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

# Submission No 107

**Name** RSI and Overuse Injury Association of the ACT, Inc

**Submission made by**

[x]  Organisation

RSI and Overuse Injury Association of the ACT
[x]  Membership based organisation

100-499 members

# Organisation or Government Agency Submission

### **About you**

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

[ ]  Owner

[x]  Manager

[ ]  Human Resources Manager

[ ]  Other

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

I work with people who have a disability that has been acquired at and through work. I believe this poses particular problems, many of which are associated with failings in the Australian workers compensation system. However, should would a worker with a work-acquired disability apply for a job, it is currently legal to enquire whether they have ever made a workers compensation claim. If a worker admits to this, they are most unlikely to get an interview. This discrimination is common and is a huge barrier to employment, even when people have retrained in an area they feel confident of being able to physically manage.

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

yes, we do and our case studies support the statements above.

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

it is extremely discouraging for an injured worker to retrain for a new career and find that they are unable to even get an interview because of their workers compensation history.

### **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**

I have attached a paper that we wrote about the difficulty injured workers face when they learn to use voice-operated computing and find that the software in their workplace is not compatible with it. In addition, noise issues in open-plan offices and the lack of specialised IT support make it difficult to use this technology effectively.

**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**

see above

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

It stops people from getting work and causes mental health issues, social isolation and poverty.

**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 I said, it is currently illegal to discriminate against workers with workers compensation history.

**What are the incentives and disincentives in employing older Australians/Australians with disability?**

**Incentives**

I'm not aware of any, particularly for people who have acquired a disability through their work.

**Disincentives**

it is well-known that someone who has acquired a disability at work has a greater likelihood of re-injury at work. Understandably, employers are reluctant to employ them because their workers compensation premiums will increase if the worker puts in a claim, even if that claim is related to an aggravation of a previous injury. This is a substantial disincentive to employing people with a work-related injury.

### **Good practice**

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

[ ] Yes

[ ] No

[x] Not sure

### **Solutions**

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

enforce compliance with universal design rules in regard to software so that workers are safely able to use voice-operated computing.

consider changes to workers compensation to protect employers from increased premiums when they take on a previously injured work

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

incentives to take on workers who have previously made a workers compensation claim.

greater provision of permanent part-time work, as many people with musculoskeletal disorder cannot work full time.

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

At a minimum, I would like to see the Australian Public Service becoming a model employer for people with disabilities. I would like to see universal design rules implemented for APS software. The APS should also set targets for a minimum level of employment of people with a disability, say 10%. Permanent part-time work needs to be made available for people with a disability, possibly with some additional income support.

## RSI and Overuse Injury Association of the ACT Submission

## 1. Assistive Technology Issues within the Australian Public Service

The RSI and Overuse Injury Association is concerned about barriers to the participation of people with disabilities in the Australian Public Service (APS).

### Background

Dragon NaturallySpeaking speech recognition software is used within the APS by staff with a range of disabilities including vision impairment, Occupational Overuse Syndrome, arthritis and fibromyalgia. This software enables staff who have difficulty operating a computer by hand to maintain their productivity by working by voice.

Dragon NaturallySpeaking is specifically designed to work with a range of Microsoft and Lotus Notes applications. However, there are problems with the accessibility of other applications that are widely used throughout the APS. These include specialised software used for:

* records management;
* financial management;
* personnel records, including flextime recording;
* ministerial correspondence; and
* corporate address and phone books.

Many of these specialised applications are developed or procured with little or no consideration given to their compatibility with assistive technologies. As a result, APS staff using assistive technologies, including speech recognition software, are unable to carry out their work. We are personally aware of cases where injured workers have successfully returned to work, only to be reinjured because their work involves using applications that have been developed without reference to Universal Design Principles, and as a result are not compatible with assistive technologies.

### Key issues

The key accessibility issue is the lack of keyboard accessibility. That is, many applications are very mouse-driven, with many tasks that can only be done by mouse.

