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# Improving Access and Inclusion in Employment for People with Disabilities

Implementation of Workplace Adjustments in 'Best-Practice' Organisations

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*CWL Research Report*

*Published July 2019*

*v1.0*

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## Implementation of Workplace Adjustments in ‘Best-Practice’ Organisations

### Executive Summary

The Centre for Workplace Leadership (CWL), in consultation with the Australian Network on Disability (AND) and with funding from the Hallmark Disability Research Initiative at the University of Melbourne, embarked on research to:

- disseminate information about best practice in implementing workplace adjustments,
- make a meaningful contribution to disability rights advocacy in the employment sphere,
- facilitate meaningful engagement between academic enquiry and business practice, and
- aid the pursuit of self-determination and full and equal participation in society by people with disabilities.

To achieve these aims, we conducted interviews of managers and employees with disabilities in ‘best-practice’ organisations in Australia. We found the following:

1. Effective reasonable adjustments can be formal or informal, but we recommend having formal processes in place.
2. Processes for seeking feedback post-adjustment are limited even among best-practice organisations. We recommend implementation of a proactive feedback system to understand how workplace adjustments have been received, whether they are effective, and what further adjustments might be necessary.
3. Reasonable adjustments for invisible disabilities, such as mental illness, are underrepresented. Organisations should have a broader conceptualisation of ‘disability’, eliminate stigmatisation of any type of disability, and strive to build knowledge and understanding around, and inclusion of individuals with, both visible and invisible disabilities.
4. The recruitment and interview process pose significant barriers to access and inclusion. Greater efforts should be made to be inclusive from the point of recruitment and selection, providing adjustments where needed.
5. Managers in best practice organisations that are working towards access and inclusion for employees with disability typically display a critical awareness that there is more they can learn to improve their current arrangements.
6. The responsibility for funding the implementation of reasonable adjustments (i.e., funded centrally at the organisation or locally by the unit or department) may influence attitudes towards providing adjustments. We recommend having central organisational funding that does not inhibit individual managerial decisions to provide adjustments wherever required.

We hope that organisations, government, and scholars can continue to work towards more inclusive workplaces that ultimately contribute to a more inclusive society.

## Introduction and Research Aims

According to the most recent Survey of Disability, Ageing and Carers by the Australian Bureau of Statistics (2015), 18.3% of Australians report having some type of disability that restricts their daily activities. These include both physical disabilities (78.5%) and mental or behavioural disabilities (21.5%). Importantly, while 83.2% of Australians aged 15 to 64 participate in the labour force in general, only 53.4% of those with a disability participate. Unfortunately, this state of affairs has remained static even in recent decades, despite the importance of disability inclusion from human rights, economic, and business perspectives, as we have noted in a previous publication (Holland, Harbridge, Olsen, & Raymond, 2017).

Furthermore, while gender differences are beyond the scope of this report, it is worthwhile noting that the participation rates are disproportionately low for women with disability, and that women and men with disabilities often have very different experiences with employment. For more information on this issue, readers are encouraged to visit the Women with Disabilities Australia (WWDA) website for an overview (<http://wwda.org.au/about/snapshot/>).

In an effort to address the problem of the exclusion of people with disability from the labour force more generally, the Centre for Workplace Leadership (CWL) partnered with the Australian Network on Disability (AND) to conduct research into the provision of reasonable adjustments (or reasonable accommodations) in the workplace and its effect on the inclusion of employees with disabilities. This research was funded by a grant from the Hallmark Disability Research Initiative at the University of Melbourne.

Our primary aims are to disseminate information about best practice in implementing workplace adjustments and make a meaningful contribution to disability rights advocacy in the employment sphere. We also aim to facilitate meaningful engagement between academic enquiry and business practice, as well as aid the pursuit of self-determination and full and equal participation in society by people with disabilities.

To achieve these aims, we conducted research on 'best-practice' organisations in Australia to understand how they utilised workplace adjustments towards the inclusion of persons with disability in the workplace. Prior to describing this study and its findings, we present some background and key concepts on disability inclusion in Australia.

## Background and Key Concepts

In order to better understand the context of our research on workplace adjustments and disability inclusion, it is important to discuss how 'disability' is defined, and subsequently how 'workplace adjustments' might be conceptualised. We also provide some elaboration on the forms that discrimination and equality may take. In this section, we draw on prior research, as well as international and Australian domestic legal frameworks, that set the stage for our work in this area.

