



Law
Institute
Victoria

A network of blue, reflective spheres connected by thin, dark lines, set against a light blue background. The spheres are arranged in a complex, interconnected pattern, symbolizing a network or a system.

Disability Action Plan



The LIV Disability Action Plan aims to:

- provide equal opportunity for people with disabilities to participate in and contribute to the full range of activities of the LIV;
- promote awareness and facilitate a culture of support for people who experience disability, especially among our members, employees and non-member customers;
- set standards in the legal profession for social inclusion, diversity, respect, equality and fairness;
- fulfil our commitment to corporate social responsibility;
- ensure that the LIV truly represents its diverse membership base; and
- promote the objects of and meet our obligations under the *Disability Discrimination Act 1992* (Cth) and the *Equal Opportunity Act 2010* (Vic).



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FOREWORD



LIV president Caroline Counsel



LIV CEO Michael Brett Young

The LIV's Disability Action Plan is an important initiative for staff and members.

Here's why. Disability is a part of life for many Australians. Almost four million people have a disability, which is about one in five of us. Almost 2.2 million of these people are of working age, between 15 and 64. Yet, around 88 per cent of those disabilities are not visible.

Depression is a case in point. Research tells us that lawyers are disproportionately affected by depression and anxiety. When mental health problems impair an individual's ability to perform everyday activities, they are experiencing disability.

There are some key reasons why the LIV has developed a Disability Action Plan:

1. The LIV wants to truly represent its diverse membership. With its goal of "advocating justice for all", it aims to provide inclusive access to services, products and facilities for all our members and the community.
2. The LIV is an equal opportunity employer so affording equality and fairness to those who have a disability is one of our key responsibilities.
3. In endorsing a Disability Action Plan, the LIV is leading by example. It provides a model for "best practice" across the profession and encourages law firms to implement their own Disability Action Plan.
4. In developing this Disability Action Plan, the LIV is addressing its legal responsibilities under disability legislation and service contract compliance.
5. Endorsing a Disability Action Plan makes good business sense. At 20 per cent of the population, people with a disability make up a significant part of our customer base, including members and non-members, who use our facilities, products and services.

The LIV recognises that action plans such as this one have the capacity to produce the systemic change that is required to eliminate disability discrimination, whether it be direct or unintentional and indirect.

The LIV must be the change it advocates for the profession. We must walk the talk on disability.

We want to get it right.

Between now and 2013, we want to improve access to LIV products, services, information and facilities for people who experience disability. We want to reduce barriers to employment at the LIV, work towards eliminating discrimination in the workplace and promote a culture of inclusion and participation of people with disability.

It's a tall order but the LIV Disability Action Plan represents a start.

Finally, we'd like to thank the Lawyers with disAbilities Committee members who have determined what needed to be done to move the LIV forward in this area.

WHAT IS A DISABILITY ACTION PLAN?

A Disability Action Plan is a strategy for identifying LIV practices, services, products and facilities that present potential barriers to persons experiencing disability, and a tool to develop a plan to address those barriers.

Disability Action Plans were introduced under the *Disability Discrimination Act 1992* (Cth) (DDA). The objects of the DDA include eliminating discrimination against persons on the ground of disability in a number of contexts, including employment, access to premises and provision of goods, services and facilities.

The LIV aims to meet the requirements for a Disability Action Plan set out in the DDA, which under s61 must include provisions relating to:

- (a) **policies and programs** to achieve the objects of the DDA;
- (b) **internal communication** of these policies and programs;
- (c) **review of practices** to identify any discriminatory practices;
- (d) **setting goals and targets** to measure success in meeting the objects of the DDA;
- (e) **evaluation plan** to assess impact policies and programs; and
- (f) **appointment of persons** to implement the plan.

Disability Action Plans are common and well accepted across industry, government and many professional organisations, including Vision Australia, the University of Melbourne and Victoria Legal Aid. For example, Telstra first created a Disability Action Plan in 1992 and is currently implementing its fifth iteration. This reflects the continual need to update a Disability Action Plan, which is intended to be a process of improvement that develops over time, with progress reporting on a periodical basis, and inbuilt reviews.

