**Willing to Work: National Inquiry into Employment Discrimination against Older Australians and Australians with Disability**

# Submission No 69

**Name** Withheld

**Submission made by**

[x]  Australian with disability in work

# Submission regarding Australians with Disability

### **Your experience**

**Have you (or the person you are submitting on behalf of) experienced employment discrimination?**

[x]  Yes

[ ]  No

[ ]  Not sure

**Did you take any action in relation to the employment discrimination you experienced?**

[ ]  Yes

[x]  No

**Please tell us more, for example, what action you took and how effective you felt it was; or why you chose not to take any action.**

I work in the public sector. At the time, in 2009, I was a temporary employee and my requests for reasonable adjustments were not accommodated and I felt that I was going to have my contract not renewed at the end of the contract period. I wrote a letter to the CEO advising him of the access issues that I faced in the workplace and that I would like to have the issue redressed not just for my sake but for the sake of other people with disability. The CEO was receptive to my letter and I was assisted in obtaining reasonable adjustments and I was offered a permanent position.

In mid 2013, I applied for a higher graded position because I felt that I had accumulated the experience and expertise to be able to do the role. I was not offered an interview.

I returned from maternity leave in early 2015. Two weeks after my return from maternity leave, I learnt that another person who worked in another office and who had taken maternity leave a few months after me had been offered an opportunity to act temporarily in a higher grade position at my office. I was shocked to learn about this because I already worked in that office, I had also returned from maternity leave and was working part time and I could not understand why I was not considered for the opportunity to act up in the higher position. There have been no issues with my work performance - to the contrary, I have received acknowledgment from solicitors, barristers and the judiciary about the high standard of my work. I felt that I had been discriminated against because of my disability. At around the same time, the manager had also dismissed my request for reasonable adjustments upon my return to work and it was she who played a large part in recruiting a colleague to act up in the higher position at my office.

I raised this issue with the Director of my unit who indicated that she could not tell me why that person was appointed and why I was not considered; and stated that it was only temporary and I would have an opportunity to apply for that and other positions in future. Needless to say, my colleague has an advantage in securing that higher grade position on an ongoing basis by virtue of the fact that she has been working in it for several months now.

I attempted to obtain legal advice about whether this could be proved to be discrimination or not. At the end of the day, this is my workplace - for the time being - and I just don't have the time and emotional reserve to deal with a contracted dispute with my employer. I have taken my concerns about my workplace not being supportive of, and accessible to, people with disability to the Deputy CEO and that has assisted me in resolving my feelings about my workplace somewhat.

**Did your experience of employment discrimination impact on your participation in the workforce? (For example, did you have to stop work, change jobs or take sick leave?)**

[x] Yes

[ ] No

**Please tell us more**

It has affected my mental health. I had a lot of anxiety and was quite distressed. I had to see a counsellor to help me cope with these feelings.

This is not the first time mistreatment in the workplace has had a negative impact on my mental health. I have gone through many, many periods in my working career where the lack of support by my employer has caused me considerable distress. It is for this reason that I do not intend to remain with my employer long-term.

### **Barriers**

**Do you think older Australians/Australians with disability face barriers when they look for work or are in a job?**

[ ] Yes

[ ] No

[x] Not sure

**Does employment discrimination have an impact on gaining and keeping employment for older Australians/Australians with disability?**

[x] Yes

[ ] No

[ ] Not sure

**Are there any practices, attitudes or laws which discourage or prevent equal participation in employment of older Australians/Australians with disability?**

[x] Yes

[ ] No

[ ] Not sure

**Please tell us more**

Attitudes - people assuming what we can and can't do.

Being an advocate means that we are often perceived as "trouble makers".

Inherent bias - most people will not say why they have not hired or promoted a person with disability. However, they may have prejudices that they can excuse by using any number of reasons to claim why a person with disability is not suitable for the job. How can one prove this?

There is no real incentive or desire by Australian employers to employ people with disability and to recognise the business benefits of welcoming people with disability as employees and clients. Hiring people with disability is still largely seen as a "pity" gesture with no recognition of the skills and benefits people with disability bring to the workforce.

**What are the incentives and disincentives for older Australians/Australians with disability to work?**

**Incentives:**

We are humans. We have every right to fully participate in society and that includes participation in the workforce. It is not anyone's place to say that because we do not meet the medical model of "normal" that we should be banished to the fringe of society.

**Disincentives:**

Ongoing discrimination and difficulties in the work place can lead to mental health issues.

### **Good practice**

**Are there examples of good practice and workplace policies in employing and retaining older Australians/ Australians with disability?**

[x] Yes

[ ] No

[ ] Not sure

**Please tell us of examples of good practice in employing and retaining older Australians/ Australians with disability in work that you are aware of.**

Positive recruitment - employing strategies that seek to attract people with disability as employees.

Revising advertising and interviewing strategies to ensure that they are free from barriers and allow people with disability to apply and go through the recruitment processes. If there are 2 perfect candidates for the roles - why not offer the position to the person with disability? It's not a handout. We work EXTRA HARD to achieve what "normal" people achieve - not because of our "limitations" or "disability" but because of the barriers that society endlessly erects to defy us from equal participation. How about levelling the playing field?

Education, education, education of managers and supervisors about disability and access and equity so that we eradicate their innermost fear about the problems people with disability will have doing the job or fitting in the workplace.

Participation in the Stepping into and willing and able mentoring programs conducted through the Australian Network on Disability.

### **Solutions**

**What action should be taken to address employment discrimination against older Australians/Australians with disability?**

There needs to be some good practice standards published so that organisations are encouraged to employ and retain people with disability.

**What should be done to enhance workforce participation of older Australians/Australians with disability?**

Offer free courses to people with disability to encourage them to undertake studies or further studies to assist them in getting into the workforce.

**What outcomes or recommendations would you like to see from this National Inquiry?**

I would like to see recommendations that will genuinely make a difference to people with disability - like me - who feel disheartened and demoralised after over 10 years in a workforce that does not value me or the work that I do. I would like to see a cultural and attitudinal shift in Australia from the position of "them vs us" to an inclusive society where there is acceptance, cohesion and goodwill. I know what I have to offer the world and I have a strong sense of self-worth that no organisation can rip away from me. But the message I get when I continually apply for jobs - higher or lateral - and continually get rejected is that I am in a cubed glass. Disadvantaged because I am a woman, I am from a culturally and linguistically diverse background, I have a disability and now I am a parent. My opportunities are limited.