*(Readers are also encouraged to consider Note 1 on language, in the Notes section at the end of this report.)*

### Defining disability

Arriving at a single definition of 'disability' is difficult, given that it is defined differently according to the context. In the international sphere, disability is believed to be an 'evolving concept'. The United Nations Convention on the Rights of Persons with Disabilities (CRPD; United Nations, 2006) describes **disability** as

the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.

The CRPD therefore defines disability as an interaction, as opposed to an attribute of an individual, which is part of what is known as the 'social model' of disability, to be discussed later. This definition encourages improving social participation by removing the barriers existing in society which negatively impact the lives of people with disabilities.

As a signatory ratifying the treaty in 2008, Australia is legally bound by the CRPD and must take steps to abide by its articles. The expansive interpretation of disability is supported in the Australian context through the *Disability Discrimination Act 1992* (DDA; Cth, 1992), where disability has been defined as:

- (a) total or partial loss of the person's bodily or mental functions; or*
  - (b) total or partial loss of a part of the body; or*
  - (c) the presence in the body of organisms causing disease or illness; or*
  - (d) the presence in the body of organisms capable of causing disease or illness; or*
  - (e) the malfunction, malformation or disfigurement of a part of the 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, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;*
- and includes a disability that:*
- (h) presently exists; or*
  - (i) previously existed but no longer exists; or*
  - (j) may exist in the future (including because of a genetic predisposition to that disability); or*
  - (k) is imputed to a person.*

*To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.*

In the Australian context, a condition is not typically considered to be a disability unless it has – or is expected to have – an impact on everyday activities for at least six months. However, it is increasingly recognised that some conditions are episodic and may not strictly fit into this definition (e.g., Australian

Institute of Health and Welfare, 2015). Nevertheless, many of the findings in this report would apply equally to both shorter, episodic conditions and longer-term conditions.

Given the broad definition of disability in discrimination legislation, protection from discrimination in employment can be afforded not only to those with a visible disability, but also to employees with hidden impairments that may not have been traditionally thought to be a 'disability'. From breast cancer (Carlsen et al., 2013; Gudbergsson, Fosså, Lindbohm, & Dahl, 2009) to Parkinson's disease (Koerts, König, Tucha, & Tucha, 2016) to multiple sclerosis (Carrieri et al., 2014; Leslie, Kinyanjui, Bishop, Rumrill, & Roessler, 2015), the literature suggests that 'disability' is best thought of as an umbrella term which includes any limitation, restriction or impairment restricting everyday activities. While defining the term 'disability' is notoriously challenging, we adopt the broad definition as codified in Australian disability discrimination legislation.

## **Models of disability**

The traditional medical model of disability, sometimes called the individual model of disability, views disablement as arising because of an impairment and locates the problem in the body or mind of the individual, as opposed to locating the problem in the inaccessible physical environment or the dominant community attitudes that serve to exclude people on the basis of disability. By contrast, within the social model of disability, it is those environmental and attitudinal barriers that are viewed as the disabling factors, and the invasiveness of problematising the body and mind of the individual is avoided. Oppression and discrimination are the disabling factors.

The social model of disability argues that we are 'not disabled by our impairments but by the disabling barriers we face in society' (Oliver, 2013: 1024) and positions disablement as an outcome that arises when impairments interact with societal barriers (Degener, 2016: 35). Importantly, the CRPD moves thinking on disability a step further – towards the human rights model where people with disability are recognised as rights holders and legal subjects attracting the full protection of the law. The focus of this third model is on the inherent dignity and self-worth of all people (Quinn & Degener, 2002).

## **Direct and indirect discrimination, and workplace adjustments**

The DDA (Cth, 1992) makes it unlawful to discriminate on the basis of disability in many areas of public life, including employment, and it legislates against both direct and indirect discrimination. Here we discuss these types of discrimination.

Broadly speaking, direct discrimination is a type of unlawful discrimination where a person is treated unfavourably because they possess a certain attribute, or are imputed to possess a certain attribute, that is a listed protected attribute under the Australian anti-discrimination legislative scheme, such as age, race, sexual orientation and disability (Rees, Rice, & Allen, 2014: 74). **Direct discrimination** occurs when a person is treated less favourably than another on the basis of a protected attribute, in this case disability.

