



## WORKING PAPER

# Councils as employers of choice

## How hiring and procurement decisions can create employment for people with disability

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### Summary

Having a secure, stable job that pays a living wage is important for an individual's health and wellbeing (Ju, Roberts & Zhang 2013). It enables economic security and provides other benefits including the ability to earn an income, form social connections, develop a sense of purpose and independence, improve skills, participate regularly in the community and contribute to one's future financial safety through superannuation savings (Qian, Riseley & Barraket 2019). For people with disability, who often experience marginalisation and exclusion, the psychosocial benefits of having a decent job that pays a decent wage are even more meaningful (Australian Human Rights Commission 2016).

However, despite years of Commonwealth and state legislative advancement, employment rates for people with disability remain unacceptably low (Raymond et al. 2019).

To help bridge this employment gap, state and local government are implementing inclusive hiring and procurement practices as strategies to create employment opportunities for people with disability (Department of Health and Human Services 2016). Such actions unequivocally require high-level leadership and political commitment (Borlagdan & Keys 2015).

### Key points

- By leveraging their dual role as major employer/procurer, local governments can create employment opportunities for people with disability either within their own organisations or across their supply chains.
- Good practice disability employment strategies are those that help employers recognise organisational structural and functional barriers that inhibit people with disability

from participating and provide employers and employees with adequate resources to overcome such barriers.

- For procurement decisions to successfully create employment opportunities for people with disability it is essential to embed social value into all purchasing decisions across every stage of the procurement cycle.
- As identified by Barraket and colleagues, the three main organisational factors that drive successful social procurement systems are:
  - **rules:** to establish a supportive policy environment
  - **resources:** to enable policy compliance
  - **relationships:** to allow multi stakeholder collaboration (Barraket, Keast & Furneaux 2016)

It is these three factors, all of which are essential in addressing labour market exclusion for jobseekers experiencing disadvantage, that also shape good practice disability employment strategies.

- Leveraging local government hiring and procurement decisions to create employment opportunities for people with disability are just two measures in a suite of strategies aimed at closing the disability employment gap in Australia. A wider range of collaborative policy initiatives must be implemented for there to be any meaningful progress within the larger disability employment ecosystem.

## The need for inclusive employment and social procurement

Among OECD countries, Australia ranks in the bottom third when it comes to disability employment (OECD 2010). In Australia, compared to people without a disability, people with disability are less likely to participate in the labour force (53% compared to 83%), less likely to receive income from wages or salary (24% compared to 76%), more likely to experience long-term unemployment (30% compared to 15%) and more likely to be underemployed (11% compared to 8%) (Australian Institute of Health and Welfare 2019). Pathways to employment that build skills and provide training are extremely important, particularly for younger people, yet people with disability represent only 2.8% of those starting apprenticeships and traineeships in Australia (Department of Health and Human Services 2018).

In response, Commonwealth and state governments have over the past two decades implemented laws and policies to support people with disability; and much work has been done to identify the structural disadvantage people with disability face in the labour market (Municipal Association of Victoria 2011). Yet despite years of legislative change, advocacy campaigns and research showing the socioeconomic benefits of inclusive workforces, people with disability continue to experience significant challenges securing and retaining stable employment (Raymond et al. 2019).

This employment gap is both a challenge and an opportunity and it is the intention of this discussion paper to consider how local governments are and could be involved in delivering a solution.

### Research aim

This paper was inspired by the Bayside Regional Partnership Disability Employment Project, an initiative of the Brotherhood of St Laurence National Disability Insurance Scheme Local Area Coordination Team, the Brotherhood of St Laurence Research and Policy Centre and the seven local governments servicing the Bayside Peninsula Region—Bayside, Frankston, Glen Eira, Kingston, Mornington Peninsula, Port Philip and Stonnington. The aim of the project is to support Victorian local governments in becoming employers of choice for people with disability specifically through hiring and procurement processes.

### Research approach

This paper draws on a review of Australian and international literature on disability employment and social procurement.<sup>1</sup> Government publications examining public procurement as a policy response to unemployment, as well as reports produced by social procurement intermediary organisations both in Australia and internationally, were also reviewed. Analysis of relevant local government disability action and procurement plans was included as part of the literature review.

The findings provide a foundation for consultation with council inclusion and procurement teams.<sup>2</sup>

### Structure of the paper

This paper is divided into three sections.

**Section one** outlines Australia's disability legislative and policy context and explores the role that local government and Local Area Coordinators (LACs) play in facilitating employment opportunities for people with disability.

