



Employment Equity and Diversity Unit

DISABILITY POLICY - STAFF

Date approved:	24 July 2007	Date Policy will take effect:	24 July 2007	Date of Next Review:	July 2012
Approved by	Administrative Committee				
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Responsible Faculty/Division & Unit	Employment, Equity and Diversity Unit				
Supporting documents, procedures & forms of this policy	Agreement between UOW and Essential Personnel Grievances Investigation Procedures				
References and Legislation	Disability Discrimination Act, 1992 (Commonwealth) Anti-Discrimination Act, 1977 (NSW) Disability Services Act, 1993 (NSW) Building Code of Australia (BCA) Standards AS 1428 – 2001 Design for Access and Mobility Department of Education, Employment and Workplace Relations – Job Access Recruitment & Selection Policy Grievance Policy				
Audience	Public – accessible to anyone				
Expiry date of Policy	July 2012				

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1 Purpose of Policy

1. This policy demonstrates the commitment the University has made to fostering and supporting a diverse workforce and to integrating equal opportunity for people with disabilities into University policies, procedures, decisions and operations.



2. This policy is informed by the legislation and outlines the University's obligations accordingly. The University of Wollongong is committed to the promotion of and adherence to the principles of the Disability Discrimination Act 1992 (Commonwealth) the Anti-Discrimination Act 1997 (NSW) and Disability Services Act 1993 (NSW).

2 Definitions

1. The following definitions apply each time the listed word appears in this document:

Word/Term	Definition (with examples if required)
Disability	<p>As defined in the Disability Discrimination Act 1992 (Commonwealth)</p> <ul style="list-style-type: none"> a. total or partial loss of a person's bodily or mental functions; or b. total or partial loss of a part of the body; or c. the presence of a body of organisms causing disease or illness; or d. the presence of a body of organisms capable of causing disease or illness; or e. the malfunction, malformation, or disfigurement of a part of a person's body; or f. a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or g. a disorder or illness that affects a person's thought processes, perception of reality, emotions, or judgment or that results in disturbed behaviour; <p>and includes a disability that:</p> <ul style="list-style-type: none"> h. presently exists; or i. previously existed but no longer exists; or j. may exist in the future; or k. is imputed to a person.
Disability	<p>As defined in the Anti-Discrimination Act, 1977 (NSW):</p> <ul style="list-style-type: none"> a. total or partial loss of a person's bodily or mental functions or of a part of a person's body, or b. the presence in a persons body of organisms causing or capable of causing disease or illness, or c. the malfunction, malformation or disfigurement of a part of a person's body, or d. a disorder or malfunction that results in a person learning differently from a person without the disorder or malfunction, or e. a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour.
Direct discrimination	<p>When someone treats another person(s) less favourably, or proposes to treat them less favourably, than they would treat someone else who does not have a disability, in similar circumstances. For example, charging a person more to use facilities because they use a wheelchair.</p>
Harassment	<p>Harassment may involve any form of bullying, intimidation or hostile treatment, which is brought about because of the person's disability. Under the Disability Discrimination Act, 1992 (Commonwealth), harassment on the grounds of disability is unlawful if the harassment occurs in employment, education or the provision of goods.</p>



Indirect discrimination	<p>When a person is expected to meet some sort of criteria that they cannot meet because of their disability, and people without that disability would probably be able to meet.</p> <p>For indirect discrimination to be unlawful, the expectation or criterion that is placed on a person has to be something that is unreasonable in the circumstances. For example, making the only entrance to premises by stairs, which means the premises are inaccessible to people with mobility disability.</p>
Reasonable adjustment (accommodation)	Special facilities or equipment employers must provide to enable a person with a disability to do their job. Reasonable adjustment does not include changing the inherent requirements of the job. An exception to reasonable adjustment is when 'unjustifiable hardship' can be proven by the University.
Return to work plan	A temporary or permanent alternative work arrangement in line with medical advice with the goal of providing a gradual resumption of pre-injury duties. A return to work plan can include restrictions such as job tasks, hours of work or environmental modifications.
Staff	An employee, honorary or visiting appointee or the holder of a University office or a member of a University committee
Temporary disability	A condition that exists for a short period of time and is not lasting or permanent. In some cases, temporary disability may also be treated as a past disability if adverse treatment was to continue after the disability case.
Unjustifiable hardship	<p>As defined by s 11 of the Disability Discrimination Act, 1992 (Commonwealth):</p> <p>"For the purposes of this Act, in determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account including:</p> <ol style="list-style-type: none"> the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned; and the effect of the disability of a person concerned; and the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship; and in the case of the provision of services, or the making available of facilities, an action plan given to the Commission under section 64.
Vilification	Any public act that could incite hatred, serious contempt or severe ridicule of a person, or group of people, because of their disability.