*Example: a person who is qualified for the job is not offered employment because of their disability. The hiring manager finds out that the person has a disability and decides not to make the hire for that reason.*

It is discriminatory, and unlawful under section 5 of the DDA, for an employer to not make, or not propose to make, reasonable adjustments for an employee, including a prospective employee engaged in the hiring process, when the failure to make such adjustments has, or would have, the effect that the aggrieved person is treated less favourably than someone in similar circumstances without their disability.

**Indirect discrimination** is a type of unlawful discrimination where practices are fair in form but in practice act as an unfair barrier within an area of public life, such as employment, on the basis of a protected attribute, such as disability (Rees et al., 2014). Some requirements appear neutral but can in fact disproportionately affect certain categories of people (Gaze & Smith, 2017). Indirect discrimination in the workplace occurs when an employer has a requirement that applies equally to all employees, so it appears to treat all people the same, but in practice it disadvantages certain people due to their disability. If a requirement or condition applies to everyone, but an employee is unable to meet that requirement or condition (or would be at a significant disadvantage by complying) because of their disability, it is considered discriminatory.

*Example: Requiring all staff members to read a report prior to a meeting, but publishing it in a format that is not accessible (i.e., that visually-impaired persons cannot easily read with text-reading software or that cannot be navigated with other assistive technology). Employees would experience a disadvantage because they would be excluded from having easy access to the written content prior to the meeting.*

While non-discrimination policies and training may help to combat direct discrimination, it is sometimes more difficult to address – let alone identify – potential sources of indirect discrimination. As is apparent in the above example, however, workplace adjustments are often a very effective means by which employers can reduce barriers in the workplace that may lead to indirect discrimination.

Since 1992, the DDA has provided an express obligation on employers to support people with disabilities through reasonable (or workplace) adjustments. **Workplace or reasonable adjustments** are changes made to workplace practices, processes or policies which reduce barriers to employment by modifying the job and/or work environment to allow qualified individuals with disabilities to apply for jobs and perform the essential duties of the job (Chow, Cichocki, & Croft, 2014; Stergiou-Kita et al., 2016).

Workplace adjustments are therefore central to reducing direct and indirect discrimination and creating inclusive workplaces. Because of their importance, we embarked on an interview study to identify a range of best practices in organizations in different sectors that could be used as the basis for educating organisations and individuals more broadly about how to approach implementing or improving their processes in this area. Next, we describe the methodology behind our study, followed by our findings and the corresponding implications and recommendations.

*(For further background discussion, see also Note 2 on different types of equality at the end of this report.)*

# Methodology

## Sample

Drawing on AND and CWL organisational contacts, we identified 26 Australian organisations for participation in this research. We then conducted interviews of 48 managers and employees in those organisations. The participating organisations were of various sizes across the private, government, and non-profit sectors. We began our interviews in 2016, and we concluded our analyses in 2018.

## Design

We first conducted interviews with 33 managers who were responsible for, or involved in, implementing reasonable/workplace adjustments for employees with disability. This class of interviewees included managers who did and did not have disability themselves, and, in larger organisations, tended to be based within Diversity and Inclusion portfolios. Interview questions focused on the following:

- the formal or informal character of adjustments;
- the process of accessing an adjustment from start to finish;
- the rationale behind providing adjustments;
- whether the onus lay with the employer or the employee to offer or request an adjustment; and
- successes and challenges experienced by the organisation regarding the implementation of reasonable adjustments.

Where possible, we then conducted interviews with employees who had received reasonable adjustments on the basis of disability at those organisations. We were able to conduct interviews with 15 such employees. The interview questions for employees concerned the following topics:

- the employees' access to reasonable adjustments during their education and work history;
- their experience of the process of implementation;
- the role their manager played;
- the nature of the feedback or review process, if there was one;
- any remaining or on-going barriers to accessibility in the workplace including attitudinal barriers;
- how access to adjustments had impacted their working life, including access to training, promotion, and leadership opportunities; and
- their thoughts on what more can be done to promote the inclusion of employees with disability in the workforce.

Upon conclusion of the interviews, we analysed the transcripts, coding statements by dominant themes.

