lots of stairs, various surfaces. I am unable to attend my workplace when I need to use my wheelchair." (Female, below-knee amputee, Victoria, 44 years)*

*"Basic lack of consideration: for example, wheelchair ramp from car park to entrance ends in a 160mm steep, effectively preventing entry without assistance." (Male, below-knee amputee, Victoria, 70 years)*



*"I have been a guinea pig per se - first time a person who uses a wheelchair has had to access the building on a regular basis. We discovered the security system needed adjusting to get in the front door - which was a simple fix of changing where the swipe card reader is. The lift is quite dodgy, and makes me a bit nervous to use - I have got stuck in it."* (Male, below-knee amputee, Victoria, 34 years)

*"A lack of budget to improve physical accessibility and feel comfortable in the lift - which is known to break down."* (Female, below-knee amputee, Victoria, 33 years)

### **Difficulty accessing internal workplace areas**

*"The workplace attempted to make the adjustment with a ramp that did not comply and no access to a toilet."* (Female, above-knee amputee, Victoria, 44 years)

*"The workplace failed me by not installing a toilet that was accessible by me for 7 years. They were afraid if they asked the owners of the building to put in the toilets suitable to me, they might start charging more rent."* (Female, below-knee amputee, South Australia, 59 years)

*"A ramp was installed, however it does not comply and only gives me access to one room in the building."* (Female, above-knee amputee, Victoria, 41 years)

### **Limited or lack of disabled parking**

*"A university disabled car space provided under building. Didn't need a disabled space particularly but they did see the need. Change of senior people then revoked this noting I can walk pretty well, why are we giving him a space. There was a protracted negotiation with various groups, who eventually recommended I keep it. It was a laborious process but typically bureaucratic and not always that pleasant."* (Male, below-knee amputee, Victoria, 58 years)

*"Difficulty securing parking within reasonable walk distance from work."* (Male, below-knee amputee, New South Wales, 57 years)

### **Safety concerns**

*"My workplace had entrance upgraded to supposedly to aid mobility. To do this the steps were replaced with a slope. Having a mechanical knee this made entry much more scary and dangerous."* (Male, above-knee amputee, Victoria, 56 years)

*"Simply a question of uneven modification: most doors are not easily accessible; corridors have blind corners."* (Male, bi-lateral above and below amputee, New South Wales, 50 years)

### **Employer gaming the system**

*"Funding that was provided for workplace modifications were spent updating the coordinator's office area."* (Male, above-knee amputee, New South Wales, 34 years)

### **Need to self-fund modifications**

*"Was not a welcoming workplace although provided services to people living with a disability ... Funded own needs around disability access."* (Male, below-knee amputee, Tasmania, 60 years)

Comments from amputees indicated that supportive workplaces are cognisant of the critical roles that workplace accessibility and modifications play in enabling presenteeism, capacity and sense of inclusivity.

### **Accessible workplaces**

*"They installed a lift in double story building based on my experience." (Male, above-knee amputee, 69 years, Victoria)*

*"The workplace is always open to conversations around inclusion, and are engaging me to work with an architect to ensure the extension to the workplace is accessible and inclusive." (Female, above-knee amputee, Victoria, 44 years)*

### **Accessible internal workplace areas**

*"They hired an OT to run through the set-up of the office to see that I could access the areas and various devices etc." (Female, bi-lateral above and below amputee, 46 years)*

*"Modification to easy access office on my floor; provision of technological aids to facilitate my work (computer based); installation of grab bars in toilet stall; provision of tech to facilitate working from home." (Male, bilateral above and below amputee, New South Wales, 54 years)*

*"The owners of the company are amazing they have supported me through my journey visiting me in hospital daily making sure I was involved in the build of the new warehouse plans and what things I would need to make my life a little bit easier in the warehouse." (Female, below-knee amputee, Victoria, 32 years)*

### **Disabled parking provision**

*"We made changes to building access and I can use the accessible car park when needed." (Female, below-knee amputee, Victoria, 31 years)*

*"My workplace provided a very positive atmosphere for me giving me priority parking close to the entrance/exit from work." (Male, below-knee amputee, South Australia, 64 years)*

### **Safe working environment**

*"I was working autonomously my manager took me through everything that needed to be done and we brainstormed and changed things that were too challenging for a one-armed person. For example, the lock on the door was changed to make it easier to operate, a sensor light was put in so I could work the door with one hand, alleviating the need to hang on to my mobile phone torch at the same time. He was constantly checking in to see that I was continuing to manage independently." (Male, shoulder disarticulation amputee, Victoria, 59 years)*

*"I organised an Occupational Therapist to visit the work place to give me suggestions on how to manage the environment. The school was very open to this. I shared my report with leadership and they are planning to undertake some alterations to make the workplace safer." (Female, below-knee amputee, Victoria, 49 years)*

Amputees suggest a range of ideas and approaches that would allay workplace accessibility and modification limitations and support efforts to create more equitable employment environments.

