

Department of Defence

DEPARTMENTAL PERSONNEL INSTRUCTION NO 2/2002

16 May 2002

Note: These instructions are of a permanent nature and remain in force until cancelled. They should be reviewed by the sponsor every three years and repromulgated only where a significant change of content is necessary. Publications can be accessed on the Defence Intranet at <http://defweb.cbr.defence.gov.au/home/documents/departme.htm>

DEPARTMENT OF DEFENCE ACCESS AND DISABILITY POLICY

INTRODUCTION

1. Defence is committed to achieving a work environment where personnel with a disability can work and participate as valued members of the organisation. The *Disability Discrimination Act 1992*, the Public Service Commissioner's Directions 1999 and the *Commonwealth Disability Strategy 2000* have an impact on the way personnel with a disability are managed. Defence has developed its disability policy based on these and the *Defence Disability Action Plan 1999–2003* to ensure that personnel with a disability are provided with an environment that enhances their participation in the workplace.

Defence Disability Action Plan 1999–2003

2. The aim of the department's *Disability Action Plan* is to ensure that personnel with a disability receive fair treatment and, are not unfairly disadvantaged in any aspect of their employment with the department. The Plan also ensures that disability discrimination is removed from the administration of policies and procedures and from the working environment.

3. This Plan provides the framework for Defence to:

- a. ensure a working environment in which personnel with a disability are accepted, promoted and retained on the basis of their abilities;
- b. identify and remove barriers in access to policy and program development and delivery;
- c. eliminate discriminatory practices; and
- d. develop plans, strategies and actions to ensure the needs of people with a disability are taken into account in planning service delivery.

DEFINITIONS

4. **Access** in the policy refers to buildings, car parking spaces, facilities, equipment, information, education and training programs.

5. **Disability**, under the *Disability Discrimination Act 1992*, in relation to a person, means:

- 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. 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, or
- k. is imputed to a person.

6. **Reasonable adjustment** is defined as the adjustment of equipment, work environment and/or processes to ensure a fair go for personnel with disabilities.

LEGISLATIVE ASPECTS

7. People with disabilities are covered by a number of provisions of Commonwealth Human Rights legislation that are relevant to access and disability. An overview of each of the relevant Acts and regulations, as they relate to access and disability, is in [annex A](#). More detailed information can be obtained from the Acts themselves.

PURPOSE

8. The purpose of this instruction is to state the policy on Access and Disability in the department.

POLICY

9. Defence is committed to ensuring that personnel with disabilities:

- a. are not unlawfully discriminated against in relation to employment; and
- b. have access to programs, services, buildings and facilities necessary for them to undertake their tasks, taking into consideration 'reasonable adjustment'.

Physical access

10. Defence is committed to effective building design that ensures equal amenity for personnel with disabilities. Building layout, fittings, lighting and signage are to conform to acceptable standards. Ramps that provide easy access for wheelchairs, non-slip floors and stairs, handrails on stairs, easy-to-read signage, glare-free lighting and public access areas will be standard requirements in buildings.

11. Access requirements to Defence buildings and facilities are to conform to the provisions of the Building Code of Australia (BCA) as they relate to people with disabilities. Details of the BCA concerning access for people with disabilities can be found at the Australian Building Codes Board web site (see <http://www.abcb.gov.au/>).

12. Car parking spaces for personnel with disabilities are to be provided in accordance with BCA part D3.5. This can also be found (see <http://www.abcb.gov.au/>).

13. Departmental requirements and procedures for the provision of access for personnel with disabilities to Defence buildings and facilities are detailed in the *Defence Estate Management Guide*, Estate Management Tool Book, part 17, chapter 11—'Disabled access and other facilities for disabled persons'. The policy can be accessed from the Defence Intranet (DEFWEB) (see http://defweb.cbr.defence.gov.au/demg/7technical_guidance/disabled_access/default.htm). The Estate Technical Services section can also provide information and guidance to commanders, managers and all staff in relation to specific cases.

14. The cost involved in providing access to Defence buildings and facilities is the responsibility of the Defence Corporate Services and Infrastructure Group (CSIG).

Communication

15. Defence will produce information in accessible formats and organise access to appropriate assistive technology and services (eg scanners, voice synthesisers, Braille embossers, voice activated computers, disk/electronic mail, large print, the Internet and audio cassette) when requested. All job vacancy advertisements will include reference to the availability of a Telephone Typewriter service and recruitment information in alternative and accessible formats.

16. The cost involved in producing information in accessible formats and in organising access to appropriate assistive technology and services for people with disabilities is the responsibility of the person's Branch.

Education and training programs

17. Learning and training programs are to be made accessible to all personnel who are entitled to attend them, regardless of their disability. Providers and contractors are to ensure that physical access to training venues and visual/aural access to learning programs are provided to personnel with disabilities as required.

18. The delivery of learning materials will be as flexible as possible to ensure that the needs of personnel with disabilities who are accessing them can be addressed.

19. Where a need is identified, a variety of delivery modes will be made available in order to address inequity caused by disability.

20. Defence will provide appropriate support services (eg Australian Sign Language interpreter, attendant care) to people with a disability for important meetings, training courses and recruitment interviews. The cost for the provision of support services shall be the responsibility of the person's Branch.