## **Co-design, co-production, and the importance of a human rights research agenda**

Our team was comprised of people with and without disability. Researchers with visible and invisible disabilities were represented, as were researchers with physical and mental disabilities. In this way, the research can be categorised as co-designed and co-produced. It aims to privilege the employment rights of the disability community. We recognise the value of the co-design and co-production of research, as enshrined in the United Nations CRPD, and the moral imperative for skill and knowledge transfer within the research community to include people with disability.

Participatory research is the research model required as a bare minimum by the social model of disability and is enshrined in the CRPD. It involves co-design and co-production by people with and without disability. While we strive towards the more ambitious values of emancipatory research, which seek to break down barriers to full and equal participation in society for the full realisation of human rights for disabled people, we recognise that the successful application of such an approach can only be assessed by the disability community with the passage of time.



## Key Findings, Implications, and Recommendations

Participatory research is the research model required as a bare minimum by the social model of disability and is enshrined in the CRPD. It involves co-design and co-production by people with and without disability. While we strive towards the more ambitious values of emancipatory research, which seek to break down barriers to full and equal participation in society for the full realisation of human rights for disabled people, we recognise that the successful

### **Finding 1: Reasonable adjustments can be formal or informal.**

The character of workplace adjustments provided to employees, and the process by which they are attained, are:

- Formal;
- Informal; and
- A combination of formal and informal elements.

The data reflected that formal, informal and 'combination' adjustments could all be effective at enabling a qualified individual to perform the essential duties of the role, though we would advocate the ultimate implementation of formal processes, as we discuss below.

Some organisations formalise their workplace adjustment request processes by asking new employees to complete a form and/or providing an online form for employees to use should the need for an adjustment exist. One organisation noted a particularly formalised process that included a standardised request for disclosure of needs among new hires, which ultimately led to the supply of adjustments:

*"...we have a form that's included in our on-boarding pack that asks you to disclose any disability that you have and then any accommodations that you need to be made. This then goes to the Head of Diversity and Inclusion, who ... processes that so that we have a copy ... and then forwards that onto Health Services, who actually supply the accommodation... Then they reach out to the employee who needs the accommodation for feedback and that kind of question."*

*– HR Consultant, Technology Consulting Firm*

It should be noted that generally there is no obligation for an employee to share information about their disability. It is entirely possible to identify and implement a workplace adjustment without needing to the details about the disability. Nonetheless, an employee with disability at that organisation commented on their experience in this process:

*"My manager linked me with the HR Diversity manager and simply kept tabs on the progress of my adjustment. I was empowered to communicate directly with the HR Diversity manager so there was little required from my line manager at those times."*

*– Employee with Disability, Technology Consulting Firm*

In this firm, the adjustment is even associated with the employee's record so that it is transferred if the employee moves within the organisation. This kind of formalised process eliminates the need for employees to renegotiate adjustments if they move internally and/or change supervisors. It emphasises the

adjustment (rather than a disability – discussed further below), facilitates mobility within the organisation, and protects the employee’s privacy. Of course, a best practice approach is that any recording and transfer of information should be with the consent of the employee and should be voluntary.

Some organisations acknowledged that both informal and formal systems had existed, but even here, there seems to be an indication that formalisation is a more advanced or ideal way in which to identify and implement adjustments.

*“I think it was about five years ago, we formalised the consent process and actually made it into a ... work adjustment framework ... formalised in policy. Prior to that, it was ad hoc and as necessary. It was definitely there, and it was definitely something that was undertaken, but it wasn't quite as structured, and it wasn't something that was published on our intranet and policies and things.”*

– HR Manager, Employment Services Organisation

*“I think we’re trying to make it formal, because we’re trying to do the right thing by employees. It’s fairly new to us.”*

– HR Manager, State Government Organisation 1

Nonetheless, the latter organisation further pointed out the potential benefit to at least having an informal “feel” about their process.

*“I like to think of a little bit of it as a benefit knowing that they can informally call us, have a conversation, where people might be afraid to ask a question, or they might be afraid to say the wrong thing, or they don't know what to do. But we still need a formal structure.”*

– HR Manager, State Government Organisation 1

Some of the organisations managed to provide adjustments successfully through informal processes. One of these explains that the organisation is not of the size or scale to require a formal process.

