



Down Syndrome  
Australia

## People with Down syndrome and employment – FAQ's

People with Down syndrome want to work, have the right to work, and are willing and able to work with the right support. Many people already work in open employment, some work in social enterprises, some are employed through Australian Disability Enterprises and others contribute through volunteering. This information sheet answers some frequently asked questions about employment and volunteering for people with Down syndrome.

### Legal rights and employment

#### What are the rights of people with Down syndrome in relation to employment?

In Australia, it is against the law to discriminate against people with disabilities (including people with Down syndrome) in a range of life areas, including employment. People's rights are protected through the Commonwealth [\*Disability Discrimination Act 1992 \(DDA\)\*](#) and similar state laws. Both Commonwealth and state laws offer ways for people to complain and bring cases against employers who discriminate.

Australia has also signed the UN Convention on the Rights of Persons with a Disability (CRPD).

Article 27 of the CRPD states, "States Parties recognise 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."

This means that Australia, as a State Party; has to take appropriate steps to protect people's rights; prevent discrimination; make sure people with disabilities have equal opportunity when it comes to jobs, training and business ownership; and can get the supports and 'reasonable accommodation' they need to be able to work.

The government funds various services aimed at helping people get the supports they need, and the DDA helps make sure many of the legal obligations of the CRPD are met. An important CRPD obligation is 'reasonable accommodation', known as 'reasonable adjustment' in Australian law.

#### What are reasonable adjustments?

People with disabilities face a range of barriers when it comes to employment. The law says that employers must make any reasonable adjustments a person with disability needs, unless it causes 'unjustifiable hardship' to the employer. This is when the adjustment would be beyond the financial means of the employer, or would create unreasonable disruption to the



business. Adjustments for people with Down syndrome, if needed, are usually quite simple and unlikely to be on the scale where they would be considered to create unjustifiable hardship.

These adjustments apply to recruitment processes, training, and promotion opportunities, as well as ensuring equal terms and conditions of employment and making sure workplace support is there for a person with a disability to work safely and productively. Reasonable adjustments depend on what each person with a disability may need, and are often no or low-cost adjustments. In fact, employers are often already making some of these adjustments for other employees without disabilities. These include flexible working hours and job sharing. Other adjustments for some people with disabilities might be costlier, and require more time to organise, such as specialised equipment or workplace modifications. Employers can get financial help to cover costs.

While every person is different, some examples of reasonable adjustments for people with Down syndrome might include:

- modifying recruitment practices
- offering flexible working hours
- approving more frequent breaks
- providing information, such as the job description and responsibilities, to-do lists and task cards, in Easy Read or using visual images
- using apps to help with doing tasks on time
- having a buddy program or other mentoring
- adjusting furniture or the height at which items are stored to enable a person with short stature to do their job independently.

### **What can someone do if they are experiencing discrimination?**

Depending on the situation, they may want to deal with the situation directly at first by raising it with the person or people involved. Alternatively they might raise it with a supervisor, manager or the workplace discrimination/harassment contact officer.

People can make a complaint directly to the [Australian Human Rights Commission \(AHRC\)](#) which is responsible for investigating and resolving complaints under the [Disability Discrimination Act 1992](#).

However, they may like to get some advice and help first to try to deal with the discrimination without taking legal action.

There are disability legal services in all states and territories that can advise and help with trying to resolve the problem, or with making a complaint to the AHRC.

## **Types of employment**

### **What kinds of employment are available for people with Down syndrome?**

People with Down syndrome participate in the workforce in a range of different ways including open employment, involvement in a social enterprise, running a micro-enterprise or supported employment with an Australian Disability Enterprise.

### **What is open employment?**

Open employment is where a person is employed in a role in an inclusive workplace, alongside other people who do not have a disability. Some people with Down syndrome may have a support person initially assisting them, to learn about their job. Others may get support in other ways, through a workplace mentoring approach or adjustments to the role. The employee may be paid an award wage or a supported wage. If a person is doing the job they are employed to do, and doing it properly, then they should be paid an award wage. The supported wage system has been established for employees with a disability who may not be able to perform in the same capacity as another employee. The supported wage allows employers to pay the person based on how productive they are in the job. Employers can apply to access the scheme and the employee will then have an assessment made by a qualified workplace assessor. The Supported Wage Scheme is managed by Job Access, through the Department of Social Services.