**Section two** gives a brief synthesis of good practice disability employment recommendations for employers. As there is already an abundance of research, this section is intended to offer only a summary of existing knowledge and provide references for deeper exploration.

**Section three** looks at social procurement as an inclusive employment strategy. It explores the different steps local governments might take in developing an organisational strategy for purchasing socially.

<sup>1</sup> A glossary of terms relating to social procurement can be found on page 14.

<sup>2</sup> Two tools have been developed to accompany this discussion paper (Mupanemunda 2020, forthcoming). The first, a four-stage framework, is useful in helping organisations understand where they might be on their social procurement journey. The second, comprising four checklists and four action lists, is designed to help organisations develop a social procurement strategy.

## Disability policy context

Any intervention by government to address inclusion for people with disability, including access to employment opportunities, is guided and supported by the legislative and policy environment.

As a signatory to the United Nations Convention on the Rights of Persons with Disabilities 2006, the Australian Government has an obligation to provide equal access to employment opportunities for all people with disability living in Australia who are of working age (United Nations 2006). This obligation is reinforced at the federal level through legislation such as the [Commonwealth Disability Discrimination Act 1992](#) and at the state level through the [Victorian Charter of Human Rights and Responsibilities Act 2006](#), the [Victorian Disability Act 2006](#) and the [Victorian Equal Opportunity Act 2010](#).

The Victorian Government's commitment to providing people with disability equal opportunities to access sustainable employment is further reflected in their endorsement of the Commonwealth's National Disability Strategy 2010–2020. The National Strategy is informed by the social model of disability, which asserts that because 'disability' is socially constructed, efforts to address the structural disadvantage that people with disability face must focus less on an individual's disabilities and more on systemic, attitudinal and behavioural barriers to participation (Commonwealth of Australia 2011). The policy recommendations offered in the Strategy are therefore primarily focused on making mainstream attitudes and services (in education, housing, healthcare and employment) more inclusive.

The main mechanism under which the principles underpinning the National Disability Strategy are integrated into Victorian policies and programs is *Absolutely everyone: state disability plan 2017–2020*, which is implemented through *Every opportunity: Victorian economic participation plan for people with disability 2018–2020* (Department of Health and Human Services 2016; 2018). Both policies focus on increasing economic participation for people with disability by supporting inclusive education and learning pathways and creating employment opportunities in the private and public sector including through inclusive hiring and procurement initiatives.

*Every opportunity 2018–2020* highlights state and local governments' role as significant prospective employers for people with disability. Accordingly, the policy sets a 12%

disability employment target for the Victorian public sector to be reached by 2025. To achieve this target, public entities are encouraged to follow the recommendations set out in *Getting to work: the Victorian public sector disability employment action plan 2018–2025* (Victorian Public Sector Commission 2018).

## The role of local government

Closing the disability employment gap is not only a responsibility for federal and state governments. Councils are also obligated to ensure that people with disability living in the communities they serve are given equitable access to decent employment.

Victoria's [Local Government Act \(LGA\) 1989](#) and [Public Health and Wellbeing Act 2008](#) both emphasise the role of local government in creating inclusive communities for people with disability. The former mandates council to 'improve the overall quality of life of people in the local community' through, among other things, promoting 'appropriate business and employment opportunities'. The Acts require local governments to develop a Council Plan and a Municipal Public Health and Well-Being Plan respectively; both must detail council's strategic objectives, which include providing access to employment opportunities for all people living in the community, and devising strategies to achieve these (Municipal Association of Victoria 2011).

Similarly, Victoria's Disability Act 2006 mandates local governments to implement a Disability Action or Disability Access and Inclusion Plan which must show how they plan to support local people with disability by promoting inclusion, changing community discriminatory attitudes and reducing employment barriers (Department of Health and Human Services 2016).

## The NDIS and Local Area Coordination

Lauded as Australia's most notable disability policy reform in a generation, the [National Disability Insurance Scheme \(NDIS\) Act 2013](#) expressed an agreement between the Commonwealth and all state and territory governments on Australia's commitment to supporting people with disability (Warr et al. 2017). The NDIS Act reaffirms Australia's commitments under various international laws, including the United Nations International Covenant on Economic, Social and Cultural Rights 1996 and the United Nations International Covenant on Civil and Political Rights 1966, to enable the economic and social independence of people with disability.

The NDIS, which is based on an insurance model, provides ‘reasonable and necessary’ supports to help people with significant and permanent disability through individual funding packages and the provision of information, linkages and capacity building (ILC). Although the NDIS does not directly allocate responsibility to local governments, much of the capacity building work that councils already do to make their communities more inclusive mirrors the objectives of ILC (NDIA 2019a).

