

PRODUCTIVITY COMMISSION INQUIRY INTO DDA LEGISLATION

SUBMISSION By: Mr Peter Simpson.
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Abbreviations;

DDA; Disability Discrimination Act.

PWD; People (or person) With Disability.

HR; Human Resources.

APS; Australian Public Service.

AB; Able Bodied.

HEROC; Human Rights & Equal Opportunity Commission.

Introduction;

Unfortunately legislation does not really change human nature to a great degree, it gives the Politicians and bureaucrats a warm feeling that they have done so much for PWD but in the long run not a great deal has changed or what is changing is at a very slow pace. The upcoming Age Discrimination Act will suffer the same effect with driving the discrimination further underground with even more fancy justification (excuses) of why it is not the act predjuce but put the onus back onto the aggrieved to prove the point but in most cases this would not be financially viable. Most legislation is written (even in "plain English" versions) in such a manner that you would have to be a legal eagle to even begin to understand it and the only people making money out of it are the legal fraternity who can pick and choose which paragraph they want to apply to a situation and which side of the fence they are on. It is a mind set out there and I have even heard the opinion expressed by different levels of management that "the person has a disability why don't they just go on DSP and not even worry about trying to get employment". There is a ground swell of discontent among the disabled community at the apparent lack of real tangible action to overcome the categorising of PWD as not being of the same value to society. The leaders of society, politicians/bureaucrats/heads of industry etc should be *seen* to be setting the right example and really do something *not just posturing* for appearance sake. If the powers of HEROC are reduced in any way as it appears the Howard Government is about to do it will be a very sad day for PWD as well as well as Australian society.

Subjects of interest;

Employment; So many examples of *indirect discrimination* in employment or trying to gain employment (not only of myself but many other PWD) could be given but no action could be taken even though the reason given for non success by the PWD are so implausible it is near unbelievable like not having an *eloquent phone manner* for talking to a client base who if you spoke in that manner to they would more than likely hang up on you. Some HR personnel are even reluctant to accept a job application from a PWD whether they do not know how to handle such a situation or they are afraid if they do make such a bold decision they will be looked down on for assuming a PWD could do the job as well as an AB when the official statistics prove the contrary.

Service Provision;

Service providers as a whole do a magnificent job but untold time is spent on too frequent submissions for funding or retention of funding which could be far better utilised in the provision of services or educating of the masses that PWD are an integral and valuable part of society.

Financial;

Financial burdens are extreme for PWD with not only having to live life to the best they can but at times the additional costs related to their disability would make the average person throw their hands in the air and ask how it is done. When you are trying to raise a family, pay a mortgage, keep cars on the road (due to the public transport system being of only limited use) you have to ask family and friends for loans to make ends meet but these have to be paid back and when you do get employment the tax man is the very first to say "*where is my share of your hard earned money*" no by the way congratulation for getting a job or even going to the extent of being outlandish with the long term unemployed (which most PWD are) by saying o/k we will assist you to get back on your feet after this time by only taking half tax (no tax would be unthinkable) for the first year.

Government;

The Federal Government passes the legislation well and good but then *pass the buck* down the line to the States and Local Government to implement the process, to have their own ACTION PLANS for DDA compliance their own initiatives seem to be in the opposite direction with PWD employed in the FPS declining by approximately 20% since 1997 being by far the most dramatic change in the different sectors of the FPS. Aboriginal & Torres Strait Island employment has increase in this period, NESB has stayed constant but the disabled sector went gurggle, gurggle, gurggle down the drain so much for affirmative action. At the current rate of decline in the not so distant future there will be next to none PWD employed by the FPS. The different levels of Public Service (Federal/State/Local) should be a *back up* for PWD as it should be apparent that there is such a reluctance in the private sector to truly practise the doctrine of EEO or have action plans of implementation of DDA in the workplace.

