

Barriers to Employment

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Agenda

1. About Me
2. Closing Thoughts
3. My Story (including Indirect Discrimination)
4. How can organisations improve?
5. Summation
6. Want to learn more?

About Me



Lived Experience

Complex Regional Pain Syndrome (CRPS) since 2010.

Career Change

Completed my Graduate Diploma of Information Studies at the end of 2020 to become a qualified librarian.

Opening Thoughts

Libraries need to start seeing people with disabilities for the **benefits** that they can provide rather than the so called “risks” that they can cause.

People with disabilities bring **value** to their workplace and should not be excluded because they do not fit the mould of a so called “normal” employee - if there is such a thing anyway.

Additionally, libraries aim to be an **inclusive** environment for everyone, but how can we do that if we don't have a **diverse** employee base?



Image: The Book Wrangler (2023)

Opening Thoughts

“...there are so many people with disability out there ready to have a crack. And some people want a job, for sure.

*Do you know what some people want? They want a **career**. They want a **leadership position**.*

*I don't want to scare you, but **we want your seats as well**. I think we deserve the opportunity to be able to thrive [in] that [position] and make our economy better as a result of that.”*

Dylan Alcott, 2022 Jobs and Skills Summit

Source: Jacobs, Alex (2022)



Image: Get Skilled Access (n.d)

My Story

Indirect Discrimination

What is indirect discrimination?

When a requirement or rule that **appears the same** for everyone disadvantages someone because of their disability.

Source: IncludeAbility (n.d.)

Example

The library would not be accepting any part-time or job share arrangements for leadership roles.

Premise

Applies to everyone.



Reality

Applies to people who cannot work full time whether it be due to having a disability or having caring responsibilities (generally women).

Indirect Discrimination

Exemptions to the Disability Discrimination Act 1992

21A ... because of the disability, the aggrieved person would be unable to carry out the **inherent requirements** of the particular work, even if the relevant employer, principal or partnership made reasonable adjustments for the aggrieved person.

21B ...if avoiding the discrimination would impose an **unjustifiable hardship** on the discriminator.

Source: Disability Discrimination Act 1992

Exemptions should not be treated as **loopholes** to **discriminate**.

Indirect Discrimination

Recommendation 7.26 Amend the Disability Discrimination Act 1992 (Cth)

Section 21A of the Disability Discrimination Act 1992 (Cth) should be amended to expand the factors to be considered in determining whether a prospective or existing employee would be able to carry out the inherent requirements of a particular role.

These factors include the:

- nature and extent of any adjustments made
- extent of consultation with any person with disability concerned.

Source: Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023)

Exemptions should not be treated as **loopholes** to **discriminate**.

My Story


How can organisations improve?

National Context: Royal Commission Recommendations

- **7.18** Establish specific and disaggregated targets for disability employment in the public sector
- **7.19** Establish specific disability employment targets for new public service hires in agencies and departments
- **7.20** Clarify the application of the merit principle in public sector recruitment
- **7.21** Introduce consistent adjustment principles and adjustment passports
- **7.22** Public reporting on public sector disability employment strategies and targets

Source: Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023)


How can organisations improve?



... but we have a **Disability Action Plan**... isn't that enough?



No!



Whilst a **Disability Action Plan** commonly contains targets for recruitment and retention of employees with a disability, it is only worthwhile if **actions** are taken to achieve these targets.

How can organisations improve?

1

Analyse the requirements of vacant positions.

- What tasks are in this role and what skills are required?
- Is there room for flexibility in number of/distribution of hours?
- If there is 1.0 FTE worth of work, would a job share arrangement be suitable?
- Would hybrid / remote arrangements be suitable?

Key Consideration

Are we excluding anyone from this recruitment? If so, why? Are there legitimate reasons for this exclusion?

How can organisations improve?

2

Write clear, and inclusive job advertisements.

- Include a diversity statement that encourages applications from people with diverse backgrounds, including people with disability (note: employers must be able to back up this statement).
- Only include essential job requirements (for example: if there is sufficient public transport, being able to drive a car is not necessarily essential).
- Indicate a willingness to customise the role for the right applicant.
- Provide space for applicants to request reasonable adjustments during the recruitment process.
- Be clear as to whether part-time or job share applications will be considered.

Key Consideration

Are we excluding anyone from this recruitment? If so, why? Are there legitimate reasons for this exclusion?

How can organisations improve?

3

Evaluate applicants on merit.

- This is a simple one.
- Evaluate the applicants' skills, qualities, talents, aptitudes, attitudes, and potential.
- What **benefits** and **value** does the applicant bring to the organisation?
- Is **job customisation** required to ensure the applicant with the highest merit is hired, rather than the person who “fits the mould”?

Key Consideration

Are we excluding anyone from this recruitment? If so, why? Are there legitimate reasons for this exclusion?

How can organisations improve?

What is job customisation? Individualising or tailoring a certain role to suit the skills of an employee, while meeting the needs of the employer.



The unique strengths and interests of people as **valued individuals** and employees are recognised.

Adapted from: Australian Human Rights Commission (2021)

How can organisations improve?

4

Reduce the administrative hurdles.

- Be prompt and efficient in processing the required documentation.
- People with a disability should not be placed in the “too hard” basket, whilst other “easier” applicants are assessed.

5

Re-evaluate existing processes used to assess applicants' physical abilities.

- Would discussion with the applicants GP or medical specialist be a preferable option as they have more knowledge about the applicant and their condition?
- Is a functional health assessment required or is an on-site assessment of **actual tasks** more suitable?
- If an independent assessment needs to be completed, should this be by a medical doctor?
- Would the tasks in a functional health assessment exacerbate the applicant's health condition?

How can organisations improve?

6

Mindset change.

- Attitudes must change at all levels of the organisation – starting from the top.

From this:

People with a disability are a **“risk”** and **“cost”** to the organisation.



To this:

People with a disability add **value** and bring **benefits** to the organisation.

Closing Thoughts

People with a disability should not be excluded from securing employment in the library sector.

Employment should extend into professional roles and leadership positions.

Library organisations can and should do better.

Want to learn more?

Check out the [Employment](#) page on the [ALIA Disability](#) website.

This page includes links to relevant:

- Guidelines
- Websites
- Reports
- Legislation



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