To ensure compatibility with assistive technologies, the most important design aspect is keyboard accessibility. That is, it should be possible to do all tasks by keyboard. The number of tasks that can only be done by mouse should be minimised.

Accessible design of applications would provide benefits to staff with disabilities, as well as the wider workforce, including:

* a more ergonomic interface, which reduces work injury
* being more intuitive to use, which requires less training
* increased productivity

**Case study**

The impact of these problems is illustrated in the experience of one member of the Association:

*“My Department was very supportive in providing VOC software for me after I got injured. Sadly though, very little consideration was given to VOC users when the department went onto a new operating system and this led to all manner of problems out of my control.*

*Dragon did not work well with all the programs I needed to use. It was not supported by the IT area of the department and there was no on-site assistance. The only way to get telephone technical assistance was from interstate and this was not particularly helpful. Technical problems lasted for several weeks, but I was expected to get on with my usual work, which was impossible without aggravating my injury.*

*I was positioned on the corridor with only a shortish partition as a barrier which did nothing to stop the noise from corridor traffic, including slamming doors to stairwells and other distractions. This made it difficult to use the software effectively. Nearby colleagues resented my talking into the machine and it appeared they would deliberately make unnecessary noise. On the other hand, some colleagues found my talking into the computer distracting when they* wanted quiet to read and think and I could understand that. With all the mousing and typing I had to do to operate new software, my condition worsened and I eventually left work.”

### Recommendation

The Australian Government Information Management Office’s (AGIMO) Better Practice Checklist for Assistive Technology for Employees of the Australian Government includes a recommendation to “consider the application of Universal Design Principles when building or procuring new technology products”.

We support this recommendation. However we feel that the application of Accessible Design Principles should be a requirement rather than a recommendation.

We further propose that all software used in the Australian Public Service should be required to meet accessible design guidelines currently being developed by Standards Australia.

**This would enable people with a range of disabilities to work in the APS.**

## 2. It’s hard to get a job: legal discrimination against workers' compensation claimants

It is currently legal and common practice for employers to ask prospective employees whether they have previously claimed workers' compensation. If they say that they have, they are usually weeded out from the selection process.

This is clearly a way of discriminating against people with work-related injuries.

 A story from one of our members illustrates how hard it is for workers with a worker’s compensation claim to get to work, even when they have retrained in a new area.

**[Redacted]’s** story:

*“After my redundancy I spent three or four months researching options for a change of career, as my doctors had advised that any work in the field I was in before was out of the question now I had OOS. I had always liked the idea of working in health and helping people, and kept this in mind when looking at possibilities. I worked with my occupational therapist, myotherapist, musculoskeletal specialist and GP to think of retraining options, and after a few false starts we found that I could retrain in Allied Health Assistance. My doctors and I all submitted reasons why I should be permitted to retrain in this area, and eventually it was approved. I found a part-time course that allowed me to spread the study over the week so I wasn’t overdoing it, and there was no typing involved in the course. I really enjoyed retraining and my placement and successfully gained a new qualification.*

*I have applied for a number of jobs since qualifying, with the assistance of a rehabilitation consultant. Unfortunately their policy was to make the prospective employer aware of the injury and Workcover claim at the application stage, and I believe that contributed to my resume being dropped to the bottom of the pile and not progressing to interview stage. That Workcover stigma is still difficult to get past with a lot of employers. I experimented with one and didn’t mention it in my application. I got called in for an interview and advised them of it during the interview but wasn’t successful. At this stage I am trying to gain recent experience in health through volunteering, in the hopes that it may lead to employment in the future.”*

This member was unable to get even volunteer work in the field because of volunteer insurance problems. She has now started a small private business in a completely new area and given up on ever getting work as an Allied Health assistant, despite all the hard work that went into qualifying.

### Recommendation

It should be illegal to ask prospective employees whether they have previously suffered a work-related injury or have made a workers' compensation claim .