The *Disability Act 2006* (Vic) now requires Victorian public sector bodies to prepare a Disability Action Plan.

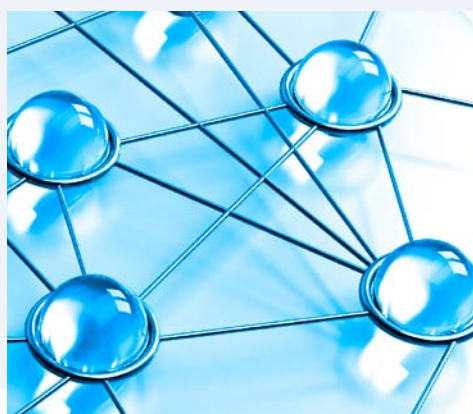
The Disability Action Plan will assist the LIV to meet its obligations under the *Equal Opportunity Act 2010* (Vic), including the duty to eliminate discrimination under section 15.

HOW DID THE DISABILITY ACTION PLAN COME ABOUT?

In January 2010, the LIV Council established the Lawyers with disAbilities Committee (LWD Committee) to consider the needs of lawyers and law students who experience disability, the barriers they face in employment and progression in the legal profession, and what initiatives the LIV could undertake to promote equal opportunity. The use of disAbilities (with a capital 'A') reflects the desire of the LIV to promote the abilities of lawyers, rather than focusing on any disabilities which they might experience.

The LIV Council recognised that the LIV must be the change it advocates for the profession. We must walk the talk on disability. The Council therefore approved the development of a Disability Action Plan by the LWD Committee. The LIV established an internal Disability Action Plan working group consisting of managers across all LIV departments to review the accessibility of LIV's facilities, products and services and identify barriers which might exist to people who experience disability.

Consultation was held with the Leadership Group (General Managers), LIV Council and Executive, WISE Employment and other department managers, and research was undertaken across other industries.



WHAT DO WE MEAN BY “DISABILITY”?

“Disability” is a broad concept that can be temporary or permanent, from birth or acquired. It can include: Physical, Sensory, Mental Health, Disease Causing Organisms, Disfigurement and Neurological (including Intellectual and Learning).

The United Nations *Convention on the Rights of Persons with Disabilities*, ratified by Australia on 17 July 2008, recognises that disability is an evolving concept and that “disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others”.

The LIV adopts the definition of disability in s4 of the *Disability Discrimination Act 1992* (Cth), under which disability, 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) a 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 (including because of a genetic predisposition to that disability); or
- (k) is imputed to a person.

When mental health problems impair an individual’s ability to perform everyday activities, they are considered to be experiencing a disability. In 2009, the Brain and Mind Research Institute study “Courting the blues: attitudes towards depression in Australian law students and legal practitioners” found that almost a third of solicitors and one in five barristers surveyed suffered from clinical depression.

