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

# Submission No 26

**Name** Deaf Victoria

Submission made on behalf of Victoria’s Deaf and Hard of Hearing Community

**Submission made by**
[x]  Organisation

# Organisation or Government Agency Submission

### **About you**

**What is your role within your organisation?**

[x]  Manager

**What is your experience of providing work/services/advocacy for older Australians/Australians with disability?**

Deaf Victoria is the information and advocacy agency funded by the Department of Health and Human Services. Our role is to advocate for and on behalf of Deaf and hard of hearing people in Victoria. In our work, some of the biggest issues we see every day is access to employment, sustaining employment and unfair dismissal for Deaf and hard of hearing people.

**Do you have any case studies of the experience of older Australians/Australians with disability working or looking for work?**

Yes.

- "Jane" is profoundly deaf and worked for an aged care facility as a kitchen hand. The head chef refused to communicate with her in notes, and would yell at her across the room. if Jane made a mistake, the head chef would verbally abuse her in frustration. The organisation had a policy that all staff were to have lunch together at their lunch breaks to ensure that the team bonded, however would not include any communication assistance for Jane. Jane was fired for "making too many mistakes" despite many complaints to management about the issue. Jane ended up developing severe depression and became unable to work.

- "Andrew" worked as a subcontractor for a plastering business. Andrew is also profoundly Deaf. Andrews boss promised him that he would make Andrew a partner in the business. After Andrew kept being paid late, or not being paid at all, Andrew asked his boss what was happening and was assured that the money was going back into the business. After speaking up and finding out his rights with Deaf Victoria, he was supported to investigate more and was found that the boss had deceived him and was actually declared bankrupt and never intended to pay. Andrew never had any access to communication support though his employment.

- "Peter" worked for a panel beater. He had no access to communication support. Peter worked hard everyday, without any interaction with his coworkers, apart from basic instruction. he was called into the office one day suddenly and told he would have to be let go because his work was not to standard (he had to do two patch up jobs, whereas the other staff had to do several more) he took too many toilet breaks (Peter stated that the other staff took at least three coffee/chat breaks a day, that he didn't) and that communication was too hard.

all of these cases resulted in either an unfair dismissal claim or fair work commission complaint.

**What are the impacts of employment discrimination on older Australians/Australians with disability working or looking for work?**

The impact is astounding. There are very high levels of mental health problems that occur in Australians who are deaf or hard of hearing, and a large number are affected by their inability to find work suited for their skills. there are a large number of highly skilled Deaf and hard of hearing people that are unable to find work. We are exploring this impact in our upcoming conference: www.deafmentalhealth.com.au

### **Barriers**

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

[x] Yes

[ ] No

[ ] Not sure

**Please tell us more**

Deaf and hard of hearing people experience enormous barriers in finding work. The biggest barriers are access to Auslan Interpreting and captioning (both which are costly for employers) and the attitude of the employers. At the interview stage, employers are often put off by the communication barriers and 'extra work' for them required to ensure that the employee has access and find it easier for them to employ a hearing person with similar skills. They often don't want to adjust, and the Employment Assistance Fund does help, but is not enough. For access to meetings and face to face contact, the $6000 cap for interpreting and captioning often runs out very quickly. the onus on the employer to pay the bill and seek reimbursement from Job Access also puts them off as it is an "extra hassle".

**Is employment discrimination a barrier (please tick all that are relevant):**

[x] While working in a job

[x] While looking for work

[x] While dealing with recruitment companies

**Please tell us more**

There is a constant discrimination barrier as per all the case studies provided in section two. Due to the interview process being confidential and at the employers discretion, there is a lot of discrimination that occurs at the interview process in terms of selection, that is unable to be proved.

**What impact does employment discrimination have on older Australians/Australians with disability gaining and keeping employment?**

Increased reliance on welfare. Deaf and hard of hearing people are also not eligible for Disability Support Pension because they are deemed "employable". While this is true and they are very much employable, the community attitude towards this does not allow gainful employment to happen easily. Hence Deaf and hard of hearing people are often left well below the poverty line on newstart allowance and still unable to get jobs. As mentioned earlier, there is a very high rate of mental health problems in Deaf and hard of hearing people and the domino effect of being unemployed contributes largely to this.

**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**

As mentioned earlier, the attitudes of the employers are preventing Deaf and hard of hearing people from gaining employment. At the interview stage, employers are often put off by the communication barriers and 'extra work' for them required to ensure that the employee has access and find it easier for them to employ a hearing person with similar skills. They often don't want to adjust, and the Employment Assistance Fund does help, but is not enough. For access to meetings and face to face contact, the $6000 cap for interpreting and captioning often runs out very quickly. the onus on the employer to pay the bill and seek reimbursement from Job Access also puts them off as it is an "extra hassle".

### **Good practice**

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

[x] Yes

[ ] No

[ ] Not sure

**Please let us know about practices you are aware of.**

There are some companies that demonstrate good practice. These are often big businesses that can afford interpreting and captioning, and take their disability access plans seriously. The big businesses include IBM, Telstra and Australian Taxation Office. There are quotas, provision of Auslan interpreting and captioning as needed and focuses on achieving disability action plans. Disability organisations and Human Rights organisations such as VEOHRC, also actively employ people with disabilities as that is their core business, however people with disabilities should not be restricted to this sector.

### **Solutions**

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

Quotas of people with disabilities to be implemented in all workplaces and incentives for workplaces to employ and retain people with disabilities.

Uncapping the Employment Assistance Fund for interpreting and captioning to enable easier access, and changing the process so that the bill for interpreting and captioning can go straight to Job Access rather than the employer to enable greater autonomy of the deaf/hard of hearing person is important.

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

opportunities and encouragement to apply. If there are more opportunities and more acceptance, people will apply for work with the knowledge that they will be fairly assessed.

There also needs to be increased training in written english skills, and skills training to prepare them for the workforce

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

- Uncap the Employment Assistance Fund for Interpreting and Captioning and make the process more autonomous by invoices going straight to Job Access rather than through the employer

- Quotas of employment for people with disabilities and incentives for employers who employ and retain people with disabilities

- skills training for people with disabilities to enable them to gain skills to use in the workplace.