

## Employment of People with Physical Disabilities in DoH, AHS' and Public Hospitals

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**Summary** Specifies actions to be taken in employment of persons with physical disabilities and that they be given the opportunity to compete equally for positions.

**Author Branch** Workplace Relations and Management Branch

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**Applies to** Area Health Services/Chief Executive Governed Statutory Health Corporation, Board Governed Statutory Health Corporations, Affiliated Health Organisations - Non Declared, Affiliated Health Organisations - Declared, Community Health Centres, Dental Schools and Clinics, Government Medical Officers, NSW Ambulance Service, NSW Dept of Health, Public Hospitals

**Distributed to** Public Health System, Community Health Centres, Dental Schools and Clinics, Government Medical Officers, Health Associations Unions, Health Professional Associations and Related Organisations, NSW Ambulance Service, NSW Department of Health, Public Hospitals, Tertiary Education Institutes

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### Director-General

This Policy Directive may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for NSW Health and is a condition of subsidy for public health organisations.

**CIRCULAR**

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**POLICY ON EMPLOYMENT OF PEOPLE WITH PHYSICAL DISABILITIES  
IN THE DEPARTMENT OF HEALTH,  
AREA HEALTH SERVICES AND PUBLIC HOSPITALS**

It is Department of Health policy that people with physical disabilities be employed and promoted on the basis of their skills and abilities within all sections of the public health care services. This is consistent with the NSW Anti-Discrimination Act 1977.

This means that women and men with physical disabilities are to be given the chance to compete with others and not be denied the opportunity for employment or promotion because of discriminatory attitudes, procedures, restrictive job arrangements or other barriers which are discriminatory.

The Department recognises that people with physical disabilities can make a significant contribution to the public health care system if they are employed at all levels of the system.

To allow people with physical disabilities to compete equally for jobs or promotions, a number of factors should be taken into account, including the principle of reasonable adjustment. These factors are fully explained in the accompanying Guidelines.

To implement this policy, managers should actively seek to employ people with physical disabilities. They should also provide job training and career development opportunities for people with physical disabilities already in the workforce, especially where it can be demonstrated they have been discriminated against in the past.

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In accordance with the provisions incorporated in the Accounts and Audit Determination, the Board of Directors, Chief Executive Officers and their equivalents, within a public health organisation, shall be held responsible for ensuring the observance of Departmental policy (including circulars and procedure manuals) as issued by the Minister and the Director-General of the Department of Health.

Managers need to be alert to, and eliminate, any factors which discriminate against people with physical disabilities in the selection process or work environment.

The accompanying Guidelines have been prepared to assist managers to implement this policy. A resource kit for the employment of people with physical disabilities in the public health care system called "Finding the Way" has also been prepared and will soon be available. If you want more information on the implementation of this policy or a copy of "Finding the Way" contact Sharan Daly on (02) 217 5693 or Glenda Heidorn on (02) 217 5701.

Michael Rosser  
Secretary

# **GUIDELINES ON EMPLOYMENT OF PEOPLE WITH PHYSICAL DISABILITIES IN THE DEPARTMENT OF HEALTH, AREA HEALTH SERVICES AND PUBLIC HOSPITALS**

## **DEFINING DISABILITY**

The following definitions of commonly used terms are recommended by the World Health Organisation. They will be adopted in this document and should be used within the Department.

An **IMPAIRMENT** is an anatomical or functional abnormality which may result in a disability. For instance the damage or lack of function of the eye or optic nerve of someone who is blind is an impairment.

A **DISABILITY** is a loss or reduction of functional ability which results from an impairment. The limitation on the ability to see if someone is blind is a disability.

A **HANDICAP** is a disadvantage caused by the impairment or disability. A handicap represents the social and environmental consequences to the individual which stems from the presence of an impairment or disability. If the employment prospects or other aspects of life of someone who is blind are adversely affected by the physical environment or by other peoples' attitudes, then those disadvantages are handicaps.

## **LANGUAGE**

Many people with disabilities resent impersonal terms being used to describe them. Expressions such as "the disabled" or "the handicapped" emphasise the impairment and imply that the most important thing about the person is that impairment. The term "people with disabilities" is preferred because it recognises that people with disabilities are people first. The disability is only one aspect of their lives.

## **OBVIOUS AND HIDDEN DISABILITIES**

Many disabilities are commonly recognised as disabilities and are apparent to employers and co-workers, for instance paraplegia or blindness. There are many, however, which are not apparent, and which are sometimes called "hidden disabilities" - for instance epilepsy or diabetes. Anti-discrimination legislation and EEO programs apply equally to all types of physical disability, including hidden disability.