Communication;

Very poor interdepartmental communication is apparent along with communication down the line from the top policy makers down to the personnel implementing the systems and when there is a *disability* involved it complicates the matter and decisions seem to be made not in the best interest of the person. I was involved in an incidence where I was endeavouring to obtain "sponsorship" to do a writing in business course at Uni, (\$325.00 which I could not afford) and being advised by an advisor to a Federal Minister to contact a JobNetwork provider which I did, informing the receptionist of the situation was assured a consultant would contact me. A month later the Minister's advisor contacted me as to the outcome was advised the consultant had not returned my call. He then contacted the JobNetwork provider who phoned me with an opening statement of "I hear you are upset we have not returned your call" no sorry or anything and later in the conversation when they knew my situation in full. disability/request/long term unemployed, had the temerity to say "I know what you are going through". Centrelink then phoned

me to as they said "organise an interview for my situation" and would *phone me back* the next day or after the weekend but no call happened and at the end of that week a *letter* arrived telling me to choose and contact a provider. What would upset anyone is what was said would be done was not done and the *duck shoving* between Departments and Agencies and many is the instances when it involves a PWD.

Recommendations;

Standards;

Standards for service providers and their personnel to ensure they do comply with DDA and all other regulations with the proviso that if the standards are met the funding is there, if not you have to show good reason why it should be retained.

Consultation;

Much advice is given by PWD free of charge but not accepted and then if consultants are contacted for advice this could be wide of the mark but due to the expense of gaining this professional advice it is often deemed of more value

Representation;

Representation by PWD at meetings such as the recent United Nations one would be a pro-active stance by any Government, and applaudable, rather than sending personnel from a department which has no relevance to the disability field.

Recognition;

Recognition of PWD contribution to society goes nearly unrecognised whether it is a contribution in the disability field or not. Some local Government body's do all they can with limited resources.

Advocacy;

Advocacy training so we can self advocate and achieve some empowerment for ourself.

Government;

PWD would these days require a computer to be fully able to pro active in a job search activity but due to limited finances are unable to so why not the Federal and State Government when they are upgrading their computer systems make available (means test if required) the replaced to PWD at a minimal or no cost. Even a small assistance like GST free would help.

CONCLUSION;

There is still so much to do to change attitudes/perceptions in society that it will be a long term struggle for those involved. Show that it is really about giving PWD their entitlement and empowering them and to be accepted in society as equals as the DDA was envisaged to deliver.

This epic commences Xmas eve 2000 when informed by Management informed employees the American parent Co filed for chapter 11 bankruptcy and the Aust operations were put under receivership. The result was the new owners did not require all personnel so as of 20 April 2001 just over half the employees were made redundant, myself included. I knew from the start, and this was probably why I stayed at OMC also I had built a rapport with our Dealers and the general public, there would be some discrimination but the extent to which it has now become apparent is astounding and my fellow workmates and friends and associates find it unbelievable to say the least. We had a one-day session with Morgan & Banks Employment Agency to help us get ready for the job search and when shown my resumes (the very 1st edition left a lot to be desired) the comments from three consultants were "You will not have a problem getting a new job". Now nearly two years later I am still trying as well as re-educating myself into a new field, watching my mortgage grow back toward where it was before, watching the dreams for my kids education slowly evaporate, and feeling the pressure of life mounting. I cannot have a break (for one thing it can not really be afforded) because HEY a miracle might happen. Consultant from a number of agencies will confirm the reluctance out there (we are O.K. until the employer is informed I need a wheelchair for distance mobility then the excuses run free) and they try their utmost for me for which I let them know how much it is appreciated.

The schemes/services supplied by Federal & State Departments on the whole work fairly well but a lot is NOT getting to the end user ie, people with a disability for who it was designed for and politicians/bureaucrats are being given information on subjects which are so far from being correct even blind Freddy could see it yet the information is given out and the papers publish it and so it goes on and on and on. A lot of information is given and decisions made by persons, well meaning, well educated but who know very little about life in the REAL world. Organizations having to ask for their funding every six months instead of just getting on with their job, which they do very well for the disabled community. Centrelink needs some changes, in the disability sector, and better education of their personnel for they should know there is a problem out there. When I went to register I was politely taken in and my details taken and informed it would be mid December (8 months later) before I started to receive Newstart then told to come back next week for the usual one hour orientation course for the new unemployed and it was NINE months later before I saw their disability person who gave me a list of employment agencies who do work with people with a disability. I have been doing all the hard work, buying the computers to put in the applications (2 now as my 1st died after 21 months. Total \$4,500.00 since unemployed) chasing the internet etc not a thing I can claim on tax or even get GST but when I do get that job it will be a case of the tax man saying "thank you very much I will have my share of that" but I and others in my situation have to pay back loans to friends and relatives as well as get our life back into some sense of order which will not be easy. If I had the time I could go on and on, but without boring you, with things that are not working, things that should be done, things that could be done but I will give some typical cases that I have been subject to which you can compare to my resume.