To achieve its objective of supporting the independence and socioeconomic participation of people with disability, the Scheme also provides Early Childhood Early Intervention (ECEI) and Local Area Coordination (LAC) services (Department of Social Services 2016). The Commonwealth government agency tasked with overseeing the NDIS, the National Disability Insurance Agency (NDIA), contracts out some NDIS implementation responsibility to LAC providers who then have a duty to help participants: design their plans, navigate the NDIS and connect to community or government support systems. LAC providers also have a responsibility to make sure local communities are more inclusive and welcoming for people with disabilities (NDIA 2019b). For LAC providers to be successful they need to thoroughly integrate themselves into the local communities by establishing partnerships with a wide range of public and private sector organisations.

In November 2019, the NDIA released their NDIS Participant Employment Strategy 2019–2022. Its goal is to increase the percentage of working age NDIS participants who are in ‘meaningful employment’ from 24% to 30% by 30 June 2023 (NDIA 2019c). LACs are required to discuss employment and career development goals with participants, appropriate for the work they aspire to do and for the stage of life they are in. Although the NDIS works with other employment programs and initiatives such as Disability Employment Services (DES), Job Access and Jobactive, LACs do not have a direct responsibility to refer participants to these services. Rather their role is to help participants understand what these programs are and how they work so that individuals are ‘given greater choice and access to the right supports to achieve their employment goals’ (NDIA 2019c).



Although the NDIS does not directly allocate responsibility to local governments, much of the capacity building work that councils already do to make their communities more inclusive mirrors the objectives of information, linkages and capacity building.

## Councils as inclusive employers

In Victoria, local government is a major employer, with over 50,000 people working across 79 councils in diverse positions and work arrangements (Victorian Government 2019). Many of these employees have secure, stable, well-paying jobs that offer benefits including paid time off for illness, flexible working conditions that accommodate carer responsibilities, long service leave and access to training and skills development (Municipal Association of Victoria undated). In today's precarious labour market, having a stable public sector job that pays a living wage is highly desirable (van Kooy & Randrianarisoa 2017).

Victorian councils can play a significant role in advancing equal employment opportunities for people with disability by ensuring that their own organisational hiring practices are inclusive and accessible. Research suggests that increasing the number of people with disability working in an organisation can be beneficial for both the employee and the employer: employees with disability increase their economic security and the organisation increases its productivity (Deloitte 2010). Hiring more people with disability to work in local government also serves as a powerful signal to the wider community, which works to break down negative stereotypes about their capacity to work.

## Good practice for disability employment

To translate what is required by law and what is recommended through policy into practice, employers need a set of practical strategies to make their organisations more accessible and inclusive (Kaye, Jans & Jones 2011). Such strategies, or good practice disability employment recommendations, have been established over many years by drawing on the experiences of people with disability and employers about which methods work best to encourage inclusive employment, from recruitment to hiring, retaining and promotion.

The good practices for disability employment identified throughout the literature can be grouped within three distinct categories that correspond to Barraket and colleagues' Rules, Resources and Relationships framework:

- Rules—which can be either formal, that is acts or regulations, or informal, that is organisational norms or guides and templates—are important because they structure ways of behaving.

- Resources—both concrete, that is financial or human resources, and nonconcrete, that is knowledge or social capital—ensure rules are made effective.
- Relationships, which involve cross-sectoral collaboration, allow the necessary exchange of resources across different organisations for rules to be made more effective (Barraket, Keast & Furneaux 2016).

Although this framework was developed for social procurement, examination of good practice disability employment strategies reveals that the same Rules, Resources, Relationships framework is useful in categorising the institutional factors that enable inclusive employment.

When implemented together, and combined with adequate support for people with disability along their employment life cycle, including training, skills development and on-the-job support, these good practice strategies can successfully reduce some of the employment barriers faced by jobseekers with disability (European Association of Service Providers for Persons with Disabilities 2015).

### Rules

To increase the labour force participation rates of people with disability, rules are necessary not just at a national and state level through legislation and policy, but also at an organisational level through plans, strategies and institutional norms. Rules or a lack thereof can encourage or inhibit inclusive employment.

High-level political commitment and leadership is critical in establishing rules that build an authorising environment. Implementing rules that enable such drastic systemic change as is required to shift the dismal employment rates for people with disability will require people in positions of authority to undo old institutional practices that have left people with disability marginalised in the labour market (Borlagdan & Keys 2015).