3 Application & Scope

1. This policy applies to all staff members of the University of Wollongong.
2. This policy does not apply to students. Matters related to students with disabilities are addressed in the Disability Policy – Students
3. Staff who are studying will have access to services provided to students by Disability Services and where appropriate may use any specialised equipment provided for their workplace.

4 Policy Statement and Principles

1. The principles outlined below demonstrate the commitment the University has made to fostering and supporting a diverse workforce and to integrating equal opportunity for people with disabilities into University policies, procedures, decisions and operations.
2. The University of Wollongong:



- a. supports the rights of people with a disability to work, study and participate in an environment free from discrimination and in an atmosphere that is conducive to realisation of their full potential;
- b. is committed to a program of continuous improvement that will ensure all buildings and facilities are accessible to people with disabilities. This will be achieved through the ongoing review and upgrade of existing buildings and construction of new building and facilities to comply the Building Code of Australia (BCA) and the relevant sections of the Australian Standards AS 1428-2001 Design for Access and Mobility,
- c. makes a commitment to provide staff members with resources to reasonably adjust their workplace, where doing so will not cause unjustifiable hardship to the University;
- d. takes all reasonable steps to ensure that adjustments for staff with a disability neither advantage or disadvantage them in comparison with other staff members;
- e. takes all reasonable steps to ensure that no staff member will be disadvantaged as a result of a co-worker's disability;
- f. continues to plan, develop, implement and improve on strategies, programs, policies and guidelines that provide equitable access to employment opportunities, professional development and career opportunities;
- g. maintains confidentiality of information provided by staff in relation to their disability. Staff are not required to disclose their disability unless they are seeking accommodations or workplace adjustments. Detailed information may be required by the relevant University support services and/or external agencies in order to make adjustments and request specialised equipment;
- h. takes all reasonable steps to identify and eliminate unlawful discrimination of staff with disabilities; and
- i. deals with complaints in accordance with the Grievance Policy and the Grievance Investigation Procedures.

5 Roles & Responsibilities

1. All staff have a responsibility to complete EO Online to understand their rights and responsibilities in relation to equal opportunity in the workplace.
2. Staff with supervisory responsibility have a duty of care, in consultation with specialist units, to provide reasonable adjustment for their staff members with disabilities who are under their supervision.
3. Relevant specialist units have specific responsibilities in the provision or facilitation of reasonable adjustment.
4. The Employment Equity and Diversity Unit has responsibility to:
 - a. liaise with community and government agencies to encourage applications for positions and traineeships for people with disabilities;
 - b. assist staff with supervisory responsibilities to provide reasonable adjustments for staff with disabilities;
 - c. liaise with external agencies to arrange funding for workplace adjustments;
 - d. liaise with support units to arrange support for staff with disabilities;
 - e. assist staff to assimilate into their workplace;
 - f. facilitate the education of all staff about matters related to staff with disabilities and raise their level of awareness to overcome discriminatory behaviour and attitudes; and
 - g. mediate on disability issues in the University and assist in the implementation of conflict resolution.



5. Personnel Services has responsibility to:
 - a. assist in encouraging faculties and units to take an active role in providing employment opportunities for people with disabilities;
 - b. liaise with the EED Unit in assessing job specification where an applicant is a person with a disability to ensure University compliance with disability discrimination legislation;
 - c. integrate disability provisions into personnel policies and practices; and
 - d. ensure recruitment processes support the needs of applicants with disabilities.
6. Occupational Health and Safety Unit has responsibility to:
 - a. assist in the development and monitoring of return to work plans for staff with a disability; and
 - b. assist supervisors in the provision of a safe work environment by implementing risk management activities.
7. Disability Services has responsibility to:
 - a. provide advice to the support units and supervisors where appropriate; and
 - b. provide training and support for staff with disabilities who require the use of assistive technology.

6 Review and Change History

Version Control	Date Effective	Approved By	Amendment
1	24 July 2007	Administrative Committee	First Version
2	6 May 2009	Vice Principal (Administration)	Migrated to UOW Procedure Template as per Policy Directory Refresh