

Disabilities in Workplace

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Many of us discuss unfair conditions at work, discrimination on the basis of race and gender, however often a form of discrimination which is forgotten is discrimination against those with a disability.

The *Disability Discrimination Act 1992* aims to eliminate discrimination against those in our community with a disability on various levels, and this Act applies to all states and territories of Australia.

Disability, as defined for the purpose of the act, can include total or partial loss of a persons bodily or mental functions; total or partial loss of a part of the body; disease; potential disease; malfunction, malformation or disfigurement of a person's body; learning differences and difficulties; or a disorder, illness or disease that affects a person's thoughts, perceptions of reality, emotions or judgement that result in disturbed behaviour.

The definition includes disabilities that presently exist, previously (but no longer) exist, may exist in the future or is imputed to a person.

The act makes it unlawful for an employer or potential employer to discriminate against those with a disability. This includes, among other things the decision as to whether or not the employer will hire the individual with a disability.

What I found to be a very useful example was given within the Human Rights Commission web page at www.humanrights.gov.au. Here it was explained that an employer must consider the "inherent requirements" of a job in determining who is best to do that job. The example that the commission gives, is that an "inherent requirement" of a telephonist is to be able to communicate on the telephone, it is not however an "inherent requirement" that the same person be able to hold the phone in the hand.

With the current age of technology, where there is a will, there is usually a way and employers are legally required to accommodate the needs of an employee to enable them to perform the inherent requirements of their job.

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Elsbeth's articles can be accessed on the Daily Mercury website at <http://www.dailymercury.com.au/topic/elsbeth-ledwy/> or you can find Elsbeth's column "Mind Your Own Business" in the Daily Mercury newspaper each Wednesday.



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