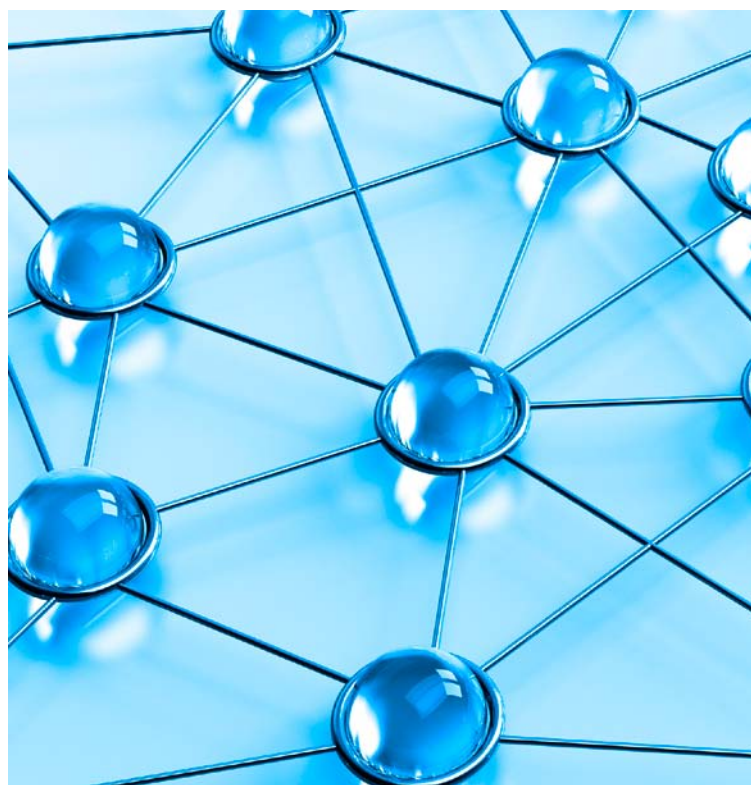
WHO WILL THE DISABILITY ACTION PLAN AFFECT?

LIV has many stakeholders. However, for the purposes of this LIV Disability Action Plan, our six objectives focus on the following **key stakeholders**:

- Employees
- Members
- Non-member customers
- Legal Services Board
- Council and Leadership group

Non-member customers include lawyers and members of the public who access LIV products and services, such as the LIV website, the Legal Referral Service, the Bookshop, CPD activities and events.

We intend to address a broader range of stakeholders following review of the Disability Action Plan when it expires in 2013.



WHAT AREAS DOES THE DISABILITY ACTION PLAN COVER?

In broad terms the Disability Action Plan identifies actions for the following operational areas with the LIV:

- Communication (online and print)
- Information Resources
- Customer Service
- Policy and Procedure
- Legal Compliance

The LIV Disability Action Plan has five objectives for 2011-2013:

1. To improve access to LIV products, services and information for people who experience disability
2. To improve access to LIV facilities for people who experience disability
3. To reduce barriers to people who experience disability obtaining and maintaining employment at the LIV
4. To ensure ongoing consultation and review of the Disability Action Plan with key stakeholders
5. To promote a culture of inclusion and participation of people who experience disability

WHAT IS THE TIMEFRAME FOR THE DISABILITY ACTION PLAN?

The LIV Disability Action Plan will have a two year timeframe from November 2011 - November 2013, with reporting and review at the end of that period. Outcomes of long term goals will be built in to a second iteration which will run from 2013 - 2015.

HOW WILL WE MONITOR AND REPORT ON THE DISABILITY ACTION PLAN?

Each department will prepare an implementation plan. Department representatives will report on the progress of implementation at 6 month periodic intervals to the LIV's internal Disability Action Plan Working Group, Lawyers with disAbilities Committee and Council. We will publish annual report cards on our progress in the Law Institute Journal. The LIV will undertake a formal detailed review of our progress at the expiry of the plan in 2013.



WHY DOES THE LIV REQUIRE A DISABILITY ACTION PLAN?

1. As the peak body for the legal profession in Victoria, the LIV needs to truly represent its diverse membership

Statistics suggest that many of our members have experienced or will experience disability at some time in their lives. The Disability Action Plan will assist the LIV to develop policies and procedures that embrace respect, diversity, equal opportunity, fairness and inclusion for all our members, including those who experience disability. We also recognise that people with mental health problems experience disability, and that this type of disability has a disproportionate effect on lawyers.

As a membership body with the goal of “advocating justice for all”, the LIV aims to provide inclusive accessibility to services, products and facilities for our members and the community.

In 2009, 4 million Australians reported having a disability, defined as any limitation, restriction or impairment which restricts everyday activities and has lasted or is likely to last for at least six months - close to 1 in 5 people.