*“We don’t have a lot of staff with known disabilities. Some small ones that haven’t required significant adjustment. So, we’re treating it as on an as-needed basis. We’ve done some adjustments around women in the workplace who are pregnant as well, and people who suffered some injuries. But we haven’t got anything formal. It’s probably just volume and not being confronted with the issue.”*

– HR Manager, Not-for-profit Environmental Organisation

Another organisation notes the informal nature of its process while further recognising that formality might be preferable:

*“Regrettably, that is not systematised in the sense that not every single person who comes and works here gets told about it. At the moment, it's more that if a manager or I are aware that the staff member has disability, that's when they would be told.”*

– HR Manager, State Government Public Health Organisation

**Implications and recommendation:** While both informal and formal systems and processes may have their benefits, formalisation tends to embed practices in the organisation, independent of potential idiosyncrasies of supervisors. It may be appropriate for some organisations to start with informal processes and adjustments, but we advocate aiming for ultimate formalisation. This will create clarity around expectations and inclusion efforts at the workplace, provide organisational support for managers who embrace inclusion, and create a mechanism to reduce unsupportive managerial behaviour. Furthermore, it is important to emphasise the adjustment here, rather than the disability. Employees need not disclose a disability to request and/or be offered an adjustment, and not all disabilities require a workplace adjustment. Ideally, organisations should aim to put systems in place to make adjustments available to all employees, while also respecting preferences and rights around disclosure.

## **Finding 2: Processes for seeking post-adjustment feedback are limited.**

Overwhelmingly, the data reflected that processes for seeking post-adjustment feedback are largely limited or non-existent. When asked whether they have a process to obtain feedback after providing adjustments, respondents generally responded in the negative.

*“I don't think we do, no. No, I haven't sought any feedback.”*

*– HR Manager, Not-for-profit Environmental Organisation*

However, there were exceptions. Within the organisations that did seek feedback, the processes by which feedback was sought varied. Processes can be characterised as follows:

- Formal follow-up process, often owned by the HR and/or Diversity and Inclusion area:

*“But I guess some of the things that we do as part of this employee's workplace adjustment, is we do run a yearly functional assessment. So we actually make sure that the day-to-day duties of the employee are not damaging the health or wellbeing in any way, and that if we need to put in some new measures or change their daily routine around as a result or outcome of that functional assessment, then we will.”*

*– HR Manager, Television Media Company*

*“Yeah, we have to do a lot of feedback. So, before we write a plan up, we have to ascertain the worker's attitude towards that plan. So, we either do that by having a conversation or we do that in writing, depending on how complex it is, and then when we issue the plan, we note their attitude towards the plan in the plan. So, we're constantly seeking feedback on it or towards it, I guess, and we always get feedback from their GP about whether they approve the plan we've put together as well.”*

*– HR Manager, Shipping/Transportation Services Organisation*

- Informal follow-up process. This may be a conversation with the direct manager:

*“My manager - because of my disability inclusions that I have, he always checks in to make sure I've got all the equipment I need - if there's anything else I need - if the work area's okay. So, it's not a formal - specifically about the equipment...”*

*– Employee with Disability, State Government Organisation 2*

Alternatively, it could be feedback provided to the HR area:

*“But in terms of providing feedback, no I don't think so. I don't think there's a formalised - there's a comment - I think - that says, if you have any query or feedback, reach out to your [health and safety] person or whatever...”*

*– HR Consultant, Technology Consulting Firm*

Finally, it may take the form of a conversation initiated by the employee, if the employee feels comfortable raising such issues:

*“... if I had an issue I'd just approach [my manager] and say look, this is an issue, can we do something about this? I guess that relationship exists. Even though it's not a formal review process as such, I think we've got a relationship where I could just rock up and say look, this is annoying me or this isn't working for me for X, Y, Z, and he'd be pretty accommodating about that. There's no formal review process.”*

*– Employee with Disability, State Government Public Health Organisation*

**Implications and recommendation:** As above, we recognise that without a formal feedback process in place, much is left to the individual supervisor, which could result in varied outcomes. Furthermore, if employees are otherwise hesitant to these issues, a formal feedback process may provide them with a much-needed opportunity to tweak their workplace adjustments, thereby potentially improving attitudes and performance. We therefore advocate the incorporation of formal feedback processes into the formal systems supporting the provision of workplace adjustments.

