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

# Submission No 217

**Name** Withheld

**Submission made by**

☒ Australian with disability looking for work
☒ Membership based organisation

# 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?**

[ ]  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 took no action because I realised it was a fruitless exercise. It is extremely difficult to prove that my employer terminated my employment because I declared my health was impacted by WiFi in the office. Although, I recognised talking to other staff members that work was being deliberately withheld so that they could justify making me redundant but I did not have anything in writing. I sought legal advice on my situation but was told that prosecuting the case would be difficult not only because of a lack of written evidence but it would also be difficult to substantiate (prove) medically that my health condition is linked to office WiFi and cell phone radiation exposure.

**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**

Firstly, I was recommended to take sick leave to recover from my WiFi induced health problems by my employer. I was then required to execute a recovery plan that required me to attend the office on reduced hours in a WiFi environment, which was against my doctor’s recommendations. It was a struggle as my health was impacted and because I really had no choice in the matter. I was the sole income earner in my family (I have a wife and 2 young children to support) and I faced immediate job termination – my employer’s Human Resource manager explicitly detailed that if I was found to be incapable of performing my duties in the office then I would be let go. Six months after starting the recovery plan I was made redundant knowing full well that my job role was still needed. I am now finding myself in a precarious position where if I tell a future employer that my health is directly impacted by WiFi and other wireless devices that are used in the workplace, I will be denied an opportunity to become employed. I suspect liability issues are the main problem especially if my health is shown to decline as a result of office WiFi exposure and if I had previously made them aware of my health impairment. However, even if I do manage to find employment, accessibility to a safe environment where my health won’t be directly impacted is being denied.

I have sent letters to the Health Department and they claim that Radiofrequency (RF) exposure and health is not within the Wellbeing Act. I have engaged with Work Safe Australia but they claim that there is nothing in their legislation that covers this situation. I have been in communication with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) on this issue but they refuse to investigate, are using the RF Standard as a defensive wall against claimants and are exhibiting wilful blindness to the scientific evidence that supports an association between RF exposure and long term health effects. Although the World Health Organisation (WHO) recognises the symptoms and that it can be disabling, they state that there is no medical diagnosis for this condition. The lack of a medical diagnosis then allows the Government to take no action and so people like me fall through the cracks.

### **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?**

As I mentioned above – to declare a health issue that may be exacerbated by a work place environment leads to discriminatory behaviour such as exclusion and missed opportunities. There is also a lack of understanding of the core issue by employers and employees because the risks associated with wireless technology are not being shared honestly by the industry or the Government agencies whose task it is to provide regulations that are all inclusive. The Australian RF Standard is for the “general population” and at this time there is no consideration or protection for the vulnerable portion of the population. Most people “appear to be unaffected” but it can take many years for the symptoms to manifest. There is also a stigma attached to those who claim to be impacted because industry scientists label them and suggest it is a psychosomatic illness i.e. nocebo effect. It is not, and there is over 50 years of research to suggest that chronic low level exposures to microwaves can cause a range of neurological and other biological dysfunctions over time.

**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**

The Australian Communications and Media Authority are the regulators of the RF spectrum. They have taken the health regulatory responsibility by adopting the ARPANSA RF Standard. However, the ACMA claims it is not a health regulatory body because it lacks medical expertise. The ACMA states that the Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015 legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011. This is clearly incorrect because there is no 6

consideration for those who are impacted by this technology. In the eyes of ARPANSA and ACMA we don’t exist.

Articles 9 Accessibility – we are being denied access to a safe work place environment, this also includes public places where wireless transmitters are installed.

Obligation of states parties under the Human Rights Convention:

Freedom from torture – it is a form of torture when one is exposed to a toxicant that causes pain 24x7 without consent.

The right to health – Our health is being eroded by this ubiquitous technology and I have no say in this.

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

**Incentives:**

No comment as it is not applicable for the position I am faced as a person whose health is impacted directly by Wireless technology.

**Disincentives:**

No support and no recognition for our condition.

### **Good practice**

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

[ ] Yes

[ ] No

[x] 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.**

No comment

### **Solutions**

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

There needs to be recognition that some people are disabled/functionally impaired in wireless environments irrespective of whether there is clinical method for diagnosing this condition. This then needs to be followed up with education programs that inform employers, employees and the general public about the potential risks associated with long term chronic exposures to wireless radiation, that there are vulnerable people who react to these technologies and that a precautionary principle be applied to the installation and operation of wireless equipment. People also need to be educated about the safe usage of wireless equipment which can include safe operating distance – no bodily contact with wireless devices such as mobile phones and tablets.

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

Promote the establishment of a safe working environment by recommending wireless free areas in the work place environment as well as public areas. Encourage employers to explore work from home options for those employees who are impacted by office wireless equipment in order to manage/reduce their exposure.

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

Recognition and support for those who have found their health is being directly impacted by WiFi, Cell Towers and so called “smart” wireless devices. Establishment of an independent task force with medical expertise to investigate this issue not only from a health perspective but also a socioeconomic perspective (what is the true cost of losing someone from the workforce because of WiFi induced illnesses, what is the impact on the family when one of its members becomes disabled and what is the knock on effect to society in general). Such a task force should not be subject to interference by government bodies that have a pro wireless agenda or the telecommunications industry.