As the example used above implies, disability includes what are sometimes called "sensory impairments" - that is visual impairments and auditory (hearing) impairments.

## **WHAT "COUNTS" AS A DISABILITY**

Technically, a person who wears glasses has a visual impairment. A person who has high blood pressure, for instance, could also be seen as having an impairment. However, such individuals would probably not regard themselves as having a disability and they would not usually be the subject of concern in an EEC) program.

The crucial factor is whether their disability has employment related consequences. For instance, an employee who wears glasses because of a progressively deteriorating eye condition which is affecting their ability to do their job would be included.

Some common disabilities and impairments are; visual or hearing impairments, impairments affecting the use of limbs, disfigurement or deformity, blood pressure, kidney dysfunction, cancer, convulsive disorders eg. epilepsy and neurological disorders eg. ataxia and aphasia.

## **ATTITUDES TO DISABILITY**

One of the most serious handicaps that people with disabilities have to deal with is the attitudes of many members of the community towards disability. Disability can produce attitudes of, for instance, fear, discomfort or protectiveness in other people. These attitudes can have consequences in the workplace which need to be confronted if people with disabilities are to be able to perform their work effectively.

## **HARASSMENT**

Managers will find that they must deal with problems of attitudes which affect the work of people with disabilities in a sensitive but direct way. Problems which arise because of employees' unfamiliarity with disability, embarrassment at dealing with people with disabilities or fear of disability are not difficult to deal with but should be taken seriously and dealt with promptly. It is by no means unknown for an employee with a disability to be harassed by a co-worker who has problems in dealing with disability. Such harassment may be so severe that it affects the work of the employee with a disability or causes them to seek employment elsewhere. Any such instance of harassment should be dealt with the same degree of seriousness and according to the same principles as sexual or racial harassment, outlined in the Department's Policy - Discriminatory Harassment, Circular No. 86/188, 23 July 1986 and Policies and Procedures for Dealing With Grievances, Circular No. 88/47, 9 March, 1988.

## **PERFORMANCE FEEDBACK**

Sometimes supervisors out of sympathy for the worker feel that they should not allude to any shortcomings or problems with the performance of a worker with a disability. Lack of frank feedback on the performance of a worker with a disability as with any worker, can be damaging to that worker's job or career prospects. People with disabilities should be given feedback or correction in exactly the same way as any other employee.

## **CAREER DEVELOPMENT & PROMOTION**

The same consideration should be given to the career development of employees who have disabilities, as is given to the career development of any other employees.

It is incorrect to assume that an employee with a disability should be content to have any employment at all. Many people are not content to remain in the same job or at the same level for many years or for the whole of their working lives. False assumptions have resulted in many people with disabilities remaining in base grade positions for unacceptably long periods of time, when their abilities would merit promotion. Action should be taken to ensure that staff in this category are given opportunities, to undertake staff development and training courses.

Where participation of staff with disabilities in training or career development schemes or courses means that reasonable adjustment to their disability needs to be made, such adjustment should be arranged for. Managers and supervisors should endeavour to anticipate the needs of staff with disabilities, discuss relevant issues with the member of staff involved and co-operate in making the necessary arrangements. They should also take account of the fact that some disabilities may result in limited access to sources of information about career development or staff development opportunities. This may be particularly true for staff with visual or hearing impairment. Specific affirmative action therefore needs to be taken to ensure that the relevant employees with disabilities know that they have the support of their supervisors in these matters. Adjustments to the needs of staff with disabilities may involve the expenditure of time, effort and money. This will be so until these sort of adjustments become routine within the Department.

## **IDENTIFIED POSITIONS**

There will be some jobs where a disability or close personal experience of a disability is required as a component of the job. The nature of the job itself means that having experience of a disability will enable the employee to perform the tasks required in the job more effectively. However the existence of identified positions for people with disabilities should not lead to the notion that these are the only positions to which people with disabilities should be recruited. People with disabilities should be recruited to all types of jobs at all levels of the organisation, including the highest levels.

## **OCCUPATIONAL HEALTH AND SAFETY**

The Department of Health/Area Health Service/Hospital in common with other employers has an obligation to ensure the health, safety and welfare of all workers.

Refer to the Department's Occupational Health, Safety and Rehabilitation Policy, Circular No. 88/41, 6 July, 1988.

