



UNELSS presents:

*Key Takeaways from Disabled Australian
Lawyer's Association's*

Online Networking event 2022

Q&A with Guest speaker Graeme Innes AM

The Disabled Australian Lawyers Association (DALA) are a national association who advocate for greater representation and inclusion of the disabled community within the legal profession. DALA recently hosted an online networking event for International Day of People with Disability which featured guest speaker; Graeme Innes AM, where many important topics were covered. UNELSS attended the event and has summarised some key takeaways below.

Graeme Innes AM has led a successful legal career, from lawyer, to company director, to Human Rights Commissioner. He worked on Australia's ratification of the UN Convention on the Rights of Persons with Disabilities as well as developing the *Disability Discrimination Act 1992* (Cth) (DDA). Graeme was born blind and attributes his outlook to the support from his family who taught him to believe in his abilities. Graeme has authored an autobiography, entitled '*Finding a way*, '.

Graeme is an advocate for social change. He highlights employment as one of the least successful areas of the DDA and in need of much improvement. The job gap for people with a disability and the general population is 30% which hasn't changed in the 30-year history of the operation of the DDA. Transport and access to premises have seen positive change since the implementation of the DDA.

Graeme noted that attitudinal barriers and the 'soft bigotry of low expectations' remain a huge barrier, causing automatic assumptions about those with a disability. Being viewed in a limited and negative way creates systemic issues such as barriers in employment, adverse experiences following disclosure, difficulties getting adjustments, and navigating every day micro-aggressions and attitudes.

Graeme found that when he did disclose his disability on job applications, he wouldn't progress to an interview. Graeme powered through thirty interviews in the 1970's and ultimately found that he had to start at the lowest level in the public service in order to prove his abilities were equal to others. He highlights that the legal profession reflects the broader community attitudes and we have to find a way to challenge those assumptions.

Those with a disability have many desirable qualities pertaining to employment. Research has shown that people with a disability take less sick leave, make less workers compensation claims, stay in jobs longer, attributable to the skills learned from living more complex lives.

Attributes such as resilience cannot be taught and usually comes with life experience. Resilience is an attribute which is beneficial for employers, as outlined in the referenced resource. Those with a disability tend to take less sick leave and claim less workers compensation in comparison to their colleagues.^[1]

Disability representation in leadership roles is critical to shifting community attitudes. As a disempowered community, it is important to network, support each other and provide opportunities to one another where we can. Intersectionality exposes minority groups to discrimination and marginalisation, so It is important we realise that our disability does not define who we are. Graeme noted that disclosure upon employment is a key issue within the community.

It is the employer's responsibility to create a safe and welcoming environment for people to feel comfortable disclosing a disability. Disclosure is not mandatory, and many feel cautious about disclosing their disability due to the historical societal pattern that has taught people with a disability that disclosure is disadvantageous. Only employers can break this pattern.



Imposter syndrome and other mental health issues are apparent in the legal industry. The legal profession has this perception that perfectionism is mandatory, which tends to feed the monster that is imposter syndrome. It is important to recognise that many people experience it, including carers, mothers, those with family or personal issues. There are times we cannot be as focused as we want to be and that is what it is to be human!

Some attendees at the event raised the concern that those with a disability or illness that is exacerbated by stress might feel they need to take up an in house or government role. The concern is that if a person chooses not to experience private practice that they may be hindering their legal career. There was some discussion about employers' obligations under the DDA to make reasonable adjustments to accommodate the access needs of employees, and attendees were encouraged to seek legal advice about their particular situations. An attendee commented that law firms who are open to hybrid working arrangements might generally be more approachable or adaptive to providing adjustments.

On the topic of flexible work hours and work from home options, an attendee mentioned that the APS aims to achieve 7% of employment of people with disabilities by 2025. They offer a "Recruitability" scheme where if the applicant discloses their disability on application, they progress to the interview stage automatically and this includes APS legal roles. Some law firms have started to set targets on employing from diverse groups including those with a disability. See referenced article pertaining to the APS Disability Employment Strategy 2020-25. [2]

An attendee mentioned recent legislative amendments which improve the enforceability of flexibility options for those with a disability. UNELSS subsequently found information about changes to Australia's industrial relations landscape brought about by the *Secure Jobs, Better Pay Bill 2022*, which amended the *Fair Work Act 2009* (Cth). One key purpose for amending the law was to provide the option for employees to request flexible work arrangements to suit their situation and to empower the Fair Work Commission to resolve disputes regarding flexible work arrangements. Under the FWA, employers can only refuse a request for flexible work arrangements if they have reasonable business grounds to do so. These options apply to parents with school aged children, people with a disability, carers, those over 55 and those who have experienced domestic violence. [3]

Overall, resilience, never giving up, persistence, trying alternate methods and making sure you have a peer support network is key to success and together we can promote positive change in breaking down these attitudinal barriers that lead people to false assumptions of those with a disability. Laws are evolving to support employability in a post Covid world based on each individual's situation and employment barriers are being challenged.

[1] https://www.dss.gov.au/sites/default/files/documents/09_2014/employers_guide_to_employing_someone_with_disability_0.pdf.

[2] <https://www.apsc.gov.au/working-aps/diversity-and-inclusion/disability>

[3] <https://www.fairwork.gov.au/employment-conditions/flexibility-in-the-workplace/flexible-working-arrangements>



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