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

# Submission No 2

**Name** Withheld

**Submission made by**

☐ Australian with disability in work

☐ Australian with disability looking for work

☐ Australian with disability who would like to work

# Submission regarding Australians with Disability

### **Your experience**

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

*Discrimination is when a person is treated less favourably than another person in a similar situation because of a characteristic they have, such as their age, or disability.*

*It is also discrimination when there is a rule or policy that is the same for everyone but has an unfair effect on people who are older or people with a particular disability.*

☐ Yes

☐ No

☐ Not sure

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

☐ Yes

☐ 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 was super lucky. When I applied to work in another role within the same organisation I was working in in 2009, my potential manager was told of my anxiety issues by HR and asked if he wanted to reconsider selecting me for the role. The potential new manager told them off for discriminating against me, said he would hire me based on my interview, and if I needed to disclose while in his team, he would work with me on it then.

After the manager and I had built up an effective working relationship and I’d disclosed, etc, he told me that this had happened.

**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?)**

☐Yes

☐No

**Please tell us more**

### **Barriers**

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

☐Yes

☐No

☐Not sure

**If yes, or not sure, what do you think these barriers might be?**

I don’t have a physical or intellectual disability, and am less impacted by sensory disability than others. So the external barriers for me are relatively small in comparison.

For people with a physical disability, inaccessible buildings are a huge issue. Is there even one step to a given workplace with no ramp access? If so, that is an immediate barrier to a person getting a job. Are there accessible toilet facilities? If so, are they perpetually locked? Is there accessible parking? Are there impossibly narrow hallways? There are heaps of physical barriers, and I’m sure these will be addressed by participants with physical disabilities. Not having a physical disability, I am quite possibly unaware of the myriad barriers that exist.

For people with an intellectual disability, what supports are in the workplace to facilitate a person getting and maintaining a job? Would the culture of many workplaces support the notion of a support worker assisting someone on the job? To respond to this with ‘some people can’t work because of the severity of their disability’ is a cop-out. If people can get DSP, funded accommodation, family respite, etc, etc, then I cannot see why funds aren’t allocated towards supporting people to get valued jobs within society. How is it fair that a person can go to a sheltered workshop and get paid $1.30 per hour? Yes, people have different capacities, but if we can support people in segregated settings, then we can support them in the community. The barriers that exist for people with an intellectual disability are around people’s attitudes and lack of imagination. We’ve shut down institutions, but the relics from this era are still louder and clearer than much of the sector/world seems to realise.

I have the Diploma of Disability as well as experience working and volunteering with people with disability for a number of years, so the above is not idealism. It is ethical, and it is practical. It should be at the forefront of everybody’s minds instead of being considered the dreams of an idealistic few. We don’t consider it ethical to segregate people based on race or gender, so why are sheltered workshops considered a viable alternative to a valued role (ie REAL job)? The barriers to getting a job are, in part, that we think people are already working to their capacity while being shut away from the world!

As for the barriers I experience, I have a sensory disability and a mental illness, both of which have anxiety as a prominent feature. I’ve internalised the stigma around both my diagnoses, and because I am “high-functioning” much of the time, I spent a great many years working full-time. The scariest thing for me is the not knowing who will and won’t cope if I have a meltdown. Also, trying to ‘hide’ the parts of me that aren’t socially sanctioned is enormously draining, and I’ve quit many jobs based on my belief at the time that I was incompetent.

If I could be assured that people wouldn’t be scared or patronising or impatient when I get super anxious, I’d probably be calmer as a result. It’s a vicious cycle, and I’m working to combat it by getting qualified for roles that utilise more of my strengths than weaknesses. I’m an ace disability support worker, and do it on a casual/part-time basis. But I don’t see myself doing that full-time; the inter- and intrapersonal demands are too much for me.

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

☐Yes

☐No

☐Not sure

If it’s anything like it is for disability, then I’d hazard a guess the answer is ‘yes’.

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

☐Yes

☐No

☐Not sure

**Please tell us more**

Practices: Sheltered workshops.

Attitudes: That “some people can’t work”. That’s a shitty attitude. If you don’t know or can’t conceive of how a person with a severe disability can work in the general workforce, then read examples of where it’s been done. Talk to people and their families (and their employers!) Instead of getting angry/defensive and thinking of advocates like myself as ‘idealistic’ or defending quasi-inclusive activities as “the best that could be done”, entertain the notion for a moment that more can (and should) be done.

It’s fine to be unsure or doubting or uneducated. It’s criminal not to challenge these ingrained preconceptions about people that we all have, and to remain uneducated.

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

**Incentives:**

Sense of worth, money, escape the poverty cycle, not have to deal with Centrelink (Centrelink have been wonderful to me; they’ve been my main source of income for three years, but it’s damn hard trying to contact them, and damn confusing when I am self-employed trying to declare accurate earnings).