Rules are useful in articulating to staff and to the outside world an organisation's commitment towards people with disability, in driving organisational support, in establishing accountability and in creating a more inclusive environment for employees with disability (US Department of Labor 2019). This can look like:

- publicly adopting policies and strategies that state an intention to increase employment opportunities for people with disability. This can be through disability/access and inclusion plans or through public awareness

campaigns that highlight the challenges jobseekers with disability face and suggest strategies to overcome these

- putting in place appropriate policies so that employees feel supported to disclose their disability without fear of negative ramifications (Jans, Kaye & Jones 2012)
- setting measurable employment targets both for hiring and promoting people with disability, and being accountable for progress
- developing flexible work policies so that employees with disability can choose between different work arrangements.

### Resources

Resources (information, knowledge, financial and human resources) are necessary for the successful implementation of rules. Resources help with developing an organisation's capacity to foster inclusive work environments. They are essential for:

- ensuring that senior leadership is invested in creating inclusive workspaces. Such leaders in turn guarantee that any changes made to hiring processes are implemented; model inclusive attitudes; and create an environment in which the hiring of people with disability is normal, supported and expected (Linkow et al. 2012)
- conducting mandated inclusive employment training for all staff, especially those who have a say in organisational inclusion frameworks or who are responsible for hiring (Fong et al. 2010)
- conducting recruitment campaigns that target people with disability for both paid and trainee/internship positions
- ensuring that application, hiring and interview processes cater to a diverse range of abilities including but not limited to visual, hearing and audio impairments (Gewurtz, Langan & Shand 2016; Habeck et al. 2010)
- removing any external barriers that might inhibit a person from performing at their best (Capella McDonnell, Crudden & Li 2013). Though financial resources may be needed, research shows that the cost of making workplace adjustments is most times relatively low (Houtenville & Kalargyrou 2011). For Australian employers such cost can often be subsidised by the government through the Employment Assistance Fund (Department of Social Services 2019).

### Relationships

Even with the necessary rules in place and the adequate provision of resources, all efforts to increase employment opportunities for people with disability, if they are to be sustainable, must also involve cooperation between stakeholders across all levels of the community (Wiggett-Barnard & Swartz 2012). Relationships allow resource sharing and most importantly they provide access to wider networks.

Relationships allow organisations to recruit more people with disability into their workspaces including through:

- working in partnership with local disability employment services (DES), Australian Disability Enterprises (ADEs) and other social benefit suppliers<sup>3</sup>, LAC providers, not-for-profit organisations, disability advocacy peak bodies and local training organisations
- gaining access to a larger candidate pool of jobseekers with disability (Culler et al. 2011).

The recommendations summarised above are in line with those made by the Australian Human Rights Commission (2016), Australian Network on Disability (2020), the Australian Local Government Association (2016) and the Municipal Association of Victoria (2019).

3 See Glossary p.14 for a definition of ADEs and social benefit suppliers

## Council as inclusive procurers

In Victoria, local governments make a significant contribution to the state economy, spending an estimated \$8 billion in 2016–17 through their purchasing of goods and services (Municipal Association of Victoria 2019). Through a process known as social procurement, local governments can leverage their purchasing decisions to create employment opportunities for people with disability across their supply chains.

### What is social procurement?

Social procurement broadly refers to how organisations in both the public and private sectors use their purchasing decisions to generate a positive social impact (Burkett 2010).

Positive social impact, sometimes referred to as social benefit or social value, can include an array of social objectives such as creating employment opportunities for jobseekers experiencing disadvantage including people with disabilities, ensuring local economic and environmental sustainability, including social benefit suppliers in organisational supply chains, facilitating social inclusion for marginalised communities, and encouraging ethical supply chain management (Department of Environment & Municipal Association of Victoria 2017).

Using public procurement to create social value is a practice with a long history (Grandia & Meehan 2017). However, in the past, social value has taken a back seat to financial considerations as encapsulated in the ‘value for money’ procurement principle. As sustainable development issues gain attention, social value, with its combined consideration

of economic, social and environmental impacts is gradually coming to the forefront and increasingly shaping organisational procurement processes (Australian Government 2017; OECD 2019).

