

## MURDOCH WINS EMPLOYER AWARDS

**Murdoch University was recently presented with two prestigious awards for its comprehensive strategy that focuses on identifying and removing barriers to a successful working life for people with disabilities.**

In recognition of its disability employment strategy, Murdoch University was named the Prime Minister's National Employer of the Year for 2000 in the Higher Education category and Telstra's overall National Employer of the Year.

Equal Opportunity Manager Casta Tungaraza and her team devised five strategies that led to this winning position.

### **Study the Organisation's Vision**

The first step was to study Murdoch's Equal Opportunity Policy and how this related to the University's mission and vision statement 'Put People First'. Vice Chancellor Professor Steven Schwartz had said that "equity in all areas will be acknowledged as Murdoch's strength" and he wanted to see Murdoch become an employer of choice for people with disabilities.

### **Know the Rules and Play the Game Well**

The next step was to work out a strategy towards achieving this goal. The University's staffing profile was analysed and it became apparent that employment of people with disabilities was an area that required attention.

High level support of senior executives and middle managers was required to achieve change and the Equity and Equal Opportunity Committee (EEOC), comprised of Academic Council and Senate, was considered the appropriate structure to provide this support.



*Chief Executive Officer Good Samaritan Industries, Mr Mike Wallis-Smith; Prime Minister John Howard; and Equal Opportunity Manager, Dr Casta Tungaraza at the award ceremony at Parliament House, Canberra.*

The Committee formed a working party and employment of people with disabilities was identified as one of the priority areas for 2000. To oversee implementation, the Equal Opportunity Section tracks performance against quantitative and qualitative targets and reports regularly to the EEOC. Such a reporting system is crucial to underline management accountability.

### **Get Funds to Sustain the Program**

In April 2000, approval was gained from the Vice Chancellor to establish a Disability Employment Fund to be used for traineeship programmes, work trials and casual employment. The Fund was the catalyst to move the University forward and was the selling point to start with, but as time went by the divisions were ready to engage in the strategy without assistance from the fund.

The 'business case model' was adopted to raise awareness on equal

employment opportunity for people with disabilities. This implies that the divisions can access previously untapped quality human resources, achieve respect as a good corporate citizen, and create broader community goodwill to enhance the profile of the University as an exemplary employer of choice for people with disabilities.

*Murdoch's access rate for students with disabilities is already above state and national averages, and the aim is to parallel this with a similar staff profile.*

Tailored divisional employment strategies were developed by identifying needs, appropriate positions and projects through consultation and awareness raising. A client database was developed based on resumes, conducting interviews with clients, and in

# THE KEY COMMENT

I am very pleased to be able to congratulate Murdoch University on its success in implementing effective strategies for the employment of people with disabilities (as featured in our cover story). It is good to see their efforts and the positive impacts recognised.

Murdoch University's program has been part of a deliberate strategy and a long-term project of the Vice-Chancellor and the senior management. I am always delighted to help promote such examples as best-practice for other public sector agencies.



The employment and management of people with disabilities is not just a recruitment issue. An added complexity is that employees

may acquire a disability after commencing employment, which may or may not be work-related. Motor vehicle accidents, other trauma and many illnesses may result in the need for greater workplace flexibility.

Many agencies working towards achieving a diverse workforce realise they need more than proactive strategies. Good data is also an essential factor:

Collecting accurate data on people with disabilities has always been difficult due to the reliance on self-nomination. Many people feel uncomfortable about revealing such personal information and may even be fearful of the potential consequences to their employment. One solution is for the employer to focus on the many benefits a diverse workforce brings to the agency. By creating such positive changes to a workplace culture the employer can make it safe for such personal disclosures, and improved data collection allows better monitoring and evaluation of strategies.

Our case study on the back page highlights the need for employers to assess individuals against specific positions and not fall into stereotyped global decisions about either the person with the disability or the job. Attempting to match the workforce to the community requires informed thinking, proactive strategies and good data collection.

