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

# Submission No 115

**Name** Withheld

**Submission made by**

[x]  Australian with disability who is not working and does not wish to 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?**

[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.**

When I first started working for the health service (1996) I was at for nearly 20 years, I was honest in the interview when I first applied about an eye condition that I had, which would be aggravated and cause me further problems , if I were put in an office environment that had any heating or cooling that I couldn't control, and that did not have large window space that would allow me to work on a computer without using natural sunlight only. The then executive provided me with an appropriate office, after I had provided medical advice, and they gave me with a letter stipulating I would be able to have that office space for as long as I was employed in the organisation. That letter was put away in my personnel file. I happily worked there and had the office for about 17 years, but with a great number of new executives, and working under 6 new managers in about 2 years, I was told I would have to move office and be placed in an office environment that would greatly exacerbate my eye condition and could cause me excruciating pain, increased sick leave and a high likelihood of permanent scaring that would permanently affect my vision. I explained to my managers about why I had been provided with that particular office and that the new office space and that I had been provided with advice by the executive when I started working there that I would be able to have that office space for the duration of my employment there. I advised the managers that there was a letter to that effect in my personnel file. About a 2 weeks later I was told they would be moving my office to a space I knew would be unsuitable for my eye condition. I then contacted the Union I was a member of and they advised me how to word a letter of objection about the proposed office move, due to the inappropriate environment I would be place in for my eye condition. They also advised me to contact Human Resources (HR) and have a meeting with them and my manager to go through my personnel file to retrieve the letter I had been given by the executive when I first started working in the health service about the office conditions I required for my disability. When I did have the meeting with HR about a week later, my manager was not present , but the HR officer had my personnel file and together we went through the documents in the file. To my horror, the copy of the letter from the executive stipulating the office environment they guaranteed was missing, as was the letter from my physician about my eye condition and recommendations about the office environment I would require, along with several years of performance appraisals, my original letter of offer, and 2 letters of apology I had received from the organisation about a breach of privacy and a bullying issue I had put I a complaint about a few years prior. I asked the HR officer how such important documents could go missing from my file and who had had access to the file, as I assumed every time a person accessed my file, a record would be kept by HR. I was told that HR didn't keep records of who accessed the file and they couldn't explain where all the missing documents were. Fortunately I was always a meticulous record keeper and had copies of all these documents in my personal filing system and I was able to provide HR with copies of these documents. A few days after this I received a formal letter from my manager demanding I provide another letter from my treating physician about my eye condition and recommendations from him about the office environment I would need. I provided this to my manager within the next few days and I didn't hear any more about this issue for several months. It was a highly stressful time for me. During this entire period I was getting advise from my Union, as they had also helped me deal with the prior issues I'd had with the agency regarding a bullying and breach of privacy which was related to my eye condition, whereby an impact statement about possibly relocating my office had included statements about my health condition and had been posted on the intranet without any security parameters, so that up to 8,000 employees would have seen the document ( I found out about the breach of privacy after 3 employees had approached me about it). The Union agreed with me that it was a little too coincidental that after being in an office for almost 18 years that had been specifically put aside to cater for my disability, the pressure I was being put under to relocate me to an office environment that would clearly be inappropriate, was starting to look like the start of a push to make me leave the organisation as a punishment for having had the gumption to stand up for my rights in the bullying and breach of privacy issues. It became obvious that my disability was being used against me due to the fact that I was aware of my rights and was not afraid to call in Union support when I was confronted with unprofessional management behaviour at work that increasingly was involving people screaming at each other in meetings, lack of communication and blame games. It was particularly distressing to me as I had always received outstanding performance appraisals, a personal **[redacted - state]** Government Award for the work I had achieved in my area of expertise and had provided the organisation with 3 industry awards for the work I had undertaken for them. The stress I was under was starting to affect my eye condition and for the first time in 18 years, I was starting to have regular acute bouts, which would leave me unable to drive for 3-4 days at a time and with blurry vision. The final straw came a couple of weeks after I had taken a few weeks off to take care of my dying mother, when I got back to work and was told my office would be relocated and my things were in the process of being moved. I asked to see the new office and it was totally inappropriate for my eye condition. I pointed out all the recommendation that had been ignored in my physicians letter about the office environment I needed and I was told the decision for the move had been made final by the executive manager of the department I was in.