Safety issues are often raised as a particular concern in relation to the employment of people with disabilities - as if people with disabilities are particularly or inherently prone to accidents. This is not so. Research shows that the safety record of people with disabilities is as good as, or better than able-bodied workers.

If managers or supervisors are concerned that there may be any particular element of risk in relation to an employee with a disability, such risks must be assessed realistically. They should not be assessed on the basis of speculation as to remote possibilities.

In some cases there may be a need to make some reasonable adjustments to ensure the safety of staff with disabilities. For instance if staff are alerted to the need to evacuate a building quickly by means of a bell or siren, a hearing impaired worker may need the provision of a flashing light.

## **REHABILITATION OF STAFF WHO BECOME DISABLED WHILST IN EMPLOYMENT WITH THE DEPARTMENT OF HEALTH**

Each case of an employee who becomes disabled whilst they are working for the Department of Health will inevitably be different in detail. However, there are a number of principles which should be applied.

- Employees should be given the best possible opportunities to continue their careers with as little disruption as possible.
- Where the employee acquires a disability which creates the need for adjustments to be made to enable them to return to their original job, such adjustments where they are reasonable should be made. Employees should be told and reassured that this is the case.
- In the event that it is not possible for the employee to return to their original job or transfer to another job, redeployment or retraining is considered with the same principles of reasonable adjustment being applied.
- Decisions about transfer, redeployment or retraining should be made in close consultation with the individual concerned, taking into account their individual abilities, aspirations and needs. Such decisions should not be made on the basis of stereotypes or assumptions about disability.
- Where an employee acquires a substantial impairment it should be remembered that the process of adjusting to that impairment, of acquiring and developing new skills and of learning alternative ways of performing various tasks may take some time. The amount of time will vary according to factors such as the nature of the disability, the individual's character, aptitude and degree of support. These factors should be taken into account when decisions about return to work, retraining or redeployment are made. What an individual is capable of shortly after acquiring a disability and what they are capable of after a period of time may be very different. Consequently such staff members should not be redeployed to a less demanding job and left in that position without regular re-assessment of their abilities and ambitions.
- It is in the interests of the Department and of individual employees that staff who acquire a disability - whether a temporary or permanent disability - should be given clear and careful advice, information and reassurance about their employment position. The process of adjustment to disability and rapid return to work will not be assisted if staff feel pressured to take hasty decisions or hasty decisions are taken for them concerning their jobs. Nor will such staff be assisted if there is unnecessary uncertainty with regard to their job or unnecessary concern that their employment is endangered.

- The need for confidentiality of information with respect to an injured worker's situation and prognosis should be borne in mind at all times.

## **EMPLOYMENT ISSUES**

Society places a very high value on employment and on income in determining an individual's status in society. People with disabilities are just as interested in being employed as able bodied people, but their employment rate is much lower. People with disabilities have a range of skills and abilities and should be employed at all levels of the organisation, not just in base grade positions.

### **Merit and Disability**

Equal Employment Opportunity (EEO) means that people with disabilities are to be employed on the basis of merit. People with disabilities have skills and abilities which are needed by the Department and hospitals and it is for these skills and abilities that they, in common with all employees are employed.

EEO means the provision of equality of opportunity for everyone. Often, ensuring that any two individuals are treated the same way in the same (or similar) circumstances will ensure equality of opportunity. However, this is not always the case, sometimes equal treatment does not mean equality of result.

Equal treatment may not result in real equality of opportunity for people with disabilities because for **some** people with disabilities, the disability will create a difference in the way they do their job. This difference may make it necessary for the Department/Area Health Services/Hospital to do something extra, or to make some changes, to accommodate to the needs of the person with the disability.

### **Reasonable Adjustment**

For some people their disability will create a difference in the way they do their job. Some adjustment will need to be made which will enable them to do their work efficiently.

The principle which underlies the concept of **reasonable adjustment** is that adjustment to the needs of staff with disabilities should be made where those adjustments can be reasonably made. Examples of reasonable adjustment are: substitution of alternative duties to equal those components of the job which the applicant is unable to perform because of the nature of their disability, provision of special equipment to facilitate their performance of their duties, or modification of buildings or furniture to allow access and support functioning. It is not required that adjustments be made where those adjustments would create undue hardship in the employment situation.

If a full investigation shows that the comparative cost would be excessive or organisational efficiency would be reduced and the employer decides it is not possible to accommodate the person's disability, the reasons for the decision must be fully explained to the applicant.

