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

# Submission No 211

**Name** Withheld

**Submission made by**

☒ Older Australian in work

☒ Australian with disability in work

# Submission regarding Older Australians / Australians with Disability / Both

### **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?**

[x]  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.**

As an older Australian, I have come across workplace discrimination a number of times. One example was being refused an interview for a basic position because the employment process demanded I provide details of all medications. I was immediately eliminated from the process. I did pursue it through the ADCQ and the outcome was positive including changes being made to the company’s recruitment procedures.

My most recent experience was being suddenly suspended from my job because I have a mental illness and a senior manager made a decision that I should undergo a compulsory Independent Medical Examination. The doctor quickly concluded that there was nothing wrong with me and I could return to work. The treatment by my employer has been absolutely disgusting. I was never given any opportunity to provide information or meet with management, I was refused access to my friends or work colleagues, I was directed to remove all my possessions from the workplace and was stood over whilst I did this, the contact person refused to answer questions from my solicitor, there was no confidentiality- only gossip, my solicitor pointed out legal errors in the documentation to me and the list goes on.

**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**

My current experience has had a huge impact on my confidence and self esteem. I feel I was treated like a criminal. Anyone who truly understands what it is like to have a disability will understand the impact of such actions on their health. This should never have happened and even though I knew the DDA content and my employment conditions, and how they were used in the workplace, management were not interested in listening to me. I had absolutely no where to go to try and stop this from happening to me. I accept that had I shown signs of being unwell an IME would probably have been appropriate but this was clearly not the case. I was required to undergo a drug screen which included urinating into a cup whilst someone was watching me and answering questions about my sexual relationships. I am totally humiliated, ashamed, and feel nervous and concerned about returning to work. I rarely leave home now and am unsure if I have the coping mechanism to return to a career I love and have worked so hard for.

### **Barriers**

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

[x] Yes

[ ] No

[ ] Not sure

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

* Barriers in relation to the ignorance of some employers who believe an older person with a disability cannot work and has a low IQ.
* Barriers about understanding reasonable adjustments that might need to be made and a view that it is too hard and will cost too much.
* Barriers that other employees may catch something from a person with a disability.
* Barriers that a person with a disability is not a worthy person and deserves less.
* Barrier that an employer does not believe that a person with a disability would enjoy being in the workforce and feel satisfaction and self esteem from earning a wage.
* Barriers that an employer can’t be bothered employing a person with a disability particularly when there are other applicants who are not disabled/older.
* Barrier that an older person is not attractive enough for their business.

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

[x] Yes

[ ] No

[ ] Not sure

In my case, I feel my long term employment has jeopardised by the actions of management. I feel I have been singled out to make an example of me. I believe they saw me as an easy target as I have a disability and wanted to get rid of me as they had too many staff. I find this cruel and when they finally worked out I am returning to work the attitude is one of “Oh well.” Management often lack empathy and do not have a proper understanding of disability legislation, or their own employment legislation. Management also do not seem to understand or care the psychological damage they cause when they treat employees this way. Older people are often doomed to fail from the start because they just don’t fit in!

**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**

This is basically covered in (b) Barriers above. I do not think enough is done raising awareness about disability discrimination. I come to this conclusion from observing the lack of knowledge managers have including their HR personnel. It seems that although we have legislation such as the DDA, there are still many employers who have no regard for such requirements and continue to do what they always did. If caught, the penalties are quite small.

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

**Incentives:** build self esteem, pride and dignity; have a purpose to get up in the morning; companionship; get out of the house; social aspects; meet new people; gain new skills (eg woodwork); provide a service to those less fortunate (Meals on wheels); sense of achievement by earning a wage or part wage supplemented with the pension;

**Disincentives:** continualrejection and not feeling worthy, attitude and narrow mindedness of some employers; employers can’t be bothered; view that a 25 yo can do a better job; not seen as part of a work group eg. see you as’ special’ because you are disabled; see you as an easy target to get rid of:

### **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.**

My partner worked in a shop and he was able to sit on a chair behind the counter and close the shop for 5 minutes to go to the toilet when needed (1 person shop). His employer purchased him a set of magnification goggles for small engraving when he started wearing glasses. These are not big things. They are reasonable adjustments that helped my husband through each day.

### **Solutions**

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

Shift in attitude amongst employers; large advertising campaign showing what older people can do rather than assuming what they can’t do; financial incentives for employers to employ older Australians; make work opportunities such as ‘Men’s Sheds’ more readily available than they are now to give older people some skills as well as companionship – this could lead to some part time employment; provide older Australians/those with disabilities to demonstrate what they can do and then decide.

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

Make sure employment processes are transparent and compliant with legislation so older Australians feel like they have a chance of employment; provide a service to assist older Australians putting a resume/short application together, have some positions (eg council or government) designated for a particular group of people as we currently do for Aboriginal and Women only positions.

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

Clear change happening that gives every older person with a disability hope that if they are capable of working they can find work; a service centre for older Australian’s to assist them in finding work; enable them to gain skills with assistance (eg. funding, premises, materials) so they become multi skilled and more employable.

I personally would also like to see older Australians and those with disabilities having easy access to organisations (perhaps something such as a Legal Aid) that if there are legal matters relating to them getting work they know where to go and have someone helpful to talk to. I know from my own current experience related to my disability how stressful it is if you do not know where to go to get some help. Some older people or those with disabilities live alone and it can turn out to be an experience that either gives them self esteem to move on or sees them lose their will to keep trying.