Managers and/or HR officers should consult regularly with employees receiving adjustments in order to understand how the adjustments are being received, whether they are effective, and whether further adjustments are necessary. They should also be asking everyone in their team what they need to do their job effectively. It is important to note that senior leaders must create an environment in which this feedback is welcome and expected to occur regularly. Senior leaders can influence organisational policies around feedback, personally role-model the expected leader behaviours through their interactions with their own direct reports, and ensure that adjustments and re-adjustments are adequately resourced and promptly authorised.

### **Finding 3: Reasonable adjustments on the basis of invisible disability, such as mental illness, are underrepresented.**

Another significant finding was that organisations tend to focus on more visible and physical disabilities. However, several participants were aware of this fact, noting the need to put more adjustments in place to support employees with invisible disabilities, such as mental health conditions.

*“I think one of the major things we identified was that with our induction materials, at the moment they're all produced to be accessible, but not necessarily written in easy English. So, from the perspective of someone with an intellectual disability, I know that the two candidates [with intellectual disabilities] had a lot more difficulty processing the information that was available in the induction material. So, one of the things that we're looking to work with our learning development team is to perhaps produce those in easy English, to recognise that our induction materials aren't a one-size-fits-all kind of product.”*

– HR Manager, Australian Government Agency 1

Another participant noted the stigma that is often associated with such disabilities, which would likely prevent many employees from disclosing invisible disabilities.

*“I haven't come across too many people which have had a mental health issue that I've known about. It's a bit hard for me to answer. I think, at the end of the day, there's still that real stigma about having depression and bipolar and all those sorts of mental health problems. I think, unfortunately, there is - people don't want to talk about it or people like to hide it.”*

– HR Consultant, Technology Consulting Firm

However, there are cases in which employees have disclosed or shared such disabilities, with subsequent support from supervisors and colleagues.

*“I do know of a situation where we have a person with post-traumatic stress disorder and their manager understands and his team understands that there are times when he gets a little bit - his anxiety levels go up. Therefore, his behaviour changes slightly. They have a whole range of different cues in place so he can remove himself from the workplace and just go for a walk and come back and be able to reengage. Or the manager might be able to take him aside and talk to him. But he understands that it's not just a straight 'I'm going to say something to you and you're going to come down straight away', because he's not. So that's a good situation I've seen where it does work. He's been very open about his PTSD and his colleagues have taken that on and I guess yeah, even really assist with him being able to manage anxiety. I suppose not manage anxiety but manage the results of [the anxiety].”*

– HR Manager, Australian Government Agency 2

**Implications and recommendation:** The prevalence of invisible disabilities requires organisations to consider ways in which they might educate and communicate with managers and employees, towards the de-stigmatisation of such disabilities and the provision of adjustments to support employees with invisible disabilities. This entails a basic awareness of the breadth of the term 'disability', as well as the

corresponding wide range of potential adjustments that could be provided towards successful inclusion of people with various disabilities – visible and invisible.

#### **Finding 4: The recruitment and interview process pose significant barriers to access and inclusion.**

In our line of enquiry, we endeavoured not only to address adjustments on the job, but also those for recruitment and selection processes. Many of the organisations noted that while they make some effort in this area, they certainly have shortcomings.

*“...I think we can be doing some of the things in our recruitment process a little better but I do notice that they've followed some recommendations we've asked them to do... and they're very open to it. It's just large organisations are a bit slow to implement things - things like putting in preferred contact method on the application forms, having better alerts when someone does identify that they have a disability in the application process and using accessible venues minimising the need for people to request adjustments in advance. We try and have those processes in place for recruitment.*

...

*“However, I guess if someone needed something specific - I think our recruitment team would be fine, but they'd probably have to give us a bit of notice - so if someone needed an interpreter for example - that would be something that we wouldn't obviously be able to have available without some advance notice, or if people needed a particular type of equipment in the venue to help with the interview process as well, we would need some advance notice. I guess that's not ideal. We should try and make the recruitment processes as barrier-free as possible. To a certain extent we do, but, as I said, those more specific adjustments would need to be requested in advance. I don't know if that's common in other organisations.”*

*– HR Manager, Not-for-profit Environmental Organisation*

Of course, as is the case on-the-job, the provision of adjustments largely depends on requests from the individuals requiring them. Pressures of the recruitment and selection setting may deter many individuals from bringing their need for an adjustment because of a disability to the organisation's attention. However, in one case, an employee was fairly open about their disability from the start.