My Office has many examples and ideas to share with agencies looking to achieve a more diverse workforce. Our consultancy services are freely available.

*Maxine Murray*

Maxine Murray  
Director of Equal Opportunity  
in Public Employment



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collaboration with disability employment agencies. This made it possible to find the expertise required by divisions and match candidates with required skills.

Likewise, orientation procedures were developed for both new employees with disabilities and existing staff. These procedures include needs analysis and provision of suitable office facilities.

## Uncover False Assumptions

*Murdoch's message to senior management is:*

***Concentrate on what people can do and not what they can't do. It is your responsibility to identify and remove artificial barriers.***

The launch of the Disability Employment Fund brought together University senior executives, middle managers, heads of schools and disability employment agencies to develop networks and discuss available support and practical initiatives for employing people with disabilities. Management involvement and leadership is crucial to the survival and success of the program.

The launch was also used to demystify false assumptions and attitudes towards employing and working with people with disabilities. A number of managers believed that employment of people with disabilities meant having a large budget for accommodation, rearrangement of office space and boundless time to assist the employee in performing their duties. There are Commonwealth government support services available to assist employers of people with disabilities including funds to cover office requirements, reimbursement of a percentage of salaries, and ongoing support from a case-worker if necessary.

## Advocate Cultural Change and Keep Up the Momentum.

Another key strategy is the awareness raising of staff on the importance of preparing existing employees to be inclusive and treat staff with disabilities with respect. There was a period of building trust with disability employment agencies to provide the right candidates for the job and to deliver the promised services. Murdoch employed qualified candidates to fill positions that were falsely considered to be too complicated for people with disabilities ranging from Internet web-designing to clerical services. Wherever possible, the focus is put on long term employment.

The various initiatives have been undertaken with a great deal of work done in partnership with disability employment agencies such as Work-plus Employment Services, Commonwealth Rehabilitation Services and Professional Vocational Services.

Good examples of cultural change are demonstrated in a number of divisions. Initiatives have become a norm rather than a token and managers are beginning to walk the talk. To keep the strategy alive, communication between staff and management to clarify objectives and forming a support network is necessary.

Murdoch has succeeded in laying a cornerstone for change in this area but more work is planned to achieve the Vice Chancellor's goal of Murdoch becoming an employer of choice for people with disabilities.

Now the university is moving on to another phase - encouraging other organizations to work together in bringing real change. Murdoch is hosting the 2001 consultation sessions on employment of people with disabilities organised by the Department of Family and Community Services. The consultation sessions will bring together organisations that have good track records to share experiences with others that are thinking about taking up initiatives.

# Diversity in Local Government ~ June 2000

## Representation of Women

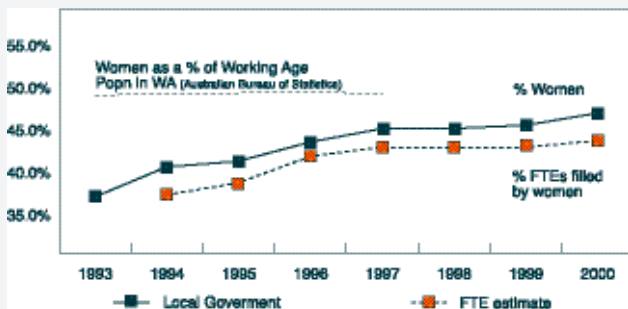
In June 2000, women comprised 45.9% of the local government workforce of 15,146 employees, a slight increase (0.7%) since 1999. While the numbers of men and women are now similar, the employment patterns for men and women continue to differ. The permanency rates for women (57%) are lower than for men (81%) and 20% of women are part time compared to 3% of men. An estimate of the full time equivalent positions occupied by men and women indicates that women fill 43.7% of full time equivalent positions.