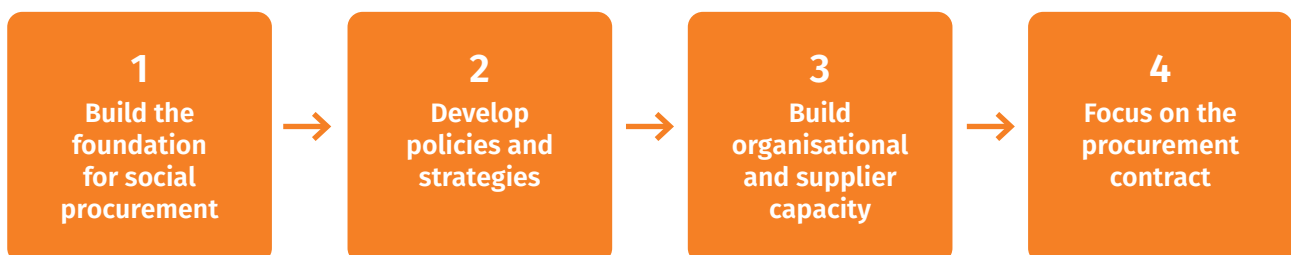
Under *Victoria’s Local Government Act 1989* all councils have an obligation to consider how their procurement decisions can help to create social value for the communities which they serve. The legislation lists ‘opportunities for employment’ as one of the factors that may be looked at in making these decisions.<sup>4</sup> It is important to note that considering social value does not change the fundamentals of the procurement process nor the rules governing all council procurement decisions under *Victoria’s Local Government Act 1989* (Department of Planning and Community Development 2010).

### How might an organisation engage in social procurement?

Creating social value through procurement requires strategic planning. It involves understanding an organisation’s broader sustainability drivers and objectives and then ensuring that there are adequate rules, resources and relationships in place to leverage purchasing power to realise those goals (Haie et al. 2019). Procurement processes that effectively create social value therefore require an organisation to focus on more than just the purchasing or procurement contract alone. As identified throughout the literature, developing an organisational strategy for social procurement takes time, requires deliberate planning and involves different considerations along different phases as illustrated in Figure 1.

Figure 1

### The four phases of developing an organisational strategy for social procurement



<sup>4</sup> Victoria’s broader procurement legislative and policy context is addressed in a separate paper by the author, to be published by the Victorian Parliamentary Library.



### **Phase 1: Build the foundation for social procurement**

The first phase involves four important considerations.

Firstly, establish an authorising environment for social procurement to thrive. That means ensuring leaders in decision-making roles are invested in understanding what social procurement is and in communicating to the rest of the organisation and suppliers their commitment to strategic procurement. High-level political commitment and leadership creates an enabling environment for social procurement and it is from this foundation that all other actions towards social procurement stem (European Commission 2010).

Secondly, identify the reasons for adopting social procurement (Berry 2018). For local government, such drivers might include achieving council's access and inclusion objectives or regenerating local economies. Understanding the reasons for implementing social procurement is essential in helping to develop a strategy that will complement rather than conflict with an organisation's values and overall goals (Haie et al. 2019).

Thirdly, engage early with existing and potential suppliers. An organisation's relationship with its suppliers (both social benefit and commercial) is crucial in creating successful social procurement systems. Supplier engagement must begin early to give contractors adequate time to consider how they will help council achieve their social value objectives and how social impact will be incorporated into tender documentation. Early engagement also gives an organisation a chance to educate its supply chain on the mutual value of social procurement (Department of Environment & Municipal Association of Victoria 2017).

And fourthly, audit current procurement expenditure to determine what money is being spent where and with whom. This process, referred to as a spend analysis, helps to identify existing opportunities and threats to creating social value for both lower value (purchasing) and higher value (procurement) decisions (Furneaux & Barraket 2014).<sup>5</sup> A spend analysis may point to areas where current organisational procurement decisions are not contributing to organisational sustainability goals (Department of Planning and Community Development 2010).

### **Phase 2: Develop policies and strategies**

Once a foundation to strategic purchasing has been established and the 'why' behind social procurement is clearly understood, the second phase involves developing policies and strategies for communicating to suppliers and other stakeholders what social value objectives an organisation plans to accomplish through its procurement decisions (Haie et al. 2019). Policies not only help to ensure that social value objectives are communicated but also, importantly, that they are implemented and measured. To this end, well-developed social procurement policies need to have objectives that are specific, measurable, attainable and context-specific (Burkett 2010).

Implementing a social procurement policy does not necessarily involve developing a new strategy from scratch (Department of Environment & Municipal Association of Victoria 2017). It can mean modifying procurement policies to ensure that social value is embedded in existing frameworks, or adapting social procurement policies from other organisations to suit the specific organisation's objectives and policy context.



**For local government, reasons for adopting social procurement might include achieving council's access and inclusion objectives or regenerating local economies.**

<sup>5</sup> Low-value purchasing and high-value procurement thresholds vary between organisations. For councils, purchasing through a quotation process usually involves amounts of \$15,000 to \$150,000 for goods and services and \$15,000 to \$200,000 for building and construction works. Procurement through a tender process usually involves amounts \$150,000 and above for goods and services and \$200,000 and above for building and construction works (City of Kingston 2019).



