

DENN

DISABILITY EQUALITY NETWORK NEWS

Welcome

Welcome to the third issue of Disability Equality Network News (DENN), the newsletter of the Disability Reference Group of the Equal Opportunity Commission Victoria. DENN is produced quarterly, on the second week in February, May, August and November. We release DENN by e-mail in .rtf and .pdf versions. Editions can be downloaded from the Commission's website at <http://www.eoc.vic.gov.au> under 'Publications'. We can supply print and large-print versions on request.

Enquiries, and to join mailing list: contact michael.uniacke@eoc.vic.gov.au

Papers from Disclosure Forum available

We had an excellent attendance at the Forum on Disclosure of disability in employment late last year. It was certainly appreciated that making a decision on disclosure of hidden disability to an employer has to be considered carefully, and there are obligations and consequences as a result. Much depends on the nature and inherent requirements of the job. The papers from Gary Kerridge, on the practical side of disclosure, from Kristina Hoel, on the legal side of disclosure, and from Margherita Coppolino, on the employers' side, are available on the Commission website. There is also a simple fact sheet on disclosure which captures the crucial issues. To download, go to www.eoc.vic.gov.au

DHS to boost advocacy services . . .

As part of a strategy set out in the State Disability Plan, the Department of Human Services is inviting submissions from qualified groups to gain funding to run two new advocacy units:

- Disability Advocacy Resource Unit (DARU)
- Self Advocacy Resource Unit (SARU)

The aim of the units is to increase the ability of people with disabilities from all around the State to better advocate for themselves and on behalf of others. The Commission was involved with the research consultants who prepared the proposal, and will watch the development of these units with much interest.

. . . and so is the Commission

The Commission's Educational Consultancy Unit (ECU), which runs numerous workshops on many aspects of equal opportunity law, is preparing a new workshop for disability advocates. This will give advocates a good introduction to the Equal Opportunity Act, how the Commission works to resolve complaints, and promote discussion on circumstances when a complaint under the Act can become a part of advocacy processes. The ECU will carry out a trial run of the workshop with a local group, and have the new workshop ready by the middle of the year.

Commission responds to the draft Disability Services Bill

Late last year, the Department of Human Services released for comment a draft Disability Services Bill. The department invited submissions on this draft Bill, which attempted to integrate two separate pieces of legislation and strengthen the way in which high-quality support is provided for people with disabilities.

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The Commission examined the draft Bill and made a submission. The Commission has supported the general direction of the draft Bill, and praised the draft Bill's attempt to place services for people with disability into a human rights framework.

The Commission pointed out parts of the draft Bill that could benefit from more development. The submission made suggestions in relation to questions of definition, the integration of services, the role of the proposed Disability Services Commissioner, the registration of disability service providers, tenancy rights in residential units, and restrictive interventions and compulsory treatment.

The draft Bill is expected to be introduced into Parliament in the coming months.

Your questions answered

Do you have any questions about your rights in relation to discrimination against people with disabilities? In each edition we will publish one of your questions and the Commission's response. Please send your questions to michael.uniacke@eoc.vic.gov.au

Note that the replies to these questions are guides only for general interest and are limited to the information provided. Note also that the Commission takes an impartial stance when investigating complaints, and attempts to resolve them by mutual agreement from all concerned. If you have a specific query, contact the Commission Advice Line on 9281 7100, TTY 9281 7110, or your equal opportunity law legal adviser.

Do audible smoke alarms discriminate against deaf people?

Normal smoke detectors which emit an audible alarm impose a condition that at first glance appears to be reasonable - all users need to be able to hear it. For deaf and hearing-impaired people who cannot do so, this may mean *indirect* discrimination.

However if someone wanted to lodge a complaint about this, it would be difficult to identify who the complaint should be directed against. For example, it could not be against a local supermarket where it was bought, because smoke detectors are available everywhere. It could be against the State of Victoria because it introduced a regulation which made smoke detectors compulsory. Even then, this could be a problem because the State was not actually providing a service but was simply carrying out a law-making function. And then there is a section in the Equal Opportunity Act which allows discrimination in order to comply with Acts and Regulations - yes, even if by doing so it is discriminatory in nature. So a complaint to the Commission may not be the best way to get change. An issue like this might be better handled by advocates and by lobbying government to have the regulations changed and perhaps to allow subsidies to compensate for the high costs of strobe alarms compared with the cost of audio alarms. Such lobbying would help give more publicity to this issue.

What is a fair go?

It is those three words - a fair go - which sum up what we mean by equal opportunity.

A fair go means that everyone is treated on their merits. It means treating people with respect. It means everyone gets the same opportunity. It means that when it comes to applying for jobs, for loans, for admission to an event or place, everyone can be judged equally. This is common sense for living in a civilised society.

Under the Equal Opportunity Act, discrimination happens when people are treated differently because of something about them - a personal characteristic such as a disability, their race or their sex - in certain areas of public life.

Discrimination is usually because of false or stereotyped beliefs some people have of other people. For example, an employer might think that people who belong to trade unions are all troublemakers, so he or she will refuse a job to a unionist. As another example, imagine there is a local social club which receives government funding. The club's president does not like unmarried mothers, and bans them from joining.

In both these examples, the unionist and an unmarried mother are not getting a fair go. They are being treated unfairly because of something about them - in these examples, because of industrial activity and because of marital status (disability is another reason.)

In these examples, the employer and the president are breaking the law. The unionist and the mother can make a complaint to the Commission. By doing so, they are insisting on their right to be given a fair go.