### Representation of Women in Local Government - June 2000

	2000	1999	1994
Number of Employees	15,146	15,273	13,087
% Women	45.9%	45.2%	37.7%
% of FTEs (Women)	43.7%	43.1%	38.0%

The following graph shows the long term trends for women in local government.

% of Women in Local Government, 1993 - 2000



## Distribution of Women

The proportion of women at the higher salary levels in local government has increased substantially in recent years. Women now make up 17.4% of the top salary levels (over \$49,303) and 30.0% of the middle salary levels (\$41,588 to \$49,303). Comparisons with the nearest equivalent salary levels in previous years are shown below.

### Distribution of Women at Higher Salary Ranges in Local Government - June 2000

	2000	1999	1994
% Women at middle salary levels	30.0%	28.8%	23.0%
% Women at top salary levels	17.4%	13.4%	8.2%

Comparisons are with the nearest equivalent salary levels available from previous years.

In 2000, the local government workforce had 8.8% at the top salary levels (>\$49,303) and 8.4% at the middle salary levels (\$41,588-\$49,303).

In 1999, the local government workforce had 9.1% at the top salary levels (>\$46,910) and 7.5% at the middle salary levels (\$40,445-\$46,910).

In 1994, the local government workforce had 5.8% at the top salary levels (>\$42,815) and 7.8% at the middle salary levels (\$33,400-\$42,815).

## Representation of EEO Groups

Of all local government employees, Indigenous Australians comprised 2.4%, people of culturally diverse backgrounds comprised 4.4% and people with disabilities comprised 1.2% in June 2000. All groups have shown a slight increase since 1999.

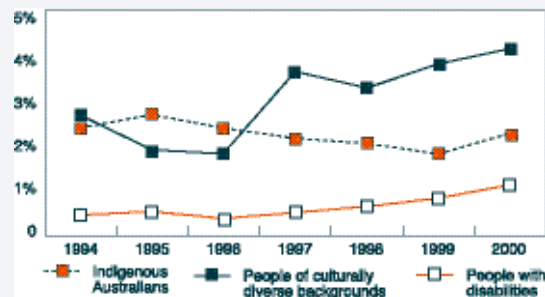
The current permanency and part-time employment rates for each of the EEO groups are similar to the workforce as a whole.

### Representation of EEO Groups in Local Government - June 2000

	2000 based on a sample of 77.8%		1999 based on a sample of 85.7%		1994 based on a sample of 74.0%	
	No.	%	No.	%	No.	%
Indigenous Australians	241	2.4%	255	1.9%	183	2.6%
People from culturally diverse backgrounds	473	4.4%	506	4.0%	172	2.7%
People with disabilities	127	1.2%	110	0.9%	37	0.5%

The following graph shows the long term trend in the percentage of Indigenous Australians, people of culturally diverse backgrounds and people with disabilities in local government.

% of EEO Groups, in Local Government, 1994 - 2000



## Distribution of EEO Groups

The representation of people in EEO Groups at the top salary levels remains lower than their representation in the workforce as a whole. However, there was a considerable increase in the percentage of Indigenous Australians, people of culturally diverse backgrounds and people with disabilities at the top salary levels between 1994 and 1999. In 2000, the percentage at the top salary levels remains similar to 1999.

### Distribution of EEO Groups at Higher Salary Ranges in Local Government - June 2000

Number and % at higher salary ranges	2000 based on a sample of 77.8%		1999 based on a sample of 85.7%		1994 based on a sample of 74.0%	
	No.	%	No.	%	No.	%
Indigenous Australians	5	0.5%	4	0.4%	0	0.0%
People from culturally diverse backgrounds	25	2.5%	27	2.6%	4	0.7%
People with disabilities	7	0.7%	9	0.9%	1	0.2%

- In 2000, the top salary levels were >\$49,303.
- In 1999, the top salary levels were >\$46,910.
- In 1994, the top salary levels were >\$42,815.