### **Phase 3: Use resources to build organisational and supplier capacity**

Any social procurement policy or strategy that creates social value needs to be implemented in an environment where both the procuring organisation and its suppliers have sufficient capacity. This involves empowering relevant staff through strategic procurement training, providing staff access to social procurement resources including toolkits, guides and research reports, and building awareness of social procurement within the organisation (Haie et al. 2019).

Resourcing procurement staff is extremely important for ensuring the effective implementation of social procurement (Australian Government 2017). Staff need to understand what organisational social procurement policies and strategies are trying to achieve and be given the necessary resources to achieve those policy objectives (Department of Environment & Municipal Association of Victoria 2017). Achieving social procurement objectives requires procurement staff to have expertise in strategic purchasing that can only come from adequate training (Haie et al. 2019). Building organisational capacity also involves cultivating a culture that embraces social procurement.

Research shows that for social procurement to be successfully implemented it needs to be seen and understood as a part of business as usual and that this requires a shift in organisational thinking (Burkett 2010).

Building supplier capacity involves strategies such as increasing access to procurement processes for social benefit suppliers through tender application training or holding information sessions where suppliers can ask questions about the procurement processes. It might also involve facilitating collaboration between commercial and social benefit suppliers to encourage partnerships or to identify opportunities where subcontracting might be mutually beneficial (Department of Environment & Municipal Association of Victoria 2017).

### **Phase 4: Focus on the procurement contract**

The final phase involves the purchasing or procurement contract. During this phase, purchasing organisations can create employment opportunities for people with disability using one of two approaches: direct or indirect. The direct route, as illustrated in Figure 2 (on p. 10), involves purchasing goods and services from social benefit suppliers such as those that employ people with disability, Indigenous businesses or social enterprises, whereas the indirect approach, as illustrated in Figure 3 (also on p. 10), involves purchasing goods, services and works from a commercial supplier who is then obliged to either employ people with disability or subcontract to a social benefit supplier (Department of Economic Development 2018).

Depending on the type of supplier, procurers can create inclusive employment opportunities through their procurement contracts using one of more of the following:

- **social benefit subcontracting:** mandating large commercial suppliers to subcontract a percentage of their work to social benefit suppliers
- **social clauses:** inserting requirements in contracts that oblige commercial suppliers to engage in activities (such as employment) that are beneficial for people and the communities in which they live
- **social tendering:** identifying purchasing opportunities that are ideal for social benefit suppliers and offering such tender opportunities specifically to those suppliers
- **purchasing agreements and partnerships:** forming partnerships with social benefit suppliers, who can deliver goods and services in addition to creating social benefit. (Burkett 2010).

To help connect with suppliers, procuring organisations can collaborate with social procurement intermediaries (SPIs), whose core organisational objective is to broker the relationship between procurers and suppliers (Revington, Hoogendam & Holeyton 2015).<sup>6</sup> Examples of such organisations in Victoria include Social Traders, Supply Nation and BuyAbility.

6 A more detailed exploration of the role of SPIs can be found in the next section.

Figure 2

The direct approach to social procurement



Figure 3

The indirect approach to social procurement



Like developing an organisational strategy for social procurement, focusing on the procurement contract takes time and requires strategic planning.

Procurers need to figure out how best to motivate suppliers into delivering on their social value objectives (Haie et al. 2019). Objectives such as creating employment opportunities for people with disability are complex goals that will require organisations to plan their procurement decisions and liaise with suppliers' way in advance. Additionally, procuring organisations need to review the technical aspects of their procurement contracts to ensure that social value is adequately embedded and that the necessary social value measurement frameworks are in place to document learnings for policy reform (Department of Environment & Municipal Association of Victoria 2017)

Procurers need to familiarise themselves with the different types of contractual obligations and then select the appropriate method to match their supplier and to create the social value objective desired. Contracts that are due for renewal must also be assessed to determine where opportunities for creating disability employment might open up (Department of Environment & Municipal Association of Victoria 2017).

### **A note on Australian Disability Enterprises**

Social benefit suppliers that employ people with disability are often, but not always, referred to as Australian Disability Enterprises (ADEs). It is important to note that among disability advocates there are conflicting positions on the use of ADEs as appropriate employment options for people with disability. While some people argue that these sheltered conditions provide helpful support, others argue that they do not provide adequate pay and might inadvertently limit the transition opportunities of those who wish to move into open employment (Department of Social Services 2015).