Australian Bureau of Statistics Survey of Disability, Ageing and Carers (2009)

2. It makes good business sense

At almost 20 per cent of the population, people with a disability make up a significant part of our customer base, including members and non-members who use our facilities, products and services. In embracing a Disability Action Plan, the LIV is endorsing equality of access to our services and acknowledging and addressing the barriers that currently exist. Treating persons experiencing disability with respect and equality makes good business sense.

In the United Kingdom 83 per cent of people with disability had avoided a business after being unable or unwilling to make a purchase due to accessibility issues.

Walk Away Pound Survey, Employers Forum on Disability and Royal Association for Disability and Rehabilitation (UK), 2006

3. We are an equal opportunity employer

As an employer, the LIV needs to afford equality and fairness to those who have a disability. The LIV should aim to provide the same opportunities and access to services to all potential and current employees.

The Disability Action Plan will help to facilitate a culture of support and understanding for employees with disabilities, encouraging people to disclose and seek assistance. This will improve employee performance and promote the LIV as a workplace of choice.

In 2003, 53.2% of people with disability participated in the workforce, compared to 80.6% of people without a disability.

Australian Bureau of Statistics, Disability, Ageing and Carers: Summary of Findings (2003)

4. Leading by example

The LIV Disability Action Plan demonstrates our leadership in this area and aims to provide a model for “best practice” across the profession. It will provide a platform for the LIV to advocate for change in practice in the wider profession and encourage firms to implement their own Disability Action Plan.

The LIV as a ‘dynamic leader and innovator of the legal profession’ must, as an organisation, reflect the change it wants to see in the profession.

5. Discrimination is against the law

In developing this Disability Action Plan, the LIV is addressing its legal responsibilities under disability legislation and complying with service contracts. This can be viewed both as socially and ethically responsible policy, as well as responsible risk management.

The Disability Discrimination Act 1992 (Cth) prohibits discrimination on the basis of disability in most areas of life, including in employment, education and access to premises, goods, services and accommodation.



HOW DOES THE DISABILITY ACTION PLAN FIT INTO THE BROADER GOVERNMENT POLICY ON DISABILITY?

The LIV Disability Action Plan has been developed within the broader framework of the Commonwealth Disability Strategy. The LIV believes that addressing systemic disability discrimination needs to be a collaborative approach across society to effect substantive and fundamental change in attitudes and behaviour.

The LIV Disability Action Plan addresses, at some level, the six policy areas covered in the National Disability Strategy:

National Disability Strategy	LIV Actions
Inclusive and accessible communities	Accessibility to LIV products and services, facilities, events and social functions
Rights protection, justice and legislation	Anti-discrimination and equal opportunity training, disability discrimination complaints mechanisms, and disability, equal opportunity and human rights advocacy and awareness
Economic security	Employment opportunities on an equal basis with others and support to maintain ongoing employment
Personal and community support	Inclusion and participation on an equal basis with colleagues or members
Learning and skills	Assistance with the transition from education to employment by developing an employment strategy for law graduates with disabilities and supporting life-long learning through equal access to Continuing Professional Development
Health and wellbeing	Promotion of lawyers' health, wellbeing and enjoyment of life, including addressing mental health issues in the profession and training young lawyers to prevent or manage disability caused by mental health problems



ACTIONS AND RESPONSIBILITIES

In order to achieve our objectives a list of actions against recommended timeframes have been developed.

Objective 1 To improve access to LIV products, services and information for people who experience disability

Communication

Establish a Working Group to review the accessibility of all LIV communication including print and e-marketing and develop strategies to provide materials in alternative formats where feasible and appropriate.

<i>owner</i>	Membership and Marketing
<i>teams</i>	Membership and Marketing and Publications to coordinate Working Group. Working Group to represent: <ul style="list-style-type: none"> • Legal Policy and Practice • Professional Development • Professional Standards • Human Resources • Costing (invoices) • Practising Certificates (New Practitioners Information Kit) • Library
<i>delivered by</i>	November 2012

Website

Undertake audit of the LIV website, to ensure compliance with international standards.