*“Look at access, talk to the amputee about what they need to make their work the same as before the limb loss. If this is not possible then to make it as comfortable as possible.”* (Male, below-knee amputee, New South Wales, 51 years)

*“Providing a private space where you can go to remove your limb, change liner or add socks or just have a little rest. Make the workplace wheelchair friendly.”* (Female, below-knee amputee, Victoria, 46 years)

*“Make sure there’s mods in workplace to make all parts (not just those parts regularly accessed by PWD) accessible.”* (Male, above and below bi-lateral amputee, New South Wales, 50 years)

*“Just make the space inclusive, it’s not that hard and if you make a space inclusive for an amputee or someone in a wheelchair, you make a space that can be accessed by everyone.”* (Female, above-knee amputee, Victoria, 43 years)

*“Talk with your employees, see where they are at, allow them to trial things if they have it written on their certificate of capacity.”* (Female, below-knee amputee, Victoria, 31 years)

## 7.2 Workplace flexibility

In addition to the Convention on the Rights of Persons with Disabilities and the Disability Discrimination Act, the Fair Work Act 2009<sup>38</sup> notes that there are two formal ways that employers and employees can make workplaces more flexible for people with disabilities. Firstly, certain employees (including people with disabilities) have the right to request flexible working arrangements. Secondly, both parties can negotiate to change certain terms in an award, enterprise agreement or other registered agreement. Certain arrangements may include (but are not limited to): hours of work; patterns of work; and, locations of work.

Responses to the Limbs 4 Life employment survey highlight that a mix of workplace flexibility has featured in amputees’ current or past employment. Concerningly, a lack of flexible workplace entitlements may be indicative of Fair Work Act 2009 breaches. Conversely, it is pleasing to learn of highly flexible workplaces demonstrating support and inclusivity to their amputee staff member.

### Inflexible workplaces

*“Unwillingness to adjust job requirements to assist with mobility issues.”* (Female, below-knee amputee, Tasmania, 61 years)

*“Fully qualified for over 30 as a trainer and assessor, I also am a qualified teacher with VIT registration. Due to my recent amputation I am unable to complete the practical component of the annual proficiency, therefore the organisation says I can no longer be a trainer/assessor. I have lost a limb not my brain.”* (Female, below-elbow amputee, Victoria, 50 years)

*“The workplace has several locations, so I asked that I not be sent to the location that isn’t accessible. Although the employer supported my decision, it makes my workplace not fully inclusive and I feel disregarded as a result.”* (Female, above-knee amputee, Victoria, 43 years)

*“Had a temporary manager for 6 months and during this time she showed no sympathy for my modified duties. She also made it difficult to attend appointments relating to prosthetic testing and fitting needed for my NDIS claim.”* (Male, above-knee amputee, South Australia, 41 years)

## Flexible workplaces

*"It was good to be able to reduce my work hours for a period of time after my amputation." (Female, below-knee amputee, Tasmania, 64 years)*

*"I currently work at XYZ and the management has been very supportive. Initially work hours and physical demand caused me to decide to resign. Management provide me with shorter shift hours and less physical duties. I was told that they valued me as an employee and wanted to keep me on." (Male, through-knee amputee, New South Wales, 55 years)*

*"Adaptations made to infrastructure and timetables to accommodate the limitations of my availability/mobility." (Male, below-knee amputee, Victoria, 71 years)*

*"My role was modified and I received full support from all staff during and after amputation, especially while I was returning to work." (Male, above-knee amputee, South Australia, 47 years)*

*"I have altered the hours which I work - shorter shifts so I don't have to stand for long periods and finish earlier so stump pain is less of an issue. I have a specific spot to park my car close to the entrance - allows for opening the door of the car fully and shorter walk. We introduced mechanical examination beds to raise and lower to make it easier for my posture when examining patients. When I have stump problems limiting my ability to mobilise, the staff will call for patients for me and get any equipment or coffees that I need." (Male, below-knee amputee, South Australia, 60 years)*

*"We have an employee assistance program to assist with counselling the workplace allowed me to work from home." (Female, below-knee amputee, South Australia, 51 years)*

Amputees propose a wide range of recommendations oriented towards ensuring that employers, and the wider workforce, offer flexible and equitable workplace environments.

