

Standing Committee on Employment, Workplace Relations, Skills and Training

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Dear Secretary of the Committee,

Inquiry into the National Employment Standards (various aspects)

Thank you for being in touch in relation this submission. I will start from your invitation email.

**Requirement of a Cover Letter:** please accept my answers here.

I am Quoting from your Email:

“The inquiry has an online portal accessible via the [inquiry website](#) for submitters to lodge submissions online. You may also provide a submission via email or hard copy. If submitting via email or hard copy, please also indicate the following in a cover letter:

- a. Indicate whether the submission is being made in a private capacity or on behalf of an organisation; -Answer: Private Capacity
- b. If you are requesting ‘name withheld’ (content made public but all identifying details removed) or ‘confidential’ status (not made public and not published), include reasons why this status is being requested. (Please note that decisions on the status of a submission are at the discretion of the committee and may be reconsidered by future committees);- Answer- I am not sure about this. You can call me when you extract certain section for your web-based report.
- c. If your submission includes content generated using artificial intelligence (for example, using ChatGPT), please confirm that you have reviewed and verified this content for accuracy; - Answer-No Artificial Intelligence is used in the submission.
- d. Please provide preferred contact details for the primary person responsible for the submission - contact phone number and confirmation of primary email address. -Name- Prasad Udugampala, phone-0411884381, Email-prasad.kumar.udu@gmail.com

I refer to my submission to the committee dated 05.09.2025 on Neuroatypical job Seekers. Subsequently on 28.11.2025 I was advised by the committee that I can forward a submission for the Inquiry into the Operation and Adequacy of National Employment Standards (NES).

I Have mental health issues associated with high functioning Autism. For seventeen years, I have been discriminated in the workplace and in my attempts to access the workplace. I think my mental health issues and being different from mainstream employees is the reason for this. For you to understand the history, I am attaching the documents I forwarded to your committee

on 05.09.2025. Those documents is a part of this submission, and those provide the journey I have gone through.

All details supplied here and submission 05.09.2025 provides details of my personal experience of seventeen years as a high functional autistic person. The idea behind supplying this personal experience is to design a better future for people like me.

The present NES only covers the minimum safeguards for employment. But the disability employment related safeguards are not covered in the present NES. The disability issues are covered in other federal and state laws but those have no connection to NES. In the new revision, I propose to include standards in NES to bridge the gap between mainstream employment and disability employment. For example, standards relate to productivity-based wages, recruitment methods for disabled people, minimum safeguards from being discriminated in offering the employment has to be incorporated to NES. I had a discussion on this with your Secretariat [REDACTED] on 06<sup>th</sup> January 2026. I was advised to forward my thoughts in order to consider for future changes in the NES regime.

I am happy to attend for an oral submission if invited.

#### Standards on Unfair Dismissal-Employment after mental breakdown

In 2007 I have been unfairly dismissed even without a notice of termination. A relapse occurred in the workplace and my mental health issues were the reasons for this. The only recourse one can take in this kind of situation is accessing the Fair Work. I was not supported by anyone, no family no friends. So, I could not take any action.

When mental health issues are involved and the individual has no informal support there should be a mechanism to return to workplace or any other suitable work. Since the patients go for help from doctors and mental health case managers, there should be return to work programs as an alternative to legal process through Fair Work. I have approached Fair Work, but their process does not help for employees like me with high functioning autism, and no family supports.

In my situation I lost the opportunity to get employed again after stopping work for few years. Initially doctors thought the illness was Bipolar. But after fifteen years they discovered it as high functioning autism which presents symptoms of Bipolar. High functioning autism is a condition brings high analytical skills which are beneficial to a workplace. But under present operational environment I cannot return to workplace since there is no mechanism for that.

There should be a standard on reemployment of workers after a mental breakdown. If the psych condition is treated and managed, the worker has a right to ask for the reemployment which is denied in the present workplace system.

#### Standards on Disability Employment

When I lost my job, I requested a referral to Disability Employment Service (DES) to find a new job. The quality standards of the DES workers were appalling. They couldn't even understand my qualification and skill profile as a Chartered Electrical Engineer. I was with DES for fifteen years, but they could not find me a suitable work or refer me back to the previous employer

where I had the workplace relapse. I have supplied enough information on this area in my submission dated 05.09.2025 and wish not to elaborate here.

### The Quality of Recruiters (Online and Non-Online)

#### Need to bring Regulations on recruitment process

The recruiters do not have any registration, nor they subject to any regulation. I have seen, just a school leaver of nineteen-year-old recruiting a Chartered Electrical Engineer with twenty years of experience. The country of location of Online recruiters cannot be found. They come from anywhere from New Zealand to Check Republic to Ireland.

There should be a recruiter registration regulation to avoid scams in online recruiting. It is not necessary to say that online recruitment is the only recruitment now we have in the hiring process. I have been scammed several times by fraudulent recruiters. My identity has been stolen in numerous occasions using location tracking. The job seekers with mental health issues are an easy target of scams.