# CASE STUDY

## Logan v The State of Western Australia (Ministry of Justice)

Ms Logan, a prison officer located at Bunbury Regional Prison lodged a complaint under the Commonwealth *Disability Discrimination Act* when she was not considered for a stores/laundry position because of a back injury. Ms Logan's back injury meant that she was assessed as unable to continue in her employment as a shift prison officer because she was no longer able to restrain prisoners, an inherent requirement of the position.

Ms Logan had been employed as a shift prison officer since 1986. She had a history of back injuries and had been off work intermittently because of her impairment. In 1996 she had commenced a return to work program, however medical advice from a number of sources had indicated that having her engage in the restraint of prisoners would adversely affect her condition which was described as being a 'multi-level, lower lumbar, degenerative disc disease.'

As part of Ms Logan's rehabilitation program it was suggested that a new position be created in the laundry/storeroom which would involve the supervision of prisoners. This position was to be classified as an industrial officer position, one of the two grades of the position of prison officer. Despite this suggestion Ms Logan's employer, the Ministry of Justice advised that she should not be considered for any position in the prisons since the ability to restrain prisoners was an inherent requirement of all positions.

Ms Logan was subsequently not considered for the position of stores/laundry officer when it was advertised, even though the position primarily involved non-security functions. It was the Ministry's contention that where prisoners worked with tools, such as in the store/laundry, these could be used as weapons and therefore officers supervising these prisoners needed to

be able to restrain when necessary. Ms Logan's employment was then terminated in November 1997 on the basis of the Medical Board's recommendation that she was 'unfit'.

When considering this complaint the Inquiry Commissioner had to determine whether, as the complainant asserted, the employer discriminated against her because of her impairment by:

- dismissing her from her employment as a prison officer;
- not accommodating her impairment by putting in place alternative work arrangements;
- not transferring her to the newly created position of stores/laundry officer; or alternatively
- not considering her application for the position of stores/laundry officer.

The Inquiry Commissioner determined that it was an essential feature or defining characteristic of the employment of a prison officer that she be able to restrain prisoners without undue risk to herself and fellow employees. On the basis of the medical evidence about the complainant's impairment the Inquiry Commissioner found that her dismissal from the position of prison officer did not constitute unlawful discrimination.

Nor did the Inquiry Commissioner find that the employer had any obligation to accommodate the complainant's impairment by putting in place alternative work arrangements, such as placing her in an area with less likelihood of the need to restrain prisoners, or by not requiring her to rotate shifts. It was determined that such arrangements would not have 'enabled' her to meet the inherent requirements of the position of prison officer, rather they would have 'avoided her having to comply with that requirement'.

It was also determined that the refusal by the employer to consider Ms Logan's application for the position of stores/laundry officer was the real ground of complaint. The Inquiry Commissioner established that there appeared to be a general belief that the grade of prison officer classified as industrial officers, including the store/laundry position, needed to be able to restrain prisoners. It was established however that not all the industrial officers were qualified as shift work prison officers, and that there had been no specific analysis of the stores/laundry position to show the need to restrain.

The Inquiry Commissioner concluded that the employer had not discharged its onus of proving that it was an inherent requirement of the position of stores/laundry officer that the holder of that position be physically able to restrain prisoners. The stores/laundry officer's contact with prisoners was significantly more limited in nature, extent and circumstances than that of a shift prison officer, and was one where prisoners were of minimum or medium security risk and often worked unsupervised.

Ms Logan was awarded damages of \$35,000 as compensation for the value of the lost opportunity to be properly considered for the stores/laundry position. She was also awarded \$3,500 for hurt and humiliation.

### Implications for Employers

The distinction made in this inquiry was the failure of the employer to analyse the specific job in question, namely the position of stores/laundry officer. The message to employers is to not rely on the requirements of a general class of position when considering whether a particular position would be suitable for a person with an impairment.

*Adapted from CCH Equal Opportunity Law Reporter 93-108.*



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