*"I think it is really important to engage the individual when they start their role, and have ongoing check ins. Make it authentic and meaningful and listening to their ideas." (Female, below-knee amputee, Victoria, 30 years)*

*"Give people a go, how many times before Covid19 were people with disabilities told they could not work from home?" (Male, below-knee amputee, Queensland, 52 years)*

*"Get people working as soon as possible allowing work from home etc to get hem feeling as part of the team." (Male, above-knee amputee, Victoria, 69 years)*

*"Flexibility is key. And also education perhaps for others in the same workplace. I think people are generally "good" - if they have awareness they will help, adapt and treat people decently and with understanding." (Male, below-knee amputee, Victoria, 56 years)*

*"Employers must adapt to change to help workers with a disability as not to lose the experience the worker has in the said job." (Male, below-knee amputee, Western Australia, 61 years)*

*"Be flexible with work practices to accommodate amputees, think outside the square." (Male, below-knee amputee, Queensland, 55 years)*

*"Be flexible, don't judge that because of a limb loss the person cannot work well for you." (Male, above-knee amputee, Queensland, 69 years)*

*“Be flexible, understand pain, implement equipment needed, reduced hours where you can.”* (Female, below-knee amputee, New South Wales, 48 years)

*“Provide opportunities for amputees in administrative and light duty roles if possible.”* (Male, below-knee amputee, Queensland, 75 years)

*“Understand that people will need to see prosthetists and doctors etc during work hours if their prosthetic is not fitting well. If it fits, you can do the job well.”* (Male, below-knee amputee, New South Wales, 46 years)

*“They just need to understand some of the restrictions that limb loss presents.”* (Male, below-knee amputee, Victoria, 64 years)

*“In most cases they need to think of what they would need if they were in the same situation and be educated in ways to support all their employee.”* (Male, below-knee amputee, Victoria, 57 years)

*“Employers need to have empathy and understanding as key priority. Adapting to individuals to support equipment, pain, flexibility.”* (Female, below-knee amputee, New South Wales, 48 years)

*“Providing flexibility to take time off for appointments. Providing flexible workplace arrangements (eg. allowing to attend work in wheelchair if needed and support to do so).”* (Female, below-knee amputee, Victoria, 35 years)

*“Provide a safe working environment, provide support and be flexible with working practices to accommodate the person’s disability.”* (Male, above-knee amputee, Queensland, 58 years)

### 7.3 Recommendations to the Royal Commission

Limbs 4 Life is of the view that restrictive access to funded workplace modifications, accessible premises and work spaces, as well as unreasonable inflexible practices, is discriminatory and neglectful and places structural and attitudinal barriers on amputees’ entering into or sustaining employment. Limbs 4 Life believes that the Australian Government can do more to understand and support the needs of people with physical disabilities, through novel planning and updates to the forthcoming National Disability Agreement and National Disability Strategy.

#### Recommendation 4

The Royal Commission recommend that the Department of Social Services engage with state and territory jurisdictions, disability employment providers, industry peak bodies, disability peak bodies and consumers, to develop a 5-year co-designed plan to better support, engage and retain people with physical disability in the workforce. The publicly accessible plan should clarify:

- Policies, practices and strategies for improving the workforce participation of people with physical disability, particularly in the areas of assistive technology and workplace modification provision
- How annual performance and outcome targets will be tracked and measured
- Levels of resources committed to achieving strategic goals.

## Recommendation 5

The Royal Commission recommend that the revised National Disability Agreement and National Disability Strategy:

- Clarify who will be responsible for funding assistive technology and workplace modifications required by amputees to participate socially and economically.
- Include specific deliverables and performance indicators relating to the timely provision of assistive technology and workplace modifications, from governments and service providers.
- Measure and track employment outcomes of people with disability to inform future government policy interventions, guide action plans, and program development and implementation.

## 8. Inclusive workplace cultures: vital climates which engender positive employment experiences

Australians who experience amputation often acquire and are impacted by this disability during their working years. Unfortunately, there is a dearth of formal Australian research as to the direct impact of amputation on individual workforce participation rates. However, there is considerable international literature and research born out of developed nations in relation to this matter and which have comparative relevance within the Australian context.

International meta studies conducted within developed nations have found the return-to-work rate of amputees range from 43% to 70%, with between 22% to 67% of those retaining the same occupation and the remainder having to change vocation or leave employment altogether.<sup>39 40</sup>

Various studies also found that return-to-work with the previous or a new employer is often contingent on: age; gender; education level; cause of amputation; time since amputation; vocational rehabilitation; amputation impairment factors (e.g. amputation level, comorbidity, persistent stump problems, mobility); access to prosthetic fitting and maintenance; pain; and, factors related to employment (e.g. salary, employer support, government supports and social support network).<sup>41 42 43 44 45</sup>

Research has also shown that barriers to amputees' gaining and maintaining employment can be ameliorated via implementation of a variety of measures in workplace settings. These include employers and colleagues having greater general disability awareness, recognition that stump and phantom pain can affect functionality, understanding the need for prosthetic appointments, provision of job and task adjustments, making reasonable and necessary workplace modifications, and provision of workplace-specific practical aids and assistive technology.<sup>46 47 48</sup>

While some of these mitigating factors are outside of the control of an employer, some supports fall within their scope. As noted earlier (sections 6.3 and 7), access to timely prosthetic appointments, assistive technology, workplace modifications and flexibility play a significant role ameliorating a person's ability to re-enter and maintain ongoing labour force participation. But so

does creating a workplace culture whereby disability, and the unique impacts of amputation, is understood and respected organisation-wide.

