



Australian
Human Rights
Commission

Disability Action Plans: A guide for business

JANUARY 2015

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Disability Action Plans: A Guide for Business

The *Disability Discrimination Act 1992* (the Act) is a piece of Commonwealth legislation which requires that people with disabilities be given equal opportunity to participate in and contribute to the full range of economic, social, cultural and political activities. Access for people with disabilities, including access to the goods, services and facilities provided by businesses, can no longer be an afterthought.

The objective of the Act, the creation of a fairer society, is perfectly compatible with your objective of creating or maintaining a successful business. In implementing a Disability Action Plan, your business and the community as a whole will benefit significantly. An Action Plan will assist you to increase your market share and enhance the image of your business, and the whole community will benefit from the additional economic participation of people with a disability.

A significant proportion of the Australian population has a disability. When we also take into account their friends, relations and colleagues, who are also affected by discriminatory features of the provision of goods, services and facilities, it is clear that eliminating discrimination makes good business sense.

Providing a copy of your Disability Action Plan to the Australian Human Rights Commission will be a bold and public statement of your business's commitment to equality of opportunity for all.

We commend this Guide to you, and look forward to the tangible advantages which will result for business and commerce and for the whole community, as people who have disabilities are able to benefit from and effectively contribute to the economic, social, cultural and political environment in which we all live.

1. Introduction

What is an action plan?

The *Disability Discrimination Act 1992* (the Act) makes it unlawful to discriminate, in the provision of goods, services or facilities, against people on the basis that they have, or may have, a disability. It also makes it unlawful to discriminate against a person on the basis that one of her or his associates has, or may have, a disability.

The Act encourages organisations to develop Action Plans to eliminate discriminatory practices. Copies of these may be given to the Australian Human Rights Commission.

An Action Plan is a strategy for changing business practices which might result in discrimination against people with disabilities. An Action Plan will help businesses to identify these practices and offer a blueprint for change.

How can an action plan assist your business?

Developing and implementing an Action Plan will not only contribute to the elimination of discrimination against people with disabilities, it will also contribute to the success of your business.

Eliminate discrimination

The right to have access to goods and services without discrimination is a basic human right possessed by all people, including people with a disability.

The Disability Discrimination Act means that there are not only compelling human rights reasons for eliminating discrimination, but also a legal obligation to do so.

The Act is concerned with creating a fairer society and its objectives are perfectly compatible with your objective of creating or maintaining a successful business. In implementing a Disability Action Plan, your business and the community as a whole will benefit significantly:

- you can increase your market share;
- you can enhance the image of your business; and
- the community as a whole can benefit from the additional economic participation of people with a disability.

Eliminating discrimination makes good business sense.

Sound business

Expanding market share

The implementation of an Action Plan is likely to widen the market for a business's goods or services.

A significant proportion of the Australian population has a disability. When the carers, relatives, friends, colleagues and business associates of people with disabilities are added, your business is presented with a sizable share of the Australian market which it cannot afford to ignore.

As a public statement about commitment to practices which eliminate discrimination, an Action Plan is likely to boost the prestige of a business - not just within groups of

people with disabilities, but within the general community. This has obvious implications for expanding the market for the goods, services or facilities offered by your business.

Preventative action

It is also sound business sense to take steps to avoid complaints of discrimination being made about your business, which may be expensive and time consuming to resolve.

When deciding whether an alleged act of discrimination is unlawful, the Commission is required by the Act to consider any Action Plan which has been provided to the Commission by the respondent. Businesses may wish to present their Action Plan to explain the context within which the alleged act of discrimination took place. Not all discrimination is unlawful. The Disability Discrimination Act states that discrimination will not be unlawful where the elimination of all discriminatory practices would impose 'unjustifiable hardship' on a person or business. Development of an Action Plan will ensure that, in the event that a complaint is made, the business concerned will have already considered complex issues like 'unjustifiable hardship'. A business might argue, for example, that it is committed to remedying discriminatory practices, but to do so otherwise than in accordance with the Action Plan would amount to unjustifiable hardship.

An Action Plan will not, of itself, be conclusive proof that discrimination has not occurred, but the Plan will certainly be considered relevant.