<i>owner</i>	E-Marketing
<i>teams</i>	<ul style="list-style-type: none"> • Membership and Marketing (eMarketing) • Library
<i>delivered by</i>	June 2013

Requests for special assistance

Develop standard form for special assistance requests.

<i>owner</i>	Membership and Marketing
<i>teams</i>	<ul style="list-style-type: none"> • Membership and Marketing • Events • Professional Development • Library
<i>delivered by</i>	June 2012

Develop standard policy for responding to individual requests for assistance.

<i>owner</i>	Events and Professional Development
<i>teams</i>	<ul style="list-style-type: none"> • Membership and Marketing • Events • Professional Development
<i>delivered by</i>	June 2012

Consult with the LIV Disability Law Committee, Discrimination Law Committee, Lawyers with DisAbilities Committee and the membership more broadly to determine how to record special assistance requirements on LIV membership database.

<i>owner</i>	Events and Professional Development
<i>teams</i>	<ul style="list-style-type: none"> • Legal Policy and Practice • Membership and Marketing
<i>delivered by</i>	June 2012

Review existing accredited specialisation examination disability policies, including special consideration, reasonable adjustments and access to premises.

<i>owner</i>	Professional Development
<i>delivered by</i>	November 2012

ACTIONS AND RESPONSIBILITIES

Telephone information services

Review and implement a uniform approach to accessibility of LIV telephone information services, including:

- Practice Support Enquiry Line
- Member Services
- Legal Costing Service
- Human Resources Enquiry Line
- Ethics Enquiry Line
- Legal Referral Service
- Practising Certificates
- Library Information Line

<i>owner</i>	Member Services
<i>teams</i>	Coordinated by Membership and Marketing With input from: <ul style="list-style-type: none"> • Legal Policy and Practice • Member Services • Practising Certificates • Human Resources • Ethics • Library
<i>delivered by</i>	November 2012

Library

Review accessibility of library computers, including software and online content

<i>owner</i>	Library
<i>delivered by</i>	June 2012

Review accessibility of Continuing Legal Education seminar papers

<i>owner</i>	Library
<i>delivered by</i>	November 2012

Review procedure for members to request research and document delivery

<i>owner</i>	Library
<i>delivered by</i>	November 2012

Delegated regulatory functions

Work with Legal Services Board and Legal Services Commissioner to provide forms in accessible formats and advocate for amendment to legislation which currently requires the receipt of all complaint application forms in writing for the investigation of disciplinary complaints on behalf of the Legal Services Commissioner.

<i>owner</i>	Professional Standards
<i>teams</i>	<ul style="list-style-type: none"> • Professional Standards • Legal Policy and Practice
<i>delivered by</i>	November 2013

Maintaining privacy and confidentiality

Ensure confidentiality provisions under the *Legal Profession Act 2004 (Vic)* are adhered to and disclosure of health related information is restricted accordingly

<i>owner</i>	Professional Standards
<i>delivered by</i>	Ongoing

Complaints

Develop complaint management protocol

<i>owner</i>	Membership
<i>delivered by</i>	June 2012



ACTIONS AND RESPONSIBILITIES

Objective 2 Improve access to LIV facilities for people who experience disability

Premises

Audit accessibility of the LIV premises and facilities against Disability (Access to Premises – Buildings) Standards 2010.

owner **Facilities Development**

delivered by November 2013

Develop timeframes to improve LIV premises and facilities in accordance with audit findings.

owner **Facilities Development**

delivered by November 2013

Emergency procedures

Review emergency evacuation procedures to ensure the safety of persons with disabilities in the building.

owner **Facilities Development**

delivered by June 2012

ACTIONS AND RESPONSIBILITIES

Objective 3 Reduce barriers to people who experience disability obtaining and maintaining employment at the LIV

Human Resources

Communicate disability discrimination legislation obligations during:

- the recruitment process
- the induction of new staff members
- department meetings
- ongoing training

owner **Human Resources; Leadership Group**

delivered by Ongoing

Develop disability policies which address:

- managing disclosure of disability
- providing reasonable adjustments, and
- analysing job applicants against the 'inherent requirements of the position'.

owner **Human Resources**

delivered by November 2012

Review recruitment training for managers to include:

- equal opportunity and disability discrimination; and
- responsibility for providing reasonable adjustments during varying stages of recruitment

owner **Human Resources**

delivered by November 2012

Develop incentives for staff to attend internal LIV education sessions on mental health and general wellbeing.