As is well understood, employment for people with disability plays an important role in enhancing physical and mental health wellbeing, self-esteem, social network expansion, personal agency, and financial independence. Thus, the socio-economic value of workforce participation should not be underestimated and supported at policy, individual workplace and equity principle levels.

However, given that the current unemployment rate for Australians with a disability is nearly double that of those without one and that we rank poorly on OECD rates for disability employment much still needs to be done in Australia to mitigate workplace barriers and increase labour force participation.<sup>49 50 51</sup> At an amputee-specific level, it is critical that employers and government-funded disability employment support services better understand the needs of this unique physical disability cohort and put into place measures that will assist amputees to experience integrated, inclusive, meaningful, and sustainable employment outcomes.

Amputee respondents to the Limbs 4 Life employment survey commented on varied post-amputation return to work practices, ongoing employment experiences and cultural inclusivity; demonstrating a mix of negative and positive collegial reactions and degrees of support.

## 8.1 Return to work

While some amputees may never be able to re-enter the workforce post-amputation, largely due to the type and reason for amputation, many are able to and seek just such participatory opportunities. However, as noted in the Limbs 4 Life employment survey, amputees' labour force experiences with pre-existing or new employers varied greatly. Concerningly, some of the comments point to discriminatory or potentially unlawful workplace practices.

### Negative return-to-work or job loss experiences

*"Any changes to practices and workplace that needed to happen, were generate by myself as there seemed to be a sense of shock from the HR dept that I had the temerity to return to work."* (Male, below-knee amputee, New South Wales, 56 years)

*"It was not a welcoming workplace to return to, even though they provided services to people living with a disability!"* (Male, below-knee amputee, Tasmania, 61 years)

*"Another bureaucratic hurdle, but very inconsistent on some occasions. My Industry requires periodic fitness to work medicals, which is understandable & necessary. The overseeing body has twice not passed me, overriding the expert doctors they appoint to make informed decisions on their behalf. This is despite me being fully engaged in the work at the time. I can deal with it and always win, they don't want to hear about being publicly shamed on discrimination that is completely unwarranted. Nonetheless for some amputees I imagine this could be more distressing when there are often already a raft of other problems, just getting to the workforce."* (Male, below-knee amputee, Victoria, 56 years)

*"There wasn't any real positive after my amputation as it was a work place injury that led to losing my leg, no boss likes their Workcover premium to go up as a result."* (Male, below-knee amputee, Victoria, 55 years)

*"Original injury occurred here and was terminated within 48 hours of my initial amputation."* (Male, below-knee amputee, Tasmania, 55 years)

*"My employer was told that unless my employment was terminated, union would cause a strike as my disability made me slower than the other workers (I was sitting at a desk and only had short distances to walk, my left leg was paralysed)." (Female, below-knee amputee, Victoria, 61 years)*

*"After my amputation my employer created and submitted a false resignation letter at same time I was sent a Separation Certificate." (Male, below-knee amputee, Tasmania, 54 years)*

*"I knew the date of my amputation and advised my workplace (which was a community-based organisation - run by a committee). They did not want me to return. It was not suitable for someone with a disability to return to work." (Female, below-knee amputee, New South Wales, 60 years)*

*"It was a disability employment agency ... with a great big step, I couldn't even get into the office for an appointment to help me get a job, I was ushered into the side door and basically had an appointment in not much more than a broom closet! My next visit they had a portable ramp for me to get into the office ... it was appalling, the staff were upset and so was I!" (Female, below-knee amputee, South Australia, 53 years)*

*"I was told I'm a hazard waiting to happen." (Male, below-knee, Victoria, 51 years)*

*"The local shire I worked at before my amputation failed to provide me with adequate heating to help ease my disability then refused to keep me working in an office, preferring to send me into a job requiring driving around and walking into different places, it was winter and they knew my left leg required me to keep it warm." (Male, below-knee amputee, Victoria, 61 years)*

### **Positive return-to-work experiences and practices**

*"I started part time retail work while still at college. After the motor vehicle accident which resulted in my amputation the store offered me work again, which was a great boost to my confidence. I didn't stay long as went to full time employment elsewhere." (Female, through-knee amputee, Victoria, 56 years)*

*"This was a global company. Their reaction was exemplary, right to the MD turning up bedside with other staff a few days after surgery. I had only been with them a year. They offered whatever they could, hours as appropriate or what I could handle as soon as I could get around on crutches. Prior to this I'd been remote locations with them, so office tasks also meant new experience. This made me get up and get going, not easy. Recently at a reunion decades later I saw the Managing Director and was able to personally thank him all this time later." (Male, below-knee amputee, Victoria, 55 years)*

*"I was very happy at this workplace, and they supported me 100% while I was in hospital, through my rehab, and after I returned to work." (Male, below-knee amputee, Queensland, 55 years)*

*"Full support was given and position was left open until it was possible to return." (Male, below-knee amputee, Victoria, 49 years)*

*"I attended an interview and the owner asked me about my work and personal history and made me feel very comfortable to talk about medical and family history. They provided great support. I had surgery to trim my stump and the owner called that night to check on my procedure. Support was always provided. I left the organisation to pursue another role however 11 years on I'm still in touch with them." (Male, above-knee amputee, New South Wales, 34 years)*

*"I was allowed to work from home for a period before I got my prosthetic, enabling me to return to work sooner. This was great for my mental health as I was able to feel included again." (Male, below-knee amputee, New South Wales, 53 years)*



Amputees suggest a wide range of recommendations for ways in which businesses can support people who lose a limb/s during their working years to return to work; albeit with an understanding that this may not be feasible in all situations.