It is outside the scope of this discussion paper to take a position on such debates. However, we draw attention to the fact that the number of people with disability accessing employment through ADEs in Victoria is very small compared to those accessing open employment (Australian Institute of Health and Welfare 2018).<sup>7</sup> If the goal for local governments is to increase employment rates of people with disability through social procurement then there is more to be gained by exploring other pathways. Local governments engaging in social procurement activities should not view ADEs, or indeed social benefit suppliers, as the only conduits through which to involve people with

disability; and should place equal emphasis on the indirect approach to social procurement.

### **Organisational factors that shape successful social procurement systems**

Social procurement has the potential to create employment opportunities for people with disability. However, it is not without its challenges and it must not be viewed as a panacea to disability employment, rather as one strategy in a suite of policies to help increase employment opportunities for people with disability.

Like good practice in disability employment, social procurement systems require **rules, resources** and **relationships** if they are to generate social value (Barraket et al. 2016).

#### **Rules**

To achieve organisational social value objectives, procurement decisions need to be underpinned by rules—that is, policies and strategies that explicitly state an intention to create social value in addition to those that govern conventional purchasing. This can be done either by considering social value within a broader procurement plan or by having a separate policy dedicated to social procurement (Department of Environment & Municipal Association of Victoria 2017).

#### **Resources**

Like hiring and recruitment staff, purchasing and procurement officers need adequate training. Failure to do so is likely to jeopardise an organisation's ability to leverage their purchasing power for the creation of social value (Australian Government 2017). Increasing an organisation's knowledge of social procurement is also crucial. Many organisations both within and outside Australia have produced guides, toolkits, templates and research reports which can be used by others embarking on a social procurement journey. Organisations such as the Municipal Association of Victoria hold regular training sessions run by their Procurement Department, which might be useful for local government procurement officers (Municipal Association of Victoria 2020). Social procurement resources specific to local governments have been produced in Victoria. These include [Social Procurement: A guide for Victorian Local Government](#) produced in 2010 by the Department of Planning and Community Development and [Beyond Value for Money in Procurement – Social Procurement in Victorian Local Government](#) produced in

<sup>7</sup> In 2016–17 of the roughly 1 million people with disability living in Victoria who were in the labour force, only 4166 were registered with an ADE.

2017 by the Municipal Association of Victoria working in collaboration with the Department of Environment, Land, Water and Planning (Department of Environment & Municipal Association of Victoria 2017; Department of Planning and Community Development 2010).

### ***Relationships: the role of intermediaries in driving social procurement***

Social procurement systems require collaboration between demand-side procurers and supply-side contractors to function successfully. Organisations that can facilitate such partnerships are known as social procurement intermediaries.

Social procurement intermediaries bolster demand-side interest and build supply-side capacity (Barraket, Keast & Furneaux 2016). They educate procurers, particularly those in the private sector, on the benefits, be they financial or social, of engaging with social procurement. Social procurement intermediaries help social benefit suppliers gain legitimacy through accreditation and through the creation of social procurement networks, they assist these smaller organisations to increase their visibility (Revington, Hoogendam & Holeton 2015). In return, these organisations receive a financial compensation from both procuring organisations and social benefit suppliers for the services they provide, be they connecting procurer to supplier or providing accreditation and networking opportunities to social benefit suppliers.

Local government staff who want to embark on social procurement activities are encouraged to build relationships with social procurement intermediaries because these are best placed to connect them with smaller social enterprises, who are potential suppliers particularly for lower value Request for Quote (RFQ) purchases.

### **Using rules, resources and relationships to create employment opportunities for jobseekers experiencing disadvantage**

The case study below, of Birmingham City Council in the United Kingdom, has been chosen as an example of good practice. It demonstrates how a local government can use the rules, resources, relationship framework to drive successful social procurement systems that produce employment outcomes for jobseekers experiencing disadvantage. Although the case study is not specific to disability, it highlights the ways in which council can structure its purchasing decisions to create employment for local jobseekers who are marginalised in the community.

Using **rules** (Public Service (Social Value) Act 2012; Birmingham Business Charter for Social Responsibility; Jobs and Skills Charter), **resources** (Employment Access Team), and **relationships** (suppliers and the Employment Access Team), Birmingham City Council is leveraging its power as a major employer to create more inclusive employment opportunities for people in the local community.

Though social procurement is not yet legislated for local governments in Australia as it is in the United Kingdom, there are nevertheless councils that are managing to achieve significant employment outcomes for jobseekers experiencing disadvantage through their procurement processes. A notable example is the City of Gold Coast and its Buy Social Policy (Social Traders undated). Victorian councils are encouraged to build relationships with other local governments, such as Gold Coast, to allow resource sharing and learnings exchange.

