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

# Submission No 203

**Name** Aspergers Victoria

Submission made on behalf of the Aspergers Victoria community

**Submission made by**

Organisation

# Organisation or Government Agency Submission

### **About you**

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

Owner

Manager

Human Resources Manager

Other

**If other, please tell us your role within your organisation**

President

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

Aspergers Victoria Inc. is a registered health promotion charity, and has been providing information and support to those living with Asperger Syndrome and Autism Spectrum Conditions since 1991. We provide over 12 support and social groups each month for all members of the Aspergers community – adults, young adults, teens, girls and boys with Aspergers, their parents and carers, siblings and partners. We provide professional training and skills development to our volunteer team, many of whom are on the autism spectrum. Through their progress they in turn provide hope and inspiration to many others. All of our Board and volunteers are either on the spectrum, or have close family members living with Aspergers.

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

Yes. The following cases are members of Aspergers Victoria currently experiencing the challenges of discrimination of employment.

“Faye” has Aspergers and works in an open office environment. Due to the sensory overload of the noisy and distracting office environment, Faye can only concentrate on any task for up to 5 or so hours at a time before retreating to a quiet area. This has caused issues with staff not understanding how Faye works and staff getting the wrong impression of Faye. Faye has not been able to fit in socially and the stress of trying has caused her stress and anxiety. The exhaustion and depression has left Faye unable to work full time. She cannot find work that enables her to work in 5-6 hour blocks. Faye currently works 2 jobs, one 6.5 hours per week and one 4 hours per week whilst trying to support her family. She is unable to receive any disability assistance as she works more than 8 hours per week.

“John” is currently unemployed however is hopeful that he will find a job soon in IT. John has difficulties with social interactions, handling conflict, networking, dealing with ambiguity and trying to understand the “unspoken” rules of the workplace. John admits that he takes things literally and “follows rules to the letter”. John has found it difficult to ask for reasonable adjustments to his work space as most HR professionals and managers do not understand about Aspergers or the Autism Spectrum. John left his previous job due to being bullied and felt victimised when he reported it to his manager. John feels that part of the reason of being bullied was due to him having Aspergers and being an easy target.

“Sarah” has Aspergers and is a teacher. Sarah sometimes experiences sensory overload through by fluoro bright lights and a noisy open plan area. While Sarah loves her work, Sarah often has to work (unpaid) on weekends to stay ahead with her teaching load. Sarah feels that she cannot plan for any activities or hobbies on weekends, as she needs to ensure she has some quiet time in preparation for the next teaching week. The importance of quiet time for Sarah means this prevents anxiety or meltdowns in front of colleagues and students.

“Tracy” – A parent and carer for her daughter on the Autism Spectrum. Tracy works tirelessly to assist her daughter in applying for jobs and has tried to obtain assistance from employment agencies. Tracy’s daughter has so far registered with four employment agencies and has discovered that these agencies cannot communicate effectively with her daughter and they find it difficult to understand her specific challenges and strengths. Tracy’s daughter is often left feeling patronised and does not receive any further communication from employment agencies after meeting with them. Tracy feels that employment agencies “promise the moon and stars but deliver nothing”. Tracy’s daughter is still unemployed.

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

The mental impact of discrimination is very real and alarming. The sensory, restrictive and introverted nature of those with Aspergers makes it difficult for these Australians to conform to the unwritten expectations in the workplace. Anxiety and depression are the major impacts resulting from discrimination, forcing many to permanently leave the workforce and apply for the disability pension.

### **Barriers**

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

Yes

No

Not sure

**Please tell us more**

Barriers for Australians with Aspergers in employment include;

* not being able to negotiate reasonable adjustments to the workarea;
* disclosing or fear of disclosing Aspergers to employers on recruitment in fear that they will be perceived as a problem;
* discriminatory actions and behaviours such as bullying;
* lack of availability of jobs and lack of assistance in finding and securing a job.

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

While working in a job

While looking for work

While dealing with recruitment companies

**Please tell us more**

Please refer to section 2

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

* Stress and anxiety
* Depression
* Increased reliance on Centrelink.

**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**

Australians with Aspergers can be misunderstood by employers, can be taken advantage of, and can become subject to direct and indirect discrimination.

The Federal Discrimination Law: Chapter 5 The Disability Discrimination Act, shows the case of Minns v New South Wales rule against an Australian with Aspergers who claimed they were discriminated against by their school by being required to attend part time, in which the school eventually suspended then expelled the student. The ruling of this case would set a precedent for any potential cases regarding similar cases in the workplace. Performance management reviews and /or KPIs could see discrimination of this sort happen legally due to employer attitudes and “typical” practices.

### **Good practice**

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

Yes

No

Not sure

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

The Public sector seem to have a better grasp of good practice than the Private sector. However, further education and awareness of Aspergers in the workplace is still required to assist in any communication and sensory barriers.

### **Solutions**

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

Professional development of awareness and understanding of Aspergers for employers, recruitment agencies and human resources staff.

Support for employees with Aspergers in the workplace about their work rights, pay, policies, grievances and counselling.

An employment quota or requirement to employ Australians with a disability.

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

Flexible working options and more encouragement for Australians with Aspergers to apply.

Workforce skills training – eg how to prepare for an interview.

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

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.