*“Allow amputees to gradually go back to what they were doing before the accident if that’s what they would like to do. Support your employee and I’m not just talking about management, I’m talking about across the board.”* (Female, below-knee amputee, Victoria, 34 years)

*“Take the time to learn about limb loss. Expect that the employee will be able to perform their role equally as well as an able-bodied person.”* (Female, shoulder disarticulation amputee, Victoria)

*“Educate other staff members on the back to work programme of the amputee.”* (Male, above-knee amputee, New South Wales, 50 years)

*“Treat everyone equally, if limb loss happened due to work place accident, don’t baby them, don’t treat them like they are different from everyone else, don’t change your attitude, don’t rip things away from them that they had worked so hard for. Employers need to hold positions for anyone who goes through a work place accident not just 12 months. Sure fill the position as temporary but don’t rip away what someone tried so damn hard to achieve. Or have a meeting with the person see what they want.”* (Female, below-knee amputee, South Australia, 31 years)

*“Employers could look at policy and practice needs with organisations like “Limbs 4 Life” for feedback.”* (Male, above-knee amputee, Western Australia, 61 years)

*“During my sick leave for my amputation surgery, I was visited by my leadership team and a dinner was organised. This helped maintain a relationship with the staff and helped slowly reintroduce myself to the staff before returning to work.”* (Female, below-knee amputee, Victoria, 49 years)

## 8.2 Workplace culture and leadership

Studies highlight that strong leadership and positive disability friendly workplace cultures foster social inclusion, rehabilitation goals, improved quality of life and income, increased job satisfaction and retention, social network expansion and career progression amongst people with disabilities.<sup>52 53</sup> Furthermore, the Australian Network on Disability highlights that businesses which employ people with disability can attract and retain talent, build reputation and brand, improve marketing and customer retention, mitigate risk, and uphold rights.<sup>54</sup>

Conversely, workplaces that do not promote diversity and inclusion can lead to impacts and barriers within self-confidence, anxiety/amotivation, health and wellbeing, and inter-personal domains amongst people with disabilities.<sup>55 56</sup> In addition, such workplaces have greater propensity for bullying and harassment occurrences, with the by-product being anxiety and depression amongst victims.<sup>57 58</sup> Indeed, workplaces that fail to provide people with a working environment or workplace culture free from harassment and bullying may be in breach of the Disability Discrimination Act 1992, and face sanctions associated with such contraventions.<sup>59</sup>

Amputees provided significant commentary about inclusive and exclusive workplace cultures in their responses to the Limbs 4 Life employment survey. Those who experienced discriminatory and neglectful experiences pointed to poor disability awareness, bullying, workplace exclusion, and reprisal upon making complaints as key thematic concerns. By contrast those amputees employed in businesses with positive workplace cultures commented on sound collegial disability awareness, respectful inclusivity, and robust complaint procedures.

### 8.2.1 Disability awareness and understanding

Feedback regarding the degree of disability awareness and understanding extended to amputees varied from limited and stigmatising, through to quite unreserved ones. However, it is notable that while some amputees indicated there was positive managerial disability attitudes and support this did not always filter through to colleagues; pointing to disability awareness asymmetry between parts of businesses.

#### Limited or lacking disability awareness

*“Coming back to work my employer couldn’t help me enough and was supportive. Not like some of the employees thinking my employer was looking after me more than them currently in the workplace, so I felt that those employees need to be educated.”* (Male, above-knee amputee, New South Wales, 50 years)

*“The corporate entity had no clue on how to deal with a disabled person and not much interest in finding out.”* (Male, below-knee amputee, New South Wales, 58 years)

*“More information available to employees and employers. Not everyone knows about JobAccess.”* (Male, upper-limb amputee, Western Australia, 35 years)

*“In my experience in local government many courses were run around cultural and disabilities however the practices were not displayed.”* (Male, above-knee amputee, New South Wales, 30 years)

*“Manager told me I was lucky I was not in Africa.”* (Male, through-knee amputee, Victoria, 59 years)

#### Sound disability awareness and knowledge

*“A more worldly and disability-aware leader made all the difference between a horrible experience and a dream one. Same agency, very different trip.”* (Male, through-knee amputee, Queensland, 50 years)

*“My employer made the effort to learn about amputation so he understood what I needed in the workplace. Nothing was too difficult and I was always included in discussions.”* (Female, above-knee amputee, South Australia, 43 years)

*“The people I work with politely asked about what it’s like to be an amputee. I was happy to respond to questions. This helped them understand why I might feel fatigued, walk a bit slower or in pain sometimes. Such a great team.”* (Male, below-knee amputee, Queensland, 64 years)

Amputees recommended that businesses could become more effective and inclusive if amputee-specific or general disability awareness and education was offered within workplaces.