### **Can people with Down syndrome work in open employment? What kind of jobs can they do?**

Yes, some people with Down syndrome work in mainstream jobs, just like anyone else, though they might need some reasonable adjustments to support them. Each person with Down syndrome is a unique individual, with specific interests, skills and personal attributes that they can bring to the workplace. So we shouldn't assume that all people with Down syndrome will be good at certain kinds of work, or that they can only do (and be happy with) very menial work. For example, one person with Down syndrome will enjoy and be good at working in a café with a team of co-workers, while another will have great organisational skills in an office setting. A person

who loves children might shine as a child care worker, while another will enjoy physical work outdoors and the aesthetic satisfaction of working as a gardener. As with anyone, it's about fitting the person's interests and skills to the job, and making sure they have the support they need.

### **Why aren't there more people with Down syndrome employed in open employment?**

While a lot of progress has been made regarding disability, there is still a great deal of misunderstanding in the community about intellectual disability, as well as outdated beliefs and low expectations. Some misconceptions are that people with Down syndrome and other intellectual disabilities are not able to work, or will not be safe in the workplace, so should be in a more supported environment. However, these are incorrect, and with the right support many people with Down syndrome can work in paid employment.

### **What is a social enterprise?**

Social enterprises are businesses that are set up to address a social, community or environmental issue. They are commercially viable businesses that operate to achieve a social outcome rather than return a profit to shareholders. In regards to Down syndrome, some families are starting small social enterprises to create employment opportunities.

Some examples of social enterprises are:

- A family started a floristry business and the family member with Down syndrome delivers the arrangements to homes and businesses. The business has expanded and now provides employment to other people with intellectual disabilities.
- A business that makes and sells donuts at markets around the region was started to provide employment to a person with Down syndrome. The business expanded and hires both people with Down syndrome and people who don't have a disability.

### **What is a micro-enterprise?**

Micro-enterprises, often called micro-businesses, were originally conceived as a way of supporting people in third world countries to earn a living. However, they are now becoming popular as a way for people with disability to have employment. A micro-enterprise is a very small business, usually run by one person. More people with disabilities, including Down syndrome, are setting up micro-enterprises as an alternative to other employment, because they offer the chance for work that

might be hard to get otherwise. A micro-enterprise is also a great way for people to use their interests and skills to create work. Some examples of micro-enterprises include making and selling things e.g. chopping boards, paintings or craftwork, or tie-dyed socks. Often people sell their products online. Some people make dog biscuits or cakes to sell at markets. Other examples include dog-walking, delivery services, and mobile confidential shredding. People get support to set up and run their micro-enterprises in a range of ways. This includes family, friends, and NDIS funded support staff.

### **What about volunteering?**

Many people with Down syndrome work in volunteer roles. Volunteering can be a great way to meet people and contribute in a meaningful way to your local community.

Volunteering can also be a great way for a person with Down syndrome to develop their skills and experience, which may lead to employment into the future. It can also be a good way to try a job to see if it's a good fit. However, if volunteering is being used to try out a job prior to being offered employment, it is important to understand a person's rights regarding this. A person with Down syndrome has the same employment rights as anyone else. You can find more information about these rights at [Fair Work Australia](#).

### **What are Australian Disability Enterprises?**

Australian Disability Enterprises (ADEs) are funded by the Australian Government. ADEs provide supported employment opportunities to people with a disability. Supported employees are usually in roles such as assembly work, recycling, cleaning and laundry services, and food preparation. Usually all of the employees are people with a disability. ADEs are generally not-for-profit organisations that operate in a commercial environment. For some people, ADEs can be a transition point for learning new skills and can lead to open employment. Unfortunately, in most cases people do not move on to open employment. ADEs receive an amount of funding per year per employee to provide supports in the ADE workplace. However, ADE funding is now transitioning to the NDIS. This means that a person can choose to include funding to the ADE in their NDIS plan. However, they should also be able to make other choices, and tell the NDIS they want their employment support funding to be used differently, such as employing a non-ADE service provider or hiring their own support staff to help them

find and keep a job. You can find more information about ADEs at: [www.dss.gov.au/disability-and-carers-programmes-services-for-people-with-disability/about-australian-disability-enterprises](http://www.dss.gov.au/disability-and-carers-programmes-services-for-people-with-disability/about-australian-disability-enterprises)

## Employment supports

### What supports are available to help a person with Down syndrome find and keep a job?

The path to employment for a person with Down syndrome may be supported by their NDIS plan or through a Disability Employment Service (DES).