Present the Disability Action Plan and related initiatives at a Managers Meeting to discuss:

- What is disability and what is the Disability Action Plan
- How the Disability Action Plan affects LIV staff
- How the Disability Action Plan affects Managers and recruitment procedures

owner **Legal Policy and Practice**

teams

- Legal Policy and Practice
- Human Resources

delivered by June 2012

Compliance

Review all service level agreements with government agencies to monitor compliance obligations relating to disability discrimination.

owner **In House Counsel**

delivered by June 2012

Review existing human resources policies to ensure compliance with disability discrimination legislation.

owner **Human Resources**

teams

- Human Resources
- Legal Policy and Practice

delivered by June 2012

ACTIONS AND RESPONSIBILITIES

Objective 4 Ensure ongoing consultation and review of Disability Action Plan with key stakeholders

Implementation plans

Develop departmental implementation plans for the Disability Action Plan and include relevant actions in department Business Plans.

<i>owner</i>	General Managers
<i>teams</i>	<ul style="list-style-type: none">• General Managers• All Managers working in conjunction with members of the Internal Disability Action Plan Working Group
<i>delivered by</i>	January 2012

Communication plan

Develop a plan to communicate disability-related information, including this Disability Action Plan, to:

- LIV employees
- Members

<i>owner</i>	Membership and Marketing
<i>delivered by</i>	January 2012

Monitoring and reporting

Establish an internal Disability Action Plan working group to:

- receive departmental reports on a 6-monthly basis;
- monitor the ongoing implementation of the Plan;
- provide an update to the Lawyers with DisAbilities Committee and Council on a 6-monthly basis; and
- Provide an annual report card on the Plan for the LIJ and LIV Annual Report

<i>owner</i>	Legal Policy and Practice
<i>delivered by</i>	Ongoing

Engage external disability consultant to undertake evaluation of the implementation of the Disability Action Plan 3 months prior to expiry.

<i>owner</i>	Internal Disability Action Plan Working Group
<i>delivered by</i>	September 2013



ACTIONS AND RESPONSIBILITIES

Objective 5 Promote a culture of inclusion and participation of people who experience disability

Staff training

Provide disability awareness training for all LIV staff.

- General training on disability
- Educate LIV staff on assisting people who experience disability to access LIV products, services and information.

owner **Human Resources**

- teams*
- Human Resources
 - Membership and Marketing
 - Publications

delivered by November 2012

Central contact person

Establish a disability liaison contact person to manage communication to LIV members and the public regarding:

- Complaint management protocol
- Information on disability services provided by the LIV
- Feedback

owner **Legal Policy and Practice**

delivered by November 2012

Advocacy

Pursue law and policy reform on issues affecting the rights of people who experience disability.

owner **Legal Policy and Practice**

delivered by Ongoing

Advocate for a therapeutic model for disclosure and regulation of health-related issues relating to fitness to practise law.

owner **Legal Policy and Practice**

delivered by Ongoing

Raising awareness about disability

Host a series of events to raise awareness about disability rights and mental health and wellbeing.

owner **Events**

delivered by Ongoing

Develop a staff award for outstanding community service e.g. in the area of disability.

owner **Human Resources**

delivered by June 2012

Improving employment opportunities for law graduates who experience disability

Develop an employment strategy to address systemic challenges for law graduates who experience disability attempting to obtain employment in the legal sector.

owner **Legal Policy and Practice**

delivered by November 2011

Education activities (CPD)