I would like if a credible agency can maintain a registry of the details of current recruiters in a particular geographic area. For example, I would like to know who the recruiting agents in Melbourne metro area in my discipline-electrical engineering. This detail should be available in a credible data base. If such registry available, we can cross check and eliminate contacting fraudulent recruiters.

#### Hiring Related Problems when Mental Health Issues involved

I think, when disability and mental health issues are involved, hiring and remuneration should be considered together. Remuneration includes wages, terminal benefits, and all other entitlements. We know the Hiring managers involve in actual recruitment process. I have seen, in high functioning Autism, the hiring managers face two problems.

First, they cannot gauge the expertise of the candidate and cannot understand the qualification and skill profile. Most hiring managers come from some technical background but do not have higher qualifications like advanced degrees. They work with advanced systems but do not have abstract knowhow identify higher qualified candidates.

I can give one experience from my previous workplace, [REDACTED] In an internal recruitment process, one hiring manager said that I am an electrical engineer and cannot work in projects involving mechanical, electrical and electronics. I was refused sitting for the interview. The hiring manager thought electrical engineers only should work in electrical engineering. The bare reality is projects are multidisciplinary, what is needed to navigate into another discipline is job seekers aptitude. The aptitude can be only demonstrated in an interview which was denied.

Secondly, hiring managers are concerned about the level of mental illness. There is no productivity based remuneration for disabled workers. If they employ a person like me, it will take nearly three to four months to be reasonably productive. Hiring managers think this is too long.

To solve this problem, what the Fair Work should do is to come up with productivity-based wages, productivity-based benefit schemes including terminal benefits for employees with

mental illness. So, there should be an entire package depending on disabled employee's capabilities. The scheme should be supported by doctors and psychologists to encourage disabled workers who want to work rather than staying out of work for years.

#### Referral System- Verbal referral of your past bosses

Referrals are also part of the hiring process. Now the employers have no obligation to issue a referral letter or service completion letter even if the employee requests. I checked this with Workplace Ombudsman; they confirmed the same thing. However, this is something we had in early British administrative models. An autistic person like me has no friends or any one trustworthy person to get a referral from. The managers verbal referrals are the most untrustworthy.

The new standard has to be modified so that employers are obliged to provide a service completion letter after employee exit from the contract. The letter should include the list of duties. This is really important when the worker falls into a disadvantaged category like high functional autism.

#### Focused CVs, Key Selection Criteria and high functional autism

When comes to recruitment process of high functional autistic people two areas have to be modified. These two areas are focused CVs and key Selection Criteria where candidates record their career episode. Autistic people are genuine in supplying their work histories. They do not think the CV and key Selection Criteria as marketing documents.

In contrast, what we have found in litigations is that candidates supply focused CVs and Key Selection criteria taking the help of HR professionals. Those professionals cook information in such a way that their client gets a job interview. I consider cooking information is a fraudulent process and do not involve in it. When mainstream candidates do it that places disabled candidates like me in a disadvantaged position in hiring process. Whenever I drafted my career episodes myself, I supplied exactly true information. The result was, I never got a job interview.

In NES standardisation process you have to consider concessions for high functioning autistic job seekers. I am a living victim of the present hiring process. Standard drafting committee can speak to me at any time.

#### My present situation

I haven't given hope for working again. I have trauma due to being a victim of discrimination for seventeen years. I am still working with my NDIS workers hoping for getting a job in future.

#### Oral Submission

I am happy to provide oral submission to explain my ideas in detail.

#### Proposals to be considered for making New Employment Standards

1. Un-Employment among individuals with Mental health issues is a growing problem and recruiting them has to be considered in NES standardisation.

2. The employers are concerned about the productivity of employees with mental illness. This is one of the reasons for rejecting their applications. Fair Work should come with a policy and guidelines including recruitment, remuneration, terminal benefits, productivity-based wages of the work-ready candidates with mental illnesses. That means there should be a package offer for disabled workers. And this should be different to that of mainstream employees. The productivity and special capability should be considered in the remuneration system. Under such scheme, less productive employee will get less wage. However, he will get the opportunity to participate in the economic activities. In most situations motivated disable people can improve their own productivity once they are in a job.
3. Correct early identification of mental illness is important. This has to be done by doctors and psychologists and referrals made by employers.
4. Recruitment processes have to be modified for people having conditions like high functioning autism and this has to be built into standards. There should be changes to the process in the area of standard documents to be supplied like focused CVs, Key Selection Criteria, Referrals. Key Selection Criteria and Referrals that place disadvantage to some applicants, specially those who with high functioning autism.
5. Scammers entering to recruitment as recruitment agents has to be stopped by a proper registration process. Now anyone can be a recruiter on the world wide web, and they can be from any country.
6. DES service has to be improved with having some special DES-Sites to cater for more specialized disciplines like engineering and higher qualified, higher skilled disabled candidates.
7. Long time victims of past processes like me has to be identified and bring back to workplace again.
8. I propose you to forward this submission the NES standard drafting committee.