*Researcher: “How did you come to know about workplace adjustments at this workplace? Did you ask for information about workplace adjustments, or were they offered to you?”*

*Employee: “Yeah, I just previous knowledge I guess. I understood what I needed - what I needed to perform the task, and I was quite clear of that in the job interview, and virtually there was no issue to support... So, pre-interview, it was letting them know, and also too at the start of the job, just with certain things that needed to be done. So, pre-interview really, yeah.”*

*Researcher: “Around the issue of disclosure, were you asked to disclose or did you offer?”*

*Employee: “I disclosed, yeah. Yeah, I just offered to disclose, because if they weren't going to take me on, then...”*

*Researcher: “You wanted to know upfront by then?”*

*Employee: "Yeah, definitely, so there wasn't a drama. They were actually really supportive and quite encouraged by the idea. So, they didn't have a problem with it, so it worked out fine."*

*– Interview with Employee with Disability, Not-for-profit Online Media Organisation*

**Implications and recommendation:** An organisation that is truly inclusive of people with disabilities must be inclusive from the point of recruitment and selection. Disclosure of a disability at the pre-employment stage will depend on both the degree to which the organisation is perceived as being proactive and supportive of disability inclusion, as well as the mindset of the job applicant (e.g., using the pre-employment context as a "test" of the employer's supportiveness). Understanding that many job applicants may not feel comfortable initiating a conversation about required adjustments for job search and selection settings, managers and HR officers must take the initiative to ask all applicants whether they require any adjustments at all stages of the recruitment process.

### **Finding 5: Managers in best practice organisations that are working towards access and inclusion for employees with disability typically display a critical awareness that there is more they can learn to improve their current arrangements**

Across both large and small businesses, a common sentiment amongst organisations committed to performing well within disability inclusion was an awareness that there is always more to learn and do. Unsurprisingly, organisations striving to perform well demonstrated success in delivering and managing effective reasonable workplace adjustments.

*"But in terms of the processes around how you request a workplace adjustment in the first place, how you track those requests - I don't think we're doing that well at the moment actually and I know that we definitely need to be improving those."*

*– HR Manager, Academic Institution*

*"As I said, we feel we still have progress to make and improvements to make ... we've already identified where we can do things better and where we can make things easier and more efficient I guess over the next year or two. We'll just continue to keep making those changes so that we're improving all the time and getting feedback."*

*– HR Manager, Financial Services Firm 2*

**Implications and recommendation:** It is important to maintain an awareness that there is always more to learn and more work to be done toward inclusion. With this awareness tends to come a heightened sense of the organisation's shortcomings and greater motivation to make continuous improvements. This awareness should extend to senior leaders, who are responsible for driving organisational change. Such leadership will motivate the organisation's engagement with networks and resources dedicated to disability inclusion. These leaders will also motivate and support middle managers to continuously develop themselves and their respective subordinates toward a better understanding of what it means to be inclusive.

## Conclusion and Future Directions

We have presented some findings and resulting recommendations based on our study of managers and employees with disabilities in a range of Australian organisations. Creating an inclusive workplace through reasonable adjustments is in the best interests of not only the individuals receiving the adjustments, but also of the organisation. Moreover, society ultimately benefits from more inclusive organisations.

Rather than offer advice on specific adjustments, which would be too numerous in type to describe, we offer advice on systems and processes whereby individuals receive work adjustments as a result of offers from the organisation and/or requests from the person with disability. It is our hope that these recommendations may be applied broadly to human resource management processes around diversity and inclusion for the greatest impact. One of the most powerful things that a manager in an organisation can do is to ask employees what they need to do their work. Or, in the case of recruitment, ask applicants what they need to be able to participate in the selection process.

Furthermore, in Australia, the responsibility for pursuing unlawful actions under legislation such as the Disability Discrimination Act currently rests on the person experiencing discrimination (Gaze & Smith, 2017). This can be criticised as placing an undue burden on an already vulnerable person. However, there is debate about whether anti-discrimination law is the answer, or is the only answer, to issues of inequality. Social change around the value of diversity and attitudes towards difference may in fact lead to legal change. The area of employment, which affects so many Australians, is a powerful place in which to enact social change to values and attitudes. In this way, employers can take a leading role in educating the general community about equality and inclusivity by cultivating an inclusive workplace.