Reasonable adjustment

21. As defined in paragraph 6, 'Reasonable adjustment' is making adjustments, such as altering some feature of the job, where required to ensure a fair go for personnel with a disability.

22. The *Disability Discrimination Act 1992* states that, whenever it is **necessary, possible** and **reasonable**, employers should take into account a person's disability and make appropriate adjustments to the work environment to accommodate such a person.

23. Where a person with a disability can perform the inherent requirements of the job with some alterations or adjustments, Defence will make these adjustments or alterations unless this imposes unjustifiable hardship on the department.

24. Reasonable adjustment may include one or more of the following types of adjustment in relation to:

- a. workplace or work related premises, equipment or facilities, including provision of additional equipment or facilities;
- b. work related communication or information provision, including the form or format in which information is available;
- c. work methods;
- d. work arrangements, including hours of work and use of leave entitlements;
- e. work related rules or other matters necessary to enable a person to comply with rules as they exist;
- f. training, transfer, higher duties, or other forms of opportunity to demonstrate or develop capacity in a position;
- g. provision of interpreters, readers, attendants or other work related assistance at meetings and courses; and
- h. providing training to co-workers or supervisors.

25. The Act does not provide specific details regarding the types of alterations or adjustments required to remove discrimination against personnel with a disability in employment. Neither does the Act specify when any particular alterations or adjustment constitute unjustifiable hardship. Each case needs to be considered in its own circumstances and on its own merits. The Defence Equity Organisation (DEO) may be able to refer commanders, managers and staff to the appropriate source of guidance or information.

26. People with a disability have a responsibility to discuss reasonable adjustment and support needs with their supervisors as early as possible. The person often can explain their needs and identify adjustments.

27. Supervisors are responsible for ensuring that reasonable adjustments are made where necessary. The cost involved in these adjustments is the responsibility of the person's Branch.

Technical equipment

28. Availability of appropriate equipment, aids and appliances is fundamental if personnel with disabilities are to have the independence that comes with being able to undertake the tasks and activities associated with their work.

29. Defence will ensure that Defence Australian Public Service personnel with disabilities are provided with the technical equipment that would assist them in the performance of their current duties, or facilitate advancement of their careers as opportunities occur.

30. The relevant Defence Personnel Instruction 3/2000—*Procedures for the provision of Equipment and Services for Departmental Civilian Personnel with disabilities* provides the procedures for the application and purchase of equipment and other aids under the Technical Equipment for Disabled Commonwealth Employees Program (TEDCEP). The DEO can also provide information and guidance in relation to specific cases to commanders, managers and all staff.

ROLES AND RESPONSIBILITIES

31. **DEO** is responsible for the management and administration of the TEDCEP. The expenditure delegate is the Director DEO. Funds are available from the Defence Personnel Executive's Minor Capital Equipment Budget for all TEDCEP equipment.

32. **Defence CSIG** is responsible for the provision of building access and disabled car parking spaces. The Infrastructure Division Manager, in each regional office of the **Defence CSIG**, is responsible for providing car parking spaces for personnel with disabilities in all Defence sites in the region.

33. **Commanders** and **managers** are responsible for providing leadership and direction in implementing this policy. It is important for commanders and managers to familiarise themselves with the requirements of this policy and the requirements of the *Disability Discrimination Act 1992*. A user guide to the Act is available from (see <http://www.hreoc.gov.au/>).

34. Commanders and managers are to ensure that the people they supervise, including contractors, are aware of this policy.

35. **The People Development Agency** and **all sponsors** of training programs have the responsibility to ensure that all training and learning programs are designed and delivered in such a manner that the needs of all personnel with disabilities are catered for.



R.K. MCLENNAN
Air Commodore
Director-General Career Management Policy

Annex:

A. [Equity and diversity legislation relating to disability](#)

DISTRIBUTION: SDL 1, 2, 3, 4, 5, 6, 9A, 12, 14

EARLIER DEPARTMENTAL PERSONNEL INSTRUCTION CANCELLED: Nil

EQUITY AND DIVERSITY LEGISLATION RELATING TO DISABILITY

Disability Discrimination Act 1992

1. The Commonwealth *Disability Discrimination Act 1992* makes discrimination on the basis of disability unlawful in a number of areas, including employment. Part 2, Division 1 of the Act specifically deals with discrimination in work. All areas of work are covered including recruitment and selection of staff, terms and conditions offered to them, opportunities for career development and termination of employment. The Act covers all Australian employers and employees including contract workers, employment agencies and unions. It requires all employers, educators and providers of services in the public and private sectors to make whatever adjustments are necessary and reasonable to allow people with disabilities to use those services to the same extent as other people.

2. The Australian Defence Force has an exemption under the *Disability Discrimination Act 1992* for staff with disabilities in order to retain a fit fighting force.

Public Service Commissioner's Directions 1999

3. According to 2.13 of the Directions, Agency Heads must put in place measures to eliminate employment-related disadvantage on the basis of gender, race or ethnicity, being an Indigenous Australian or having a physical or mental disability.

Commonwealth Disability Strategy

4. The Commonwealth Disability Strategy is a framework to assist Commonwealth agencies to improve access for people with disabilities to their programs, services and facilities, thus enabling agencies to meet their obligations under the *Disability Discrimination Act 1992*.