People with disabilities normally have a clear and realistic knowledge of the tasks they can perform. Reasonable adjustments to the working environment or to work arrangements can usually be made which will reduce or eliminate the effects of disability and enable people with disabilities to compete on their merits for recruitment, perform efficiently in their jobs and take up career advancement opportunities.

### **Recruitment: Job Advertisements**

Advertisements should be worded in such a way that people with disabilities are not unnecessarily deterred from applying for jobs.

When advertisements are drafted, it should be borne in mind that there may be people with disabilities who will apply. The qualifications which are required or are desirable for a job should be carefully scrutinised, particularly to ensure that there are no qualifications included which are there from habit, rather than necessity and which may unnecessarily deter people with disabilities from applying.

Consideration should also be given to placing advertisements for jobs in places where people with disabilities will see them and be encouraged to apply.

Because the experience of many people with disabilities of applying for jobs is so negative, many may have ceased to look in the general press. The result of this, is that there is a pool of skilled people in the community who have qualifications and perhaps greater than usual enthusiasm to work hard and reliably, who are not being utilised. These people may be reached through advertising with specific organisations.

A resource kit for the employment of people with physical disabilities in the public health care system, called "Finding the Way" has been produced as an adjunct to this policy/guidelines and contains information on organisations dealing with people with physical disabilities.

### **Recruitment Application Forms**

Job application forms should only seek information on any disability likely to affect the applicant's performance in the position being applied for. Forms should invite applicants to indicate any special arrangements or adjustments which may be needed to interview or employ the candidate.

### **Recruitment: Culling**

It is contrary to the Department's Policy, and unlawful, for applications which reveal that an applicant has a disability to be rejected automatically without proper consideration of the qualifications and abilities of the applicant.

Applications which reveal a disability should not be culled on the basis of stereotypes and assumptions about a disability.

People with disabilities generally have a very clear idea of their abilities, and they do not apply for jobs which they cannot do.

If the committee or individuals who are culling applications have any doubts about the effect of an applicant's disability on their ability to do the job, these doubts should be resolved by interviewing the candidate. They should not be resolved by rejecting the candidate.

When applications are being culled, the committee or individuals who are culling should bear in mind the possible effects of past discrimination on the educational qualifications and work record of any applicant with a disability.

### **Recruitment: Interviewing**

Where a candidate who has a disability is to be interviewed for a job, the candidate should be contacted and asked if they require any special arrangements to be made for them.

Examples of such arrangements might be:

- arranging for the interviews to be conducted in a building which is wheelchair accessible.
- arranging for a sighted guide to assist a visually impaired applicant from the entrance of the building to the interview room.
- arranging for a written interview for a profoundly deaf applicant.

It should be remembered that the needs of individuals who have the same "type" of disability will vary. For instance, a candidate who is hearing impaired may have good verbal skills and be an accomplished lip reader and have little difficulty with an interview situation. Another candidate who is hearing impaired may need an interview or part of an interview in written form or a sign language interpreter. Arrangements should therefore be made, not on the basis of assumptions about a particular disability, but in consultation with the candidate. For many candidates with disabilities no adjustments will need to be made, but the candidate should still be approached to ensure that this is so.

Wherever possible the interviewing panel for a job where a candidate with a disability is to be interviewed should include a person with a disability.

Staff within the Department who have a disability should be given appropriate training in staff selection skills to enable them to participate effectively in such an interview, so that their presence is not merely tokenistic.

A candidate who has a disability should be interviewed in essentially the same way as any other candidate.

The interview has the purpose of determining who is the best candidate for the job and the person with a disability is competing on their merits in the same way as any other candidate.

- The candidate's disability should not be the focus of the interview.
- A person's disability is not the most important thing about them. The interview should be about the job, and not about the disability.
- Candidates with disabilities should not be asked intrusive questions about their personal life. Whether a candidate is married, lives with their family or has a partner, is as irrelevant in a job interview of a candidate with a disability as it is of any candidate.
- Candidates with disabilities should not be asked questions about their toileting arrangements. Questions about whether a candidate will need reasonable adjustments such as a wheelchair accessible toilet are different to an emphasis on toileting habits which would not be made in respect of an able-bodied applicant.

If an interviewer has any doubts about how to provide for a job applicant who has a disability, assistance can be obtained from the Department's Human Resources Branch or from organisations for people with disabilities listed in the resources kit "Finding the Way".