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

# Submission No 80

**Name** Jeanie Adams

**Submission made on behalf of** Mark Adams (son)

**Submission made by**

Australian with disability looking for work

Australian with disability who would like to work

Carer/family member of Australian with disability

# FORM 1: Submission regarding Older Australians/ Australians with Disability / Both

### **Your experience**

**Gender**

Female (writer)

Male (person experiencing discrimination)

**Are you of Aboriginal or Torres Strait Islander descent?**

No

**Are you from a culturally and linguistically diverse background?**

No

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

Yes

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

Yes

**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.**

My actions have been

(1) to report the inadequacies of the agency in an interview with the Audit Consultant in October last year;

(2) to create and circulate a document promoting the person in question as a potential employee;

(3) to attempt to highlight abilities and politely encourage the agent not to give up.

**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

**Please tell us more**

Did not get a job.

### **Barriers**

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

Yes

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

Inadequacy of the Disability Employment Services

(see detailed submission attached)

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

Yes

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

Yes

**Please tell us more**

(see detailed submission attached)

Practice and attitude are possibly just laziness, to fail to take action to understand and overcome the obstacles. Willing employers do exist – they need to be found.

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

**Incentives:**

Being a fully engaged, useful member of society.

**Disincentives:**

### **Good practice**

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

Yes

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

(see detailed story attached)

### **Solutions**

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

(see detailed submission attached)

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

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

Ensure the effectiveness of accredited Disability Employment Services

(see detailed submission attached)

Jeanie Adams

**[Contact details removed]**Date: 24 Aug 2015

To: Australian Human Rights Commission, National inquiry into employment discrimination against older Australians and Australians with disability

PART 1: Share your story.

Our son Mark, the middle in a family of three boys, born with Down Syndrome, is now 39 years old. He spent his first nine years in an Aboriginal town in Far North Queensland, part of the family who adopted us all, and as a result developed a normal self-image and very good self-esteem.

Except for one (dreadful) early year in a special school in Melbourne, he attended mainstream schools (Aurukun Preschool and State School, Brighton Road St Kilda Primary and Cairns State High School) with varying degrees of support.

Leaving after Year 12, Mark was determined to get work, and with the help of Agency#1 in Cairns he obtained part-time kitchen-hand work at Pizza Hut and later Hungry Jacks.

When we moved to Townsville he stayed on for a year with his brother, then moved to live with us, and we were able to convince a local Hungry Jacks outlet to employ him as a result of his good work record. This employment was then successfully supported by Agency#2, who found Mark to be a model client, cooperative and highly motivated. He travelled to work by bus.

After a few years, Mark’s brothers invited him to live in Melbourne, as part of a student household and later with peers. Life was good and he participated actively in voluntary work but several agencies failed to get work for him (See PART 2).

Finally through the intervention of an employment agent (from Agency#7) asking a favour of a personal friend in the food industry, Mark found work 15 hours a week (casual but regular) in the kitchen of an eminent Melbourne restaurant. Travelling early by tram or train, he was never late, he was happy, reliable, appreciated and improved in performance. Most of the support was provided by his older brother, and he was willingly on a reduced wage, negotiated by Agency#7 (although he didn’t really fit their criteria).

At a certain point Mark’s performance deteriorated. The causes had to do with a changing work environment, a changing home environment, and possibly Mark’s mental deterioration. But the outcome was good, since the company had links to another more appropriate restaurant where the pressure was less intense, and Mark spent another year or so working happily there. He misses it now and despite his limited output he is still welcome back.

But to solve the accommodation & mental health issues, we all decided that Mark would return to Townsville and live with us, his parents, with high hopes of support from agencies here. Here our dissatisfaction begins in earnest, and my “submission” begins.

What factors contribute to positive outcomes for Australians with disability in employment?

It seems to us that Mark’s success was a result of:

His own determination to have a job, and communication of that desire to the appropriate people with our support;

An employment agency that liked Mark (this should not be necessary, see below) and with enough imagination to provide useful tools to make it easy for the employer;

An employment agent who had personal contacts, could see the potential for Mark in a particular setting and prevailed on the employer to give him a go;

An employer who was willing to give Mark a go and find appropriate work and expect the staff to cooperate;

Supportive employees in significant positions, for example a foreman who could soften the impact of an abrupt boss and “interpret” where necessary;

An employer willing to stay in touch with the employee’s support network (family, agent or whoever) to avert problems.

PART 2: Inadequacy of assistance in finding, securing and maintaining employment.