A person's NDIS plan could include supports to build confidence and skills in particular areas that will assist with employment. The NDIS will fund reasonable and necessary employment supports that are beyond the responsibilities of employment services and employers.

This includes assisting people who are not eligible for Disability Employment Services (DES) through:

- helping them build their skills and capacity to be in employment
- help to find and keep a job
- personal care or assistance with transport
- assistive technology the person might need
- supported employment, such as services offered by Australian Disability Enterprises.

Adults of all ages can ask for supports such as these to help them find and keep a job.

However, the NDIS has also set up some supports specifically for young people who are leaving school to help them transition into employment. School Leavers Employment Supports (SLES) provides individualised supports to students with disabilities in Year 12 and for up to two years after finishing Year 12. SLES is about giving young people the skills and confidence to move from school to employment. Supports can include help with work experience, job skills training and transport training. The NDIS works with education departments to help students transition into SLES or other employment supports.

You can find more information about the NDIS and employment at: [www.ndis.gov.au/medias/documents/he9/h63/8800552615966/Factsheet-MainstreamInterfaces-Employment.pdf](http://www.ndis.gov.au/medias/documents/he9/h63/8800552615966/Factsheet-MainstreamInterfaces-Employment.pdf)

## What are Disability Employment Services (DES)?

Disability Employment Services are funded through the Australian Government to help people with a disability find work in open employment. DES providers also provide some support to help people settle in to the job and then some ongoing periodic support. They can also advise and help employers to make reasonable adjustments in the workplace. If you want to use a DES, Centrelink will refer you to have an assessment, as you need to be able to work at least 8 hours a week to get DES support.

### How do I choose a DES?

From July 2018, changes to the DES program will give you more choice of which DES to use and let you change providers if you aren't happy with the service you are getting. There are many DES providers to choose from, so here are some things you should find out when you are deciding which DES to use. You may be able to see some of this information online, but you can also ask them about:

- The long-term employment rates for their clients.
- How many clients each staff member works with at once.
- How they will work with you to write a job plan that includes the employment support you will receive.
- The training and support they provide both before you get a job and when you are working.
- If the DES is a specialist provider for people with intellectual disability or a general provider.
- Where the DES is located.
- If they are flexible about meetings. For example, after the first face-to-face meeting, will they have phone or video meetings if that's what works for you.
- What is involved if you decide you don't want to stay with them as your provider.

Make sure you look carefully at the different providers and choose the one that looks right for your individual needs.

Here is a list of DES providers that will be operating from July 2018, where they are located and any disability types they specialise in. [www.dss.gov.au/sites/default/files/documents/02\\_2018/des\\_2018\\_provider\\_reports\\_0.pdf](http://www.dss.gov.au/sites/default/files/documents/02_2018/des_2018_provider_reports_0.pdf)

## What are the steps towards employment?

There are some other resources in this Down Syndrome Australia Employment toolkit to help people work through the steps towards employment. They are available at [www.communityinclusion.org.au](http://www.communityinclusion.org.au)

The first practical step towards employment is to help the person identify their strengths and interests. The next step is to think about some types of work they might like to do, using their strengths and areas of interest. Remember, this can include all kinds of employment, having a micro-enterprise, volunteering or a mix of different options.

Then, look at what other skills the person needs to develop to be able to find those types of employment. They might be able to use NDIS funding for things like transport training, developing other skills, learning how to write a resume or apply for a job, or for support to do a training course.

If the person decides to use a DES provider, they will need to have a work assessment, then choose the provider to help them get job ready and find a job.

Whether the person uses a DES or NDIS or a training program, the support should focus on their individual interests, support needs and helping them build their skills. The support should include:

- support to look for a job or training opportunities
- training and skills development prior to employment
- assistance with the recruitment process
- provide on the job training
- provide ongoing support throughout employment. This is likely to be intensive at the start and then reduce as skills and experience in the role increase.