*“Have a Limbs 4 Life speaker consult with the employer and amputee.”* (Female, below-knee amputee, Victoria, 60 years)

*“Employers don’t always know what they’re dealing with when it comes to amputation. Neither do the participants sometimes. It’s important both parties learn about the disability to accommodate both parties beneficially.”* (Male, below-knee amputee, New South Wales, 45 years)

*“Make disability and mental health awareness training mandatory for all government employees.”* (Male, upper limb amputee, Western Australia, 30 years)

*“Education is key. People genuinely seem to want to know about your story and day-to-day challenges.”* (Female, below-knee amputee, Australian Capital Territory, 56 years)

*"Offer amputees the opportunity to talk with their colleagues, if they want to."* (Male, above-knee amputee, South Australia, 39 years)

### 8.2.2 Bullying and harassment

Concerningly, some amputees highlighted that bullying and harassment, including violation of privacy, directly related to their disability has been a feature of their working life. It highlighted that such behaviour can occur in various industries, types of business and be perpetrated by higher to lower-level employees. Comments demonstrate that exposure to this type of workplace behaviour has emotionally harmful impacts.

*"I was discriminated against by people 'taking off' my walking pattern. I was bullied as the humiliation failed to work. I was neglected as I would not succumb to the bullying."* (Female, above-knee amputee, Victoria, 54 years)

*"I was ridiculed for being an amputee as well as bullied by management at one job."* (Female, above-knee amputee, Victoria, 56 years)

*"Once I returned to work after suffering a workplace related right above knee amputation, one of my so called work (MATES) refused to work with a "cripple" such as myself!!"* (Male, above-knee amputee, Victoria, 75 years)

*"Bullying by Administration, I did not fit their vision of the workplace I was told."* (Female, above-knee amputee, Western Australia, 57 years)

*"I worked for a government department within the Premier's office and was called stumpy behind my back and told by another employee because he "knew I could take the joke". This person was also disabled."* (Female, below-knee amputee, 44 years)

*"It never ceased to amaze me how SOME colleagues and workplace environments reacted to working alongside me {as a below knee amputee} mostly positive and accepting with curiosity always evident. The curiosity is understandable, albeit annoying at times. However, familiarity does indeed breed contempt. Never does it cease to amaze me that once curiosity is satiated how colleagues become blindly insensitive to your privacy and dignity; examples include: feeling it's up to them to tell others of your disability rather than you disclosing to others when you would choose {if at all} to do so. Countless lame puns and jokes at my expense regarding being a one-legged man {examples ... too many to mention}. On two separate occasions was given pirate attire as a gift - this, in front of other colleagues ... I could go on and on. My frustration is not in others having knowledge of my disability rather the invasion of my privacy often at my expense in work environments with people and colleagues who should know better. These behaviours leave me feeling diminished. When I walk down the street you would not know of past battles, tears and hard work it has taken to achieve and maintain my independence, dignity and privacy, and nor would I want you to know! I wonder in my quieter moments, of those less fortunate than myself whom have worked as equally, if not harder than myself, to maintain their independence and dignity despite their disability and don't get any privacy."* (Male, below-knee amputee, Victoria, 56 years)

Amputees remarked that there are a variety of ways in which bullying and harassment can be addressed and mitigated in workplaces.

*"Keep open the dialog with the wider employees, discuss issues that the returned to work person may have and how best to support that staff member without treating that person like a child. Keep up with discrimination in the workplace rules to include the way amputees are treated."* (Male, above-knee amputee, New South Wales, 51 years)

*"If someone says they are being bullied then they need to act on it. You can stop it from continuing by investigating it and reminding people of the legal rules. There's lots of information on the internet about it."*  
(Female, below-knee amputee, Victoria, 44 years)

### 8.2.3 Inclusive verses exclusive workplaces

Inclusive and diverse workplaces are ones where the human rights principles of fairness, respect, equality and dignity are promoted and part of organisation-wide behaviour, policies and strategies. Such workplaces value and consult employees with disability, and make efforts to ensure that workplace barriers are reduced or eliminated.

Feedback from amputees highlighted that some have worked in highly inclusive workplaces, whereas others experienced exclusivity or tokenistic demonstration of inclusivity.