Finally, further research in this area is critical to creating more inclusive organisations. We hope to see more work to further interrogate the findings we have reported – possibly in the form of survey-based or other quantitative studies. We also hope to see future research that delves more deeply into various topics raised here – like the inclusion of individuals with invisible disabilities and the disclosure of disabilities in recruitment settings. And we of course welcome further research into areas that we have not addressed here, such as social dynamics, including stigma, bullying, and other instances of discrimination and incivility.

## Acknowledgements

This work was made possible by funding from the Hallmark Disability Research Initiative at the University of Melbourne, support and advice from the Australian Network on Disability (AND) and founding Chief Executive Suzanne Colbert AM, and the organisations and individuals who participated in the research study. We would also like to acknowledge the invaluable advice and feedback of Catherine Winter, Relationship Manager at AND.



# Notes

## 1. On language

The language used to refer to people with disabilities varies according to time, place, and the history of the particular disability rights movement. In Australia, 'person with disability' is a commonly used phrase, whereas in the United Kingdom (UK), 'disabled person' is more commonly used. These different language choices have been informed by the contrasting histories of the disability rights movements in Australia and the UK. We will use these terms interchangeably, but acknowledge the place-based etymology of each phrase and the long-fought civil rights struggles of disabled persons, which for the most part occurred in the politicised bodies and minds, rendered public space, of people with disabilities (Stone & Priestley, 1996).

## 2. On types of equality (formal, substantive, and transformative equality)

'Equality' has many and varied meanings – from equality of outcome to equality of opportunity, to equality of treatment and equal protection. The concepts of formal, substantive and transformative equality encapsulate these particular types of equality (Gaze & Smith, 2017).

**Formal equality** means treating everyone the same, or treating everyone consistently (Gaze & Smith, 2017). The concept of formal equality remains necessary and powerful for detecting and eradicating direct discrimination (Degener, 2016). However, because this view of equality is concerned with sameness in the treatment or process of people, it does not always result in fairness of outcome, as that is not what this model seeks to achieve.

'Formal equality seeks to combat direct discrimination by treating similarly situated persons similar and differently situated persons differently. Typically, formal equality helps when it results in the eradication of harmful stereotyping. It fails, however, when differences – such as impairment – are taken as rational grounds for denial of rights' (Degener, 2016: 17).

By contrast, **substantive equality** means treating different groups differently, so that they enjoy their human rights on an equal basis with others. Substantive equality encapsulates equality of opportunity and extends to all the way to equality of outcomes. This model of equality involves implementing special measures to ensure that disadvantaged groups enjoy opportunities equally with non-marginalised groups. This model of equality recognises that all people, regardless of their particular attributes, deserve equal respect, value and the allocation of resources (Gaze & Smith, 2017).

Individuals can be subjected to multiple types of discrimination that compound disadvantage. For example, women and girls with disability face oppression on the basis of sex as well as disability. However, the amount of oppression these individuals face is typically greater than the sum of the parts; it is compounded. This is known as intersectional discrimination. The CRPD articulates a new form of equality that recognises intersectional, individual, and structural discrimination. This modern equality concept is referred to as '**transformative equality**' (Degener, 2016: 17; Fredman, 2011). This form of equality imposes positive obligations on governments to remove barriers to full and equal inclusion and participation for people with disabilities, and to also impose obligations on the private sector to do the same (Fredman, 2011).

Transformative equality involves giving all people respect and recognising their dignity, and according equal respect to all people's capabilities. Ideally, this will be reciprocal in nature and flow between all people (Fraser & Honneth, 2003; Fraser, 2000).

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## About the Centre for Workplace Leadership

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The Centre for Workplace Leadership (CWL) was established in 2013 as a joint initiative supported by the Federal Government and the University of Melbourne and is now part of the Department of Management and Marketing in the Faculty of Business and Economics at the University of Melbourne.

CWL's vision is to *inspire leadership for better futures*. The CWL seeks to connect the worlds of research and leadership practice, informed by rigorous, evidence-based research through educational offerings, training programs, scholarly publications and authoritative commentary. It aims to inspire leaders at all levels in all organisations to lead responsibly, purposefully, and with the goal of generating positive, social outcomes for all relevant stakeholders by:

- Developing responsible leadership in business and society.
- Nurturing leaders who shape cultures of happiness and wellbeing.
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