Who can prepare an action plan?

The Disability Discrimination Act says that any 'service provider' may have an Action Plan. This term is a very broad one and includes anyone who provides goods or services or makes facilities available, for free or at a cost. It applies to:

- Commonwealth and state government departments;
- Commonwealth public authorities such as Australia Post and the Electoral Commission;
- State instrumentalities such as public transport authorities and electricity commissions;
- Local government;
- educational institutions;
- organisations and businesses in the public and private sectors; and
- individuals.

Examples of 'service providers' include:

- banks and other providers of financial services;
- retailers, from the largest department store to the corner shop;
- cinemas, nightclubs and other providers of entertainment;
- travel agents, airlines and hotels;
- telecommunications enterprises, from Telstra and Optus to the ABC;
- carpenters, solicitors and others who sell or trade their skills;
- local libraries, swimming pools and other municipal services;
- lumber-yards, brickworks and other suppliers of materials for industry;
- public and private transport services;
- childcare centres;
- schools and universities, technical colleges and private educational institutions;
- charitable and religious organisations; and
- non-government organisations, such as community health centres.

What disabilities should be covered by your action plan?

The Act uses a very broad definition of 'disability' and covers disabilities which are physical, intellectual, psychiatric, sensory and neurological. It also covers physical disfigurement and the presence in the body of an organism capable of causing disease, such as HIV.

The Act makes it unlawful to discriminate against a person on the basis of a disability that he or she has now, once had, may have in the future or is assumed to have. It also makes it unlawful to discriminate against a person on the basis that his or her associate (partner, carer, friend, family member or business partner) has a disability.

Action plans and employment policies

The Disability Discrimination Act's Action Plan provisions target businesses as service providers rather than as employers. While it is not essential for Action Plans to include employment reforms, it makes sense to develop your Action Plan in association with a review of employment policies and practices.

Employment practices which appear to be nondiscriminatory may in fact disadvantage people with disabilities. Most often, this discrimination will be indirect. It will almost always be unintentional. Nevertheless, a discriminatory employment practice will be seen by employees and the public alike as being at odds with an Action Plan.

2. How to develop an action plan

- a. Review business practice
- b. Devise policies and programs
- c. Goals and targets
- d. Devise evaluation strategies
- e. Allocate responsibility
- f. Communication.

Your Plan will need to be tailored to meet the particular needs of your business, but the Act requires that your Plan include certain components (see Appendix 3).

The steps set out in this guide will help you to develop a plan which is not only responsive to the needs of your business and customers, but which satisfies all the legal requirements as well.

Appendix 2 includes some sample Action Plans to assist you to develop your own plan.

Review business practice

The action plan of a service provider must include provisions relating to the review of practices within the service provider with a view to the identification of any discriminatory practices (section 61(c), Disability Discrimination Act 1992)

Before developing the Plan, a business should conduct a review (or audit) of the ways in which its practices might obstruct people with disabilities from access to its goods and services. A review is necessary because a business cannot effectively plan for the future without knowing where it currently stands.

Businesses should consider the ways in which participation by people with disabilities is prevented or limited. Participation can take many forms, but it includes being able to purchase goods, services or facilities, and involvement in the public aspects of the business. Public aspects will differ, depending on the kind of business, but may include such things as open days, annual general meetings, market surveys and complaints processes.

To review the ways in which your business may exclude people with disabilities, you should apply the same methods and techniques as you would use in conducting any business review. The review will be an essential first step in assessing current performance levels, identifying areas in need of change and developing realistic targets and goals. It will also identify areas for potential market expansion.

The information from the review will be essential for the evaluation of progress towards Action Plan goals. This information should be retained so that useful comparisons may be made in the future.

A successful review may require old practices to be considered from a new perspective. For this reason, it may be useful to have the review conducted independently. Businesses can benefit greatly from utilising the experience and expertise of people with disabilities in conducting reviews.

The following actions should be included in your review.

Collect information

Businesses should, where possible, collect information to support their Action Plans.