The problem is in the detail, in the practice and personal skills of the agencies, which we have frequently found to be totally inadequate. Our experience is related to illustrate the problem.

In Melbourne, Mark was enrolled with several agencies who all failed to get Mark a job. Here are some of the mistakes observed by his brothers along the way:

While Mark was serving espresso coffee and operating the till amongst other voluntary tasks at Monash University Wholefoods, his employment agent (Agency#3) refused to visit that workplace, but subjected Mark to a written maths test which he failed and was therefore “unable to handle cash”.

When Mark was “employed” at a pizza outlet, he was never actually put on the roster (Agency#4).

When an interview was arranged at a small busy restaurant, the agent arrived late and totally unprepared, and spoke against Mark’s ability and did not know how to assist (Agency#5).

Mark (with limited literacy) was enrolled in an on-paper pre-employment training program with no resulting employment (Agency#6).

Then followed the success described above with Agency#7.

We had high hopes that things would be OK back here in Townsville where Mark’s track record was known and the smaller community could mean more personal contacts. He was eagerly re-enrolled in Agency#2 where his once support worker had now become a manager, and given a support worker, (seemingly young, inexperienced, but old enough to have a child).

Mark always remembers his appointments (especially when he has a written notice) and gets himself there and back reliably.

But Mark has changed. His old confidence has gone, and his communication has deteriorated. He has always been hard to understand, but whereas he once persevered, he now gives up easily since (it seems to us) his old stutter has finally defeated him. He jokes with us, but not with many others.

Mark who once amazed all by seeming so “normal” now actually has a disability!

Furthermore the support worker had absolutely (except her sweet smile) no skills in communicating with Mark. She sat behind the desk and used long abstract sentences. She asked if he was happy but failed to observe him anxiously scratching himself. She never rang his old employer or co-workers. She didn’t take him out for coffee, or visit him at home, didn’t explore his interests or abilities.

She made phone calls (eg to lawn-mowing businesses) and didn’t follow up if they didn’t call back. In a year she took Mark to one quasi-interview and applied for two jobs for him. She still didn’t know what sort of job he liked or could do.

I created a two-page illustrated resume **[redacted]** and sent it to about 20 local employers, but she did not follow it up.

Then she left to have another baby. So Mark got another worker, an older man, quite experienced, friendly and enthusiastic, who even followed an AFL team. Mark is a Collingwood member and has a paid AFL subscription on his ipad but that was never activated in an interview. As with the previous agent, there was no apparent attempt to recognize or communicate with body language.

However he did call me in once, to ask how he could get to know Mark better, and sounded like he was going to do something. He went once to the Community Garden where Mark was helping out; and once to the Gym where Mark does a group circuit twice a week, but he didn’t make it to the Men’s Shed or Lawn Bowls where Mark regularly participates.

Then he had the impertinence to tell me that Mark had not asked relevant questions, the sort of conversation an employer would expect, and did not talk about what sort of job he would like. He was difficult to talk with (yes he is), and did not demonstrate his ability to learn skills. So he thinks he is unemployable.

In other words, this person did not like him, and didn’t bother to get to know him, and had no idea how to overcome the obstacle of his disability.

Despite the fact that Mark has been successfully employed (and never sacked), he mows several lawns unaided, weeds the garden, cooks meals, washes dishes and assists in other household chores, gives his Gran cups of tea, manages family laundry and garbage disposal (in consultation with us), goes shopping, travels alone on public transport, has a warm personality and a sense of humour, the agent seems to have decided that he is unemployable.

But Mark really wants a job. He needs a job to stay sane. Not many hours, not much money, just a job.

Although heresay suggests that they are all as bad as each other, we are about to try Agency#8.

Mark has a disability, and the government has been paying specialist Disability Employment Agency#2 for 20 months to get him a job*.* How does an agency qualify for this task if they have no relevant skills? Where are their skills? Where is their accountability? Where is the justice?

Mark has a disability, and the government has been paying specialist Disability Employment Agency#2 for 20 months to get him a job. How does an agency qualify for this task for so long if they have not succeeded? What are their skills? Where is their accountability? Where is the justice?

Recommendation:

Pay agencies only for active job-seeking with a cut-off after a certain time. Pay proportionally more for helping less easily employable people, but the quality of this help must be rigorously assessed.

Client feedback contributes to this Agency Assessment.

It should be by a standardised report from the disabled person (with an advocate). For example: How well did they get to know the client? Did they recognise and build on the client’s strengths? What obstacles are there and how effectively did they overcome them? What strategies did they use to communicate? How effective are their links with potential employers? What did they do to make the client more employable?