1. Just before leaving OMC (with a resume which was not very good) I got an interview for the position of Warranty Adjudicator with a car importer. I did not get the job and I did not think much of it at the time but the surprise shown by the manager when someone with a disability showed up for an interview was evident then a year later they advertised the same position I did not even get an interview let alone acknowledgement that they even received my application with more training/expertise than before (I know they did get it) and two managers still at OMC commented that they probably remembered me from before. This is a Company which skates on its web site that they practise EEO.

2. Another car importer wanted a Warranty Adjudicator so I applied knowing it was well within my bounds of expertise (I only apply for positions I know I can perform without trouble) and the Manager phoned to invite me for an interview with I have received your application and I am very impressed You are exactly who we are looking for" then he did not even have the decency to even ring or anything to say I did not get the position.

3. Yet again another car importer this time they wanted a Spare Parts Dealer Service person and I was going to be the employment agencies (the principal of the agency not one of his consultants) recommended applicant and we assumed maybe a good chance here but half way through the interview the parts manager started to talk at me like I would not know my way around a parts system saying "our system is not like every one else's" but I informed him I knew what their system was like and I had been using that sort of system for many years at OMC. I thought the interview went very well but the employer did not contact me like they said so I contacted the agency (the principal of agency) who was informed "Peter is not what you described to us" to which Chris replied I was exactly what he describe and asked what was the problem they said "oh there is something there we just cannot put our finger on" to this I said to Chris that I had my finger on it and he said "yes I know what you mean" knowing full well I had my finger on my chair.

4. Importer of car spare parts wanted a Parts Interpreter/Warranty person come Tech Help customer assistant. Through an Agency TWO of us went for interview and going by what the consultant at the agency said the other applicant got the position due to him having "a more eloquent phone manner". For talking to motor mechanics etc I doubt that very much.

5. A very recent one I dropped an application for a Warranty Clerk at a Toyota Dealership off so I could ascertain if there were any access problems (NONE) and the HR lady did not recognise the body language she was giving. I was up front with her telling her re checking access and gave her my application. All along she kept saying "We have had lots of applications for position" yet it first appeared in the newspaper the day before and then again that day and then I was informed it would also require some Parts Interpretation to be done, this is not a problem, then I was informed it would also entail some Customer Service duties which I am also experienced in. All the time she was continually brushing the hair from her face although it was not in her face and she would look at me or face me only about 40% of the time (stood facing and talking to my shadow about 1.5 metres to my right and along with different comments and other body language I could not get any other impression than she did not even want to accept my application. I did not withdraw my application as despite her carry on I would have liked to work for the company and remembering the comments all along about how many applications they had the ironic thing happened about a week later when I rang the consultant I know at Automotive Personnel he said "hey a job just came in that would be easy for you, it's a warranty clerk position at a Toyota Dealership" then I told him I had already applied for it. So with all their supposed applications they then went to an agency and spent big \$s.

Many Customer Service positions of varies types, all of which I am well qualified and experienced for, have been applied for predominantly through Agencies with not much success at all mainly because I have to inform them of my disability and although they say this will not be a problem with their client but the interviews do not come forth and I am not paranoid. No success either trying to get a start in a Government job with having to get the Selection Criteria exactly right when some are stated in a manner that only someone with inside knowledge would be able to satisfactorily respond to and if someone knows how to respond to them they could in fact be racists or not practise work place safety and they could get an interview and could even get the position. You do not even have to do it yourself as there are people out there (ex Government employees) who, for a price, will do the whole thing for you from the covering letter/claim to position to the selection criteria to even couching for the interview and I am certain I would not want someone working for me who could not even do his own application.