## How does working affect the Disability Support Pension?

Working in paid employment and earning an income can affect the Disability Support Pension (DSP). The amount of Disability Support Pension a person with Down syndrome can receive depends on their assessable income and assets, and their age and living circumstances. For example, the DSP increases when a person turns 21, and people can also claim rent assistance if they pay rent or board.

A person can work up to 30 hours a week and still get Disability Support Pension. The DSP will start to be affected if

the person is single and making more than \$168 per fortnight. People can earn much more than that and not lose their DSP, however, 50c will be deducted for every additional dollar they earn each fortnight.

You can find more information about the Disability Support Pension here: [www.humanservices.gov.au/individuals/services/centrelink/disability-support-pension](http://www.humanservices.gov.au/individuals/services/centrelink/disability-support-pension)

## For more information:

### Help from Down syndrome associations

Down Syndrome Australia and the state and territory Down syndrome organisations are the experts on Down syndrome and a wealth of information you can tap into. Some run information workshops and can provide individual sessions and provide advice on including and supporting people with Down syndrome.

Start here by looking at the Down Syndrome Australia website, including the Easy Read section, (to see what it looks like). The resource section contains a lot of downloadable information. You can also go from the DSA website to your state organisation to see what information and supports they can help you with. [www.downsyndrome.org.au](http://www.downsyndrome.org.au)

Down Syndrome Australia Community Inclusion Toolkit  
[www.communityinclusion.org.au](http://www.communityinclusion.org.au)

## Other helpful information:

### WA Disability Employment Toolkit

Produced by the WA government, most of this information is applicable across Australia - [www.disability.wa.gov.au/business-and-government/1/business-and-government/employing-people-with-disability---disability-services-commission-disability-wa/disability-employment-toolkit/](http://www.disability.wa.gov.au/business-and-government/1/business-and-government/employing-people-with-disability---disability-services-commission-disability-wa/disability-employment-toolkit/)

### Australian Network on Disability -

A national, membership based, organisation that supports organisations to advance the inclusion of people with disability in all aspects of business. Find it at [www.and.org.au](http://www.and.org.au) or [info@and.org.au](mailto:info@and.org.au) or call 1300 363 645

### Fair Work Commission

National workplace relations tribunal – awards, agreements, other workplace matters.

Find it at [www.fwc.gov.au](http://www.fwc.gov.au) or call the toll-free 24-hour helpline for employers on 1300 462 957

### **Fair Work Ombudsman**

Separate from Fair Work Australia. Information and advice about workplace rights and obligations. Handy calculators for wages and leave. Find it at [www.fair-work.gov.au](http://www.fair-work.gov.au) or call 13 13 94

### **Job Access**

Information hub for people with disability and employers. Workplace solutions including workplace modifications. Find it at [www.jobaccess.gov.au](http://www.jobaccess.gov.au) or call 1800 464 800

### **Micro-enterprise**

Here are some links to information about micro-enterprises

Micro Enterprise - [www.micro-enterprise.valuedlives.org.au](http://www.micro-enterprise.valuedlives.org.au)

In Charge - [www.incharge.net.au/services/micro-enterprise-project/](http://www.incharge.net.au/services/micro-enterprise-project/)

### **Volunteering**

Volunteering Australia is the national peak body for volunteering, working to advance volunteering in the Australian community. [www.volunteeringaustralia.org](http://www.volunteeringaustralia.org)

### **Disability Confidence Canberra – Appropriate Disability Language**

Tips for language – key points and examples. Find it at [www.actinclusion.com.au/wp-content/uploads/2014/12/7391\\_NICAN\\_DCC-Handbook-FA-2.pdf](http://www.actinclusion.com.au/wp-content/uploads/2014/12/7391_NICAN_DCC-Handbook-FA-2.pdf) page 29

### **Plain English and Easy Read translation and production**

Down Syndrome WA's Clear Info service (operates nationally). Ph: 08 9368 4002 or email: [admin@downsyndromewa.org.au](mailto:admin@downsyndromewa.org.au)

Information Access Group - [www.informationaccessgroup.com](http://www.informationaccessgroup.com)

Scope - [www.scopeaust.org.au/service/accessible-information/](http://www.scopeaust.org.au/service/accessible-information/)

### **Videos**

DSV Employing someone with Down syndrome - it's good for business - [www.youtube.com/watch?v=8BOLgnEb1p0](http://www.youtube.com/watch?v=8BOLgnEb1p0)