**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**

I had been put under so much stress in the last 2 years in the organisation I decided to go home and speak to a Union rep., but by this stage, as I was still grieving after my mother's death and worrying about how the new office environment would adversely impact on my eye condition, I advised the Union that I was seriously contemplating leaving the organisation, as I'd had quite enough of the discrimination toward me for not being "normal" and able to comply with requests to be moved around regularly to whatever office space, across many sites, every new manager I came under seemed to want me to be in, as other employees were( I'd had 15 managers in 18 years and been put under 10 different departments with each new restructure). I started to feel very depressed about the situation. I found it ironic that I was a health professional whose main role had been advising employees about discrimination in the workplace, and had worked on strategies dealing with inclusion and diversity for employees and patients, working in the health sector, where one would assume management understood people's health conditions such as mine, and yet I was being discriminated against about my disability. I took the Christmas break to think about the situation and my age, I was by this time in my early 50s and knew that with my eye condition and my age it would be more difficult than most people for me to find a similar position in a different health service. I had loved the work I had been doing, but I was so dejected by the discrimination I had faced about my disability, which had never impacted my ability to perform at the highest level, I finally made the decision to retire early from the workforce. If I had not endured such blatant discrimination, I would still have continued working. The experience left me with a very bitter taste and I never want to put myself through such stress again.

### **Barriers**

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

[x] Yes

[ ] No

[x] Not sure

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

Age discrimination is quite rampant. Once people reach 50, there is a stereotypical image of them not being able to keep up with new technologies, and if they have any disability, it is seen as a cost imposition to the agency, even when the sector is the health field.

**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**

Practices by executives and management are all about cost efficiencies and anything that costs extra, as far as employing or keeping older workers with disability is concerned, is a definite "work on getting them out of here", or "tell them you had better applicants" strategies. The legislation about anti-discrimination, and the slogans about inclusion and diversity might be paid lip-service, but the practice is not there and it is doubly disappointing it is not there in health. Many of the Unions are being attacked by various governments and so sensitive about appearing to be cleaning up their act, particularly after the HSU debacle, that they no longer seem to have the heart to take on employers who are clearly discriminating against their employees, for fear of drawing bad publicity.

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

**Incentives:**

Unfortunately I haven't come across any; not any offered by employers at least. What most employers don't understand is the value of keeping long-term loyal employees.

**Disincentives:**

Having to divulge very personal information with the fear that that information will not be kept confidential - as happened in my case; finding an employer that is willing to provide appropriate office space to accommodate for the persons disability'- it is often seen as a cost "burden" and I know of employers who have asked the employee to pay for in full, or in part, the cost of specific renovations or special furniture; having to provide justification for your special-needs office environment over and over again, as if your disability is going to disappear overnight at some stage.

### **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.**

When my employer 20 years ago provided me with office space in accordance with the recommendations of my physician. I happily worked in that environment for almost 2 decades, until new management decided to use my disability to push me out of the organisation because they wanted all employees in a particular department to be co-located in the same office space, at the same site, without taking into consideration individual employee needs - so much for inclusion policies!

### **Solutions**

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

When I resigned, due to the treatment I had received, I was asked to fill in an online exit survey, where I document some of the reasons why I felt I was forced to resign and could no longer work for the health service. of course there was no follow-up and I have no idea what the agency does with the information - nothing I suspect, from my experience with then. What I feel is needed, is a standardised exit survey that could be used by all employers, particularly those that receive public funding such as health services, whereby issues such as discrimination due to age, disability, gender, ethnicity etc. could be picked up on and the information gathered by a centralised agency, which could follow-up on such issues with the ex-employee ( if they wish, in a confidential manner) and the employer. Patterns of behaviour could be picked up on in various industries or workplaces through such a system and strategies put in place to address the issues, which may be systemic or related to particular management issues.

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

Grants provided to cover capital costs of up-grading workplaces for mobility access, such provision of ramps and lifts, or small grants for specialist office equipment, and an annual audit of the number of older employees with disabilities in workplaces, just like those reported on in the public sector about gender. Tougher laws about breach of privacy in workplaces, where an employees health details are leaked or not kept in secure facilities.

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

Stronger breach of privacy legislation in workplaces and a system that collects data at a state level trough exit interviews about discrimination issues.