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

# Submission No 7

**Name** Katherine A Fowle

**Submission made by**

[ ]  Australian with disability who would like to work (permanent resident)

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

### **Your experience**

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

*Discrimination is when a person is treated less favourably than another person in a similar situation because of a characteristic they have, such as their age, or disability.*

*It is also discrimination when there is a rule or policy that is the same for everyone but has an unfair effect on people who are older or people with a particular disability.*

[ ]  Yes

[ ]  No

[ ]  Not sure

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

[ ]  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.**

I filled a complaint with antidiscrimination commission in Queensland but of little help. It was accepted and went to conciliation but was not successfully resolved. I could not afford to go to court.

Discrimination at a new worksite same employer has occurred again this time I filed a complaint with the Human Rights Commission. My complaint has been accepted and waiting to be assigned a case manager**.**

**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

[ ] No

**Please tell us more**

As a result of the discrimination in the workplace I got very sick with depression and was out of work for several months. With the second case of discrimination my work performance was again affected and I had time off work. Work responded by retiring me early for ill health and told be to apply for Total and permanent disability.

### **Barriers**

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

[ ] Yes

[ ] No

[ ] Not sure

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

Lack of accurate information on the part of the employer and often the employers’ bias or prejudice views of the disability or age factors.

For individuals with Autism Spectrum Disorder like myself have a disability that seems very hard for those in the workplace including the **[redacted] [government department]** where I was working to accept or see. Assumptions are put into play and our behaviour is interpreted as being a bully, rude, or inattentive. When the opposite is most often true. Many of us with ASD care a lot about our work and the people we work with, but doing work and talking socially at the same time is difficult for us. So our behaviour such as standing close or at another person’s desk when they are sitting is interpreted as intimidating. We would have no clue especially if there was a work related question on our mind to ask and our attention was focussed on that.

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

[ ] 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?**

[ ] Yes

[ ] No

[ ] Not sure

**Please tell us more**

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

**Incentives:**

Independence, confidence, fulfilmen

**Disincentives:**

Exposure to discrimination and harassment

### **Good practice**

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

[ ] 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.**

I can give ideas regarding individuals with ASD. The ideas come from a book titled, “Illustrated Glimpse of Aspergers for Friends and Colleagues”

“Code of Conduct “ could be helpful and just kindness and understanding of difference. I have worked in several places successfully and not been hurt or discriminated against like I have been by recent employer.

But the Code of Conduct needs to have further ex[planation on responding to some one with an ASD style of communication and strategies to effectively work together. Helping them understanding that the ASD brain does process information and sensory input differently, this does not mean having a cognitive delay, is important. That was something else that happened when I disclosed my diagnosis my employer treated me as if I suddenly now had an intellectual impairment.

### **Solutions**

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

Professional Development for employers on the capabilities and strengths of hiring individuals with disabilities and or age.

Government incentives for employers to hire those with a disability or age factor

Advocacy program for individuals of age and or disability to reach out to as a support person to as a sounding board or take to meetings in the workplace before it becomes a human rights case.

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

Having opportunities for flexible hours such as part time

Having access to real work that has meaning

Having supports in place

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

The fear of being exposed to harm in the workplace as a result of discrimination is a real barrier. Laws are in place to protect individuals from discrimination but for ASD it is not easy to access because of the nature of our disability. To write a complaint and then try to articulate it under stress such as in conciliation is extremely confronting and for me has left me literally unable to speak. For most with ASD they just walk away from the job and nothing gets done to change the situation.

Professional Development for employers on the capabilities and strengths of hiring individuals with disabilities and or age.

Government incentives for employers to hire those with a disability or age factor

Advocacy program for individuals of age and or disability to reach out to as a support person to as a sounding board or take to meetings in the workplace before it becomes a human rights case.

# Added to Code of Conduct, there needs to be further training within workplaces for both employees and employers on responding to some one with an ASD style of communication and strategies to effectively work together. Helping them understanding that the ASD brain does process information and sensory input differently, this does not mean having a cognitive delay, is important.