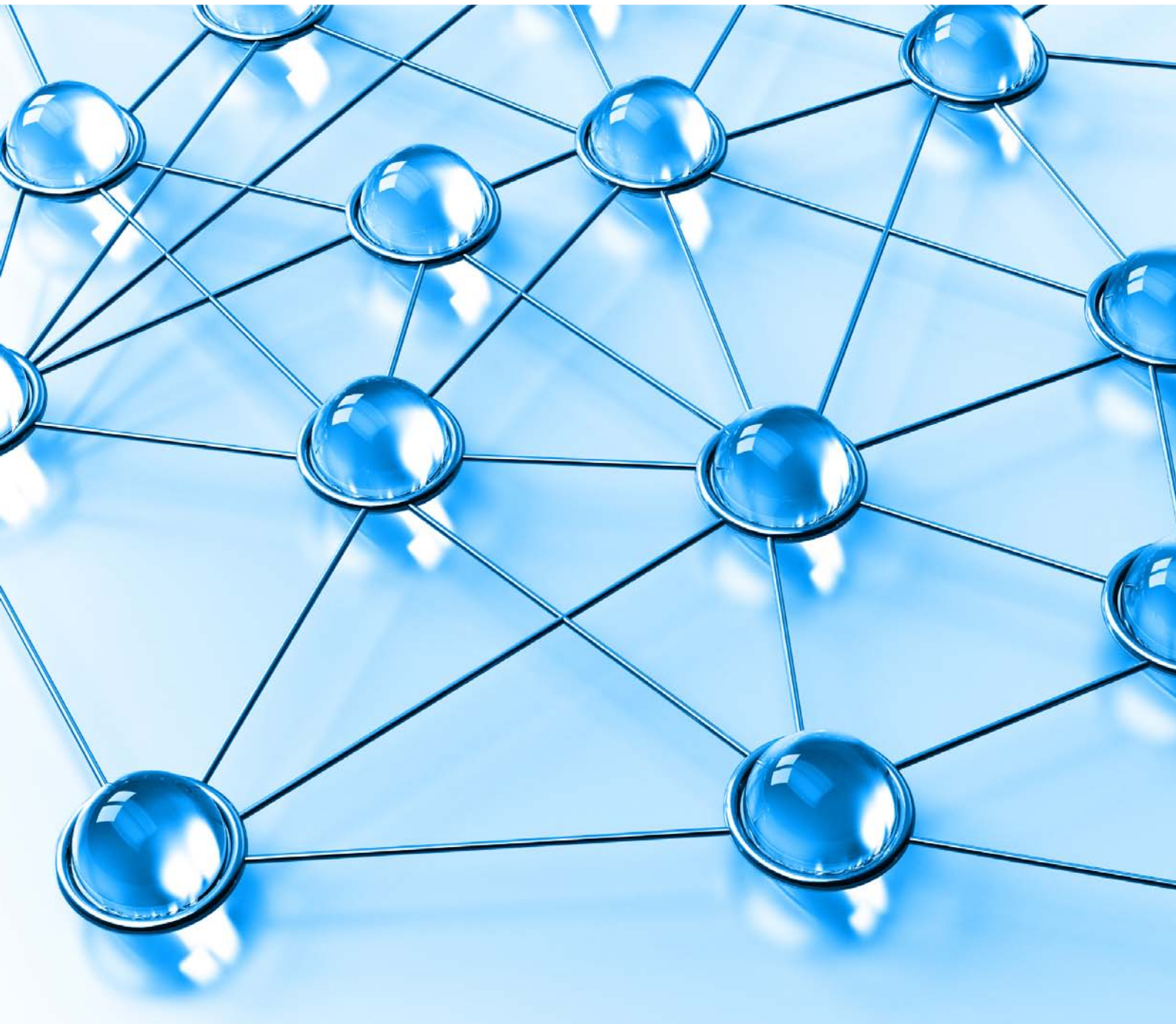
Develop practice management and support workshops to assist law firms to eliminate disability discrimination in the workplace

owner **Professional Development**

delivered by November 2012



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