#### **Non-inclusive workplace attitudes, behaviours and practices**

*"My employer has set up a Disability Awareness Committee, but guess what I have not been invited to be on this committee even though I am the only disabled person employed by my organisation! Employers need to listen to the needs of disabled employers and gain understanding. They should not assume that as long as they 'comply' to certain standards that they are improving their practices. They seem to think it's too personal to ask people about what they need. But it is all about communication and not about assumption."*  
(Male, below-knee amputee, New South Wales, 50 years)

*"The workplace is a state government one, the CEO of the organisation has been made aware of the situation, but nothing has been done. A ramp was installed, however it does not comply and is difficult to use and only gives me access to one room in the building. There are also no disabled toilets. Although I have been asked to consult on their Inclusion Committee, which I find insulting given that my attendance to their higher-level corporate meetings is valued but not my attendance on a local level."* (Female, above-knee amputee, Victoria, 41 years)

*"Once I made it clear that I had limitations, I was neglected. Meetings were held without me being notified."*  
(Female, above-knee amputee, Victoria, 56 years)

*"Because you look 'normal' people assume you don't need assistance, and when you ask for something it can be treated with suspicion."* (Female, through-knee amputee, Australian Capital Territory, 55 years)

*"It's one thing to have policies and procedures in place to demonstrate that you have an inclusive worksite. It's other to action it. Should be able to access support without fear of reprisal."* (Male, below-knee amputee, Tasmania, 61 years)

*"My previous employer used impossible workloads rather than be overt in their discrimination."* (Male, above-knee amputee, Northern Territory, 50 years)

#### **Inclusive workplace attitudes, behaviours and practices**

*"10 years in the workplace. Office was being renovated and refurbished and I was Invited to look at Plans before work commenced to ensure my needs were meet."* (Female, above-knee amputee, Queensland, 65 years)

*"Was given advanced notice of meeting if I required greater time to get there."* (Male, above-knee amputee, Australian Capital Territory, 56 years)

*"Small company like a big family, everyone was friends with each other so my support was fantastic."*  
(Male, below-knee amputee, Queensland, 59 years)

*"My work companions were very considerate but still allowed me to fully participate."* (Female, below-knee amputee, New South Wales, 67 years)

*"They encouraged me and are so supportive in a capability building way. The CEO has even stated they will join me in the City to Bay fundraising run."* (Female, below-knee amputee, South Australia, 51 years)

*"Open to change, nothing was too hard, welcomed to the team the same as everyone else, expected to provide the same level of service in my role as everyone else (which I did)."* (Female, shoulder disarticulation amputee, Victoria, 59 years)

*"Extremely helpful workplace as I was a war casualty ... They encouraged me to study."* (Male, below-knee amputee, Queensland, 88 years)

*"I was treated with respect and I think it provided a positive vibe with rest of staff."* (Male, above-knee amputee, Victoria, 66 years)

*"If you get someone who has actually read our disability policy and understands it, you can pretty much relax and feel "normal" this is great!"* (Male, through-knee amputee, Queensland, 50 years)

*"I work for a Disability Job Provider so they are very aware of how to treat people with a disability."* (Male, below-knee amputee, South Australia, 65 years)

*"Sometimes you have to raise the issues about your needs - I did and results were always positive."* (Male, above-knee amputee, New South Wales, 82 years)

Amputees suggest there are various ways participatory workplace environments can be created for not only their peers, but also the wider population of people with disability.

*"Look at what an employee CAN do, rather than what he/she can't do."* (Male, above-knee amputee, Victoria, 76 years)

*"Recognise that people with disabilities still have an effective working life and bring to the workplace coping tools that are of benefit to the workplace."* (Male, upper and lower bi-lateral amputee, New South Wales, 64 years)

*"Understand the amputee's ability and not pre judging. Get to know the employee."* (Male, above-knee amputee, New South Wales, 33 years)

*"Don't see amputees for their disability, see them by their capabilities."* (Male, above-knee amputee, Western Australia, 63 years)

*"Don't be afraid to hire amputees."* (Female, above-knee amputee, Queensland, 34 years)

*"Ask them what they would like support with, how they would like to be treated, basically have an open dialogue to align on expectations."* (Male, below-knee amputee, South Australia, 46 years)

*"Find a good leader within the organisation and seek advice. Ask questions and remember there is always services out there to help."* (Male, above-knee amputee, New South Wales, 30 years)

*"Treat like other normal people, with concessions and courtesy."* (Male, below-knee amputee, Queensland, 85 years)

*"Treat the person with disability as a valued member of the business."* (Female, below-knee amputee, New South Wales, 74 years)

#### 8.2.4 Complaints

Complaints made in regards to workplace inaccessibility, bullying and harassment, lack of modifications and accommodations, inflexibility and general empathy were noted by amputee respondents. The way in which complaints were handled by workplaces, and external agencies and advocacy services, varied. Concerningly, some amputees were reticent to make complaints for fear of reprisal and instead tolerated the occurrences.