### Applying rules, resources and relationships: the case of Birmingham City Council

In the United Kingdom, all public entities are mandated by the Public Services (Social Value) Act 2012 to consider how their procurement decisions can be used to alleviate social inequality within their communities (UK Government 2020). This includes Birmingham City Council (BCC), one of the largest local government authorities, with an annual procurement expenditure over £1 billion (The Social Value Portal 2015).

The key mechanisms used by the BCC to implement the Social Value Act 2012 are the Birmingham Business Charter for Social Responsibility (BBCSR) and the Birmingham Living Wage Policy (BLWP). Both are aimed at maximising the local social, economic and environmental benefits generated from the procurement process (Birmingham City Council 2017a; 2019). The BBCSR lists six key principles that guide all BCC procurement (Hurrell et al. 2017):

- creating employment opportunities for local jobseekers
- buying from local businesses first
- establishing partnerships with local community organisation
- being a good employer by adopting the Birmingham Living Wage Policy
- committing to protecting the environment
- maintaining the highest ethical standards in signatory supply chains.

All suppliers must sign the charter and provide an action plan showing how they will contribute to the six key priority areas, with a set of clearly stated expected outcomes and measurable outputs (Birmingham City Council 2017b).

The BLWP ensures that people working on behalf of the council, including those in council supply chains, are paid the same minimum wage as if they worked directly for the council. The policy reflects BCC's commitment to pay people a decent wage that frees them from working multiple jobs and allows them to spend time with their family (Birmingham City Council 2017a).

The objectives of the BBCSR predate the implementation of Social Value Act. In 2010, the council introduced their Public Procurement Framework for Jobs and Skills (PPFJS) as a way of leveraging council procurement decisions to reduce unemployment and create training opportunities. The PPFJS enabled BCC to include job creation and skills building as a 'best value' consideration when awarding procurement contracts. The PPFJS is mandatory, with varying job targets set for different procurement thresholds. When a tender is awarded, the supplier works with BCC's Employment Access Team, whose responsibility it is to identify local priority jobseekers and to match them to employers working on the council project, at no extra cost to the supplier (Macfarlane 2014).

In 2009–10, the PPFJS was used to insert jobs and skills requirements into the tender documentation for the construction of the Birmingham City Library. The library, which cost an estimated £193 million, opened in 2013. Under the Jobs and Skills Charter, 306 jobs and 82 apprenticeships were created for Birmingham residents, with 54 per cent of these opportunities reserved for people from communities experiencing disadvantage (Macfarlane 2014).

## Conclusion

Increasing the number of people with disability who have access to decent work with a living wage requires a collaborative effort across all sectors of the community. Commonwealth and state governments across Australia have initiated this important task by creating an enabling environment and setting employment targets and policy objectives through their various disability strategies and legislation. Local governments, because they are closer to the community, can play their part by developing their own organisational strategies so that what is required by law and what is recommended through national and state policy is translated into practice. Where state and local governments lack the capacity to intervene for individuals, LAC providers in their mandate as NDIS implementers can step in and facilitate connections between people with disability, mainstream services, local businesses and other community organisations.

This discussion paper has tried to demonstrate that there is significant opportunity for local governments to leverage their dual role as a major employer and procurer to create employment for people with disability. While recognising that local governments already do valuable work to make their communities more inclusive, our intention is to prompt councils to critically analyse their organisational processes and identify how they might use the Rules, Resources, Relationship framework to shape inclusive hiring and procurement practices.

## Glossary

**Australian Disability Enterprises:** not-for-profit organisations, funded by the Department of Social Services, operating within a commercial framework, that provide supported employment opportunities to people with disability.

**Social benefit suppliers:** suppliers that through their organisational make-up or objectives prioritise social impact over profit. Examples include social enterprises, disability enterprises, Indigenous businesses, not-for-profit suppliers and women-led social enterprises (Burkett 2010).

**Social enterprise:** a business driven by a social, cultural or environmental mission that is in alignment with a public or community benefit (Qian, Riseley & Barraket 2019).

**Social procurement:** the process through which public and private sector organisations use their purchasing power to generate positive social, economic and environmental benefits (Burkett 2010).

**Social value:** the additional social benefits resulting from the procurement process, over and above the direct purchasing of goods, services and works (Newman & Burkett 2012).

**Sustainable employment:** freely chosen productive work that offers a living wage; job security; access to development through training or skills development; opportunities for increased earnings into the future; access to adequate social security; human dignity and protection of human rights; equity and equality; safe and healthy workspaces that comply with labour standards as well as opportunities to participate in social dialogue (European Commission 2010). The terms sustainable employment and decent work may be used interchangeably throughout this paper.

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