**Disincentives:**

You get taxed in the extreme! When I was working casually for an employer, I’d get taxed at the normal rate from my employer (or maybe a higher rate because I had two incomes, I can’t remember now), my Centrelink allowance would decrease, and it was the equivalent to working for half-pay.

I’m hell-bent on ‘earning my own way’ and I also have family support as a back-up. Therefore, I can afford to take a pay-cut as a means to an end. But if I didn’t have a back-up, or was more impacted by my disability/illness than I am... why would I go to work for half-pay when I could reserve my energy for day-to-day living activities? If it’s a choice between going to the Supermarket and buying food to survive, or going to work for effectively $10 per hour (instead of $20), which would you choose? When you’re already living on or below minimum wage at the $20 per hour?

Also, don’t Centrelink take you off DSP if you’ve worked full-time for 8 weeks? That scares the life out of me. What if I relapse after 9 weeks? The nature of some disabilities/illnesses is such that it would be great to be kept on DSP at zero pay for a lot longer than 8 weeks even if you have scored a great full-time job. I’m working my arse off to get as well as I possibly can before I even consider full-time work. Not because I’m a “bludger” (haven’t met one yet) who enjoys living on a hugely tight budget, but because it’s better to live on a hugely tight budget than it is to have no back-up, nowhere to go. I don’t want to lean on my family; they have their own financial considerations. And because I want to work sustainably in a way that benefits both my employer and I – I don’t want to rush into it and crash and burn again.

### **Good practice**

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

☐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.**

The example I gave of my manager was good practice.

I have done volunteer work with one organisation where I worked alongside a person with an intellectual disability who has been there for a number of years. She works in admin, and we helped each other out with work when need be.

### **Solutions**

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

A massive attitudinal shift needs to happen. If HR were really concerned about my anxiety levels, instead of giving my manager the opportunity to discriminate against me (and putting me through a stressful extra interview to \*ensure that I’d cope\*), they could have asked me what support I would need to do the job to the capacity I’d already proven I had through 1.5 years of service to the organisation and two successful interviews. I was treated like a liability before I was even hired, and was lucky that my manager had the nous to put HR back in their box.

And that’s just around anxiety. What if I had a physical disability? Would I have been able to get into the building? Or an intellectual disability, or a meltdown during my extra interview? Would I have been supported during interviews in an equitable way? Based on my experience, I doubt it.

I’ve talked about sheltered workshops already.

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

Genuine person-centred planning. Not rhetoric. Not abusing the term ‘person-centred’ to suit the needs of an organisation, or DHS, or Centrelink or whoever. ACTUAL person-centred planning. The scary kind of person-centred, where the outcome can’t be known because every person is an evolving individual. It’s an investment, and not only in a person – people with a disability aren’t charity cases. It’s not a case of organisations being able to say ‘look at us – we’re good people, giving that person a job.’ Contrary to every misconception out there, some of which I possibly unconsciously hold myself (because we all do!), people with a disability have genuine, practical, not tokenistic things to offer a workforce.

It therefore makes sense to, for example, ASK me what support I’ll need in the discriminatory third interview instead of looking at me with a sympathetic face telling me how stressful the job I’ve applied for is and asking if I’ll cope. How the hell do I know if I’ll cope? I need to be given a chance to do the damn job first! Not to be covertly bullied out of it!

Incidentally, I was a top performer in that team for a year. HR didn’t ask further questions when I was seconded into a management position during that year.

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

Far more humility at each level of decision-making. Asking the questions is a good start (an excellent start; the only start worth considering, really). Then taking on the answers, bearing in mind the complexities – for example, if I’d lived a life where I’d bowed down to service providers (I haven’t), maybe my responses will indicate that I love everything my current service provider has to offer. But will these responses mean that my service provider is amazing? Maybe, maybe not.

Then, once that’s done, make people accountable. Building physically inaccessible? Fix it. Does it cost a lot to fix? Make the fine for not fixing it / delaying fixing it more expensive. Put the proceeds from these fines into the damn budget so that people with a disability can stop being targeted for “budget cuts”. Believe me, living on DSP is not a lucrative business idea, and it’s certainly not one I indulge by choice!

Negative stereotypical beliefs about people with an intellectual disability in the workforce? Have a chat to a person with an intellectual disability, and their support network if need be. Give them a chance to work. Maintain open dialogue between all parties. It’s not the smoothest ride in the world, but neither is conducting an inquiry into employment discrimination against people with a disability. Complex problems require complex and GENUINELY out-of-the-box thinking. People with a disability are just as capable of this as people without.

It’s not that biases will magically disappear once we have ramps and appropriate support. But it’s a really good start.

The issues create issues, and the only way to address the issues is to address them. Nonsensical and tautological all in one.