##### Unsuitable complaint processes

*"Not able to complain to anyone as from observed interactions my complaint would have made the situation worse."* (Female, below-knee amputee, Queensland, 64 years)

*"For persons with a disability to be treated like able bodied persons and not to fear speaking up. I felt so tearful and emotional."* (Female, below-knee amputee, New South Wales, 61 years)

*"I needed more accessible legal advice. At a time when I felt discriminated against, I tried to determine if I had a valid case for a complaint. I only wanted 10 mins of someone's time. The only official advice I could find [using online searches] would involve taking at least one day off work, and appeared difficult to access. I gave up and didn't bother getting advice or complaining to my employer."* (Male, above-knee amputee, Western Australia, 55 years)

##### Suitable complaint processes

*"After several informal conversations about the issue, the problem was dealt with. The listening was the key to resolving things quickly and appropriately."* (Male, below-knee amputee, Victoria, 74 years)

*"Once the issue arose, and I made them aware, policy was changed to cater for my needs."* (Male, above-knee amputee, Western Australia, 62 years)

Amputees who have themselves been a complainant suggested a range of ways in which employers and external dispute resolution parties can improve complaint processes and mechanisms.

*"Union involvement a must for all amputation at a worksite/work injury regardless if the person is a member. This would help to keep the owner in line (cost can be paid by worker comp scheme)."* (Male, above-knee amputee, Northern Territory, 64 years)

*"Complaints need to be handled in a more timely fashion. Generally a complaint doesn't require a full investigation. Timeliness is effective in behavioural change. Once things drag on for three months, the time for learning is long gone. One point of contact whether that be gov't, union or ombudsman would also be good as issues tend to be nuanced and having to repeat detail to one bureaucrat (with glazed eyes who you know is not understanding or worse, misunderstanding what you're telling them) after another is enraging and simply adds insult to injury."* (Male, through-knee amputee, Queensland, 52 years)

*"All organisations should have people who have first-hand knowledge through proper training of the discriminations people with disability have to cope with."* (Male, below-knee amputee, Queensland, 66 years)

*“More disability awareness training and HR need to sit down with the person affected and work out their goals, help them achieve goals and also make them feel like a wanted employee.”* (Male, above-knee amputee, New South Wales, 34 years)

*“Peak industry bodies being up to date in their understanding and relevance. All people involved in this type of work should have mandatory awareness training, at minimum, or, ideally, lived experience as a PWD.”* (Male, below-knee amputee, Western Australia, 51 years)

*“Get an advocate to come alongside. It’s too hard to keep fighting for your rights on your own sometimes.”* (Female, below-knee amputee, Tasmania, 55 years)

### 8.3 Recommendations to the Royal Commission

Limbs 4 Life is of the view that, while much has been done to increase disability awareness at workplace and community levels, much can still be done to ensure that inclusive workplace cultures become the norm. Limbs 4 Life believes that Australian governments can influence cultural shifts, and minimise the risks of bullying and harassment to people with disability, via a number of programmatic and funding measures.

#### Recommendation 6

The Royal Commission recommend that the Department of Social Services consider making programmatic changes to the Employment Assistance Fund (EAF) that would have the potential to increase disability awareness and inclusive cultures within workplaces. Potential changes that could support such an effort include:

- Mandatory participation in online disability awareness training (e-learning) for at least one senior staff member from a business in receipt of EAF funding
- Access to voluntary online disability awareness training (e-learning) for all staff within businesses in receipt of EAF funding, thus providing organisation-wide opportunity to free professional development and upskilling opportunities.

#### Recommendation 7

The Royal Commission recommend state and commonwealth governments incentivise businesses, not in receipt of EAF funding, to participate in online disability awareness training (e-learning). This would reach a breadth of organisations and industries, increase disability knowledge, ensure more Australians are keeping pace with contemporary disability employment policy and practices, and demystify what inclusive workplace cultures are. Incentives could include:

- A small payment to businesses who register and take part; recognising that such e-learning will require taking staff offline to meaningfully participate
- Recognition certificates for all individuals who complete the online training.

#### Recommendation 8

The Royal Commission recommend that the Australian Government continue to fund the National Disability Advocacy Program.<sup>60</sup> Currently an array of organisations have been funded via this grant to provide independent advocacy for all people with disability in designated regions. Ongoing

provision of funding in current and/or new organisations will play a role in ensuring that people with disability have access to effective disability advocacy that promotes, protects and ensures their fair and equal enjoyment of human rights which enable community participation.

## **9. Conclusion**

To create an inclusive society which enables all people living with disability to reach their full and effective participation on an equal basis with others we must ensure their access to fair, meaningful and sustainable employment opportunities. In turn, this will enable people with disabilities to prosper socially and economically. We must continue to ensure that all members of our community work collectively to ensure that attitudinal, environmental and structural barriers to labour force participation are reduced and eliminated while simultaneously safeguarding disabled persons' human and employment rights.

Limbs 4 Life thanks the Royal Commission for the opportunity to make comment on employment issues experienced by Australian amputees.



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