Information may be obtained from customer surveys, market research, employees and organisations representing people with disabilities. Useful data will include:

- the range of your potential customers;
- the changing nature of the potential customer base; and
- the frequency with which your goods and services are bought by customers with disabilities.

Customer profile data can be useful in identifying shortcomings in accessibility. It can also be an excellent measure by which to assess improvements in the marketing of goods and services to customers with disabilities.

For example, a survey of travel agency employees may indicate that employees cannot recall a single instance over the last twelve months of providing services to a customer with a disability. While many disabilities are not visible, the fact that no-one can recall serving a customer with an assistance animal guide dog or a mobility aid, a customer who uses a hearing aid or who has a hearing loss, or a customer who uses a wheelchair, suggests that this market has been captured by other businesses.

Identify physical barriers which limit access to your business

Businesses should identify the physical barriers which restrict access to premises. To do this, you will need to consider, among other things:

- all the areas to which your customers should be entitled to have access;

- physical structures such as doorways, steps and stairs which may act as barriers to customers who use wheelchairs;
- structures designed to deliver services or promote goods, such as customer information counters or display units;
- signage which is confusing or inadequate;
- decor which may be confusing or disorienting for customers with disabilities affecting their vision;
- non-visual guides to assist customers to use your premises, including lifts which help customers with a vision impairment locate the correct floor through the inclusion of buttons with tactile cues and the announcing of floor levels; and
- ways of assisting customers to move around the space at times of emergency and evacuation, including such things as visual fire alarms.

Identify communication barriers

Each business should identify how it communicates with people and ask itself:

- how are customers with disabilities portrayed in information produced by the business. In particular, could this portrayal or, alternatively, the complete omission of reference to people with disabilities be considered offensive by people with disabilities?
- does it have a marketing strategy which ensures that people with disabilities learn about the business and the extent to which it is accessible?
- what provisions are made for making information available to all people who may want access to the business's goods and services?
- does it provide information in Braille, large print or on audio tape for customers who have difficulty with standard forms of printed information?
- does it provide information in appropriate language for customers with intellectual disabilities?
- does it enable information to be exchanged through signing and other nonverbal means? Businesses should consider the availability of sign-language interpreters, including introducing strategies for employing staff with these skills.
- does it ensure access to computer technology which is usable by customers with disabilities?
- does it ensure that if videos or films are produced or presented, they are captioned?
- does it ensure that when information is provided to a group, hearing loops are set up to assist customers with hearing disabilities?
- does it ensure that information is presented to groups in a way which is user friendly for customers with a disability affecting their vision. For example, reading aloud overhead projections and describing graphs and pie charts?

- does it ensure that employees are familiar with the technology and practices that are developed to assist people with disabilities including telephone typewriters (TTYs), hearing loops and Auslan sign language interpreters?

Identify attitudinal barriers

Businesses also need to consider the way in which any discriminatory attitudes held by employees may impact on customer service.

A lack of understanding of goals and strategies of the Action Plan, or discriminatory attitudes, may affect the way an employee provides services to customers with disabilities. Where customers or potential customers with disabilities encounter attitudinal barriers, they may be prompted to take their business elsewhere.

Consider confidentiality

All customers have privacy rights. They have the right to access services without being required to disclose unnecessary personal information. If this information is provided, customers have the right to have it kept confidential.

In particular, customers may wish to keep information about their disabilities confidential. Businesses routinely collect information about their customers, particularly in relation to applications for credit. In addition to existing legal requirements under privacy legislation about personal and credit information, businesses should reconsider the extent to which the information sought from customers is necessary. Where it is necessary to collect personal information about customers, businesses must have in place systems for protecting that information.

If potential customers do not feel that their personal information will be kept confidential, they are likely to take their business elsewhere.

Use experts to collect and process information

Any review of business activities or assessment of the barriers to access should involve people with disabilities.

Businesses preparing Action Plans cannot afford to disregard the experiences of people with disabilities in accessing, or being prevented from accessing, services. As a consequence of these experiences, people with disabilities will often have expertise in quickly identifying those barriers which discourage people with disabilities from becoming customers of any business.

Devise policies and programs

The action plan of a service provider must include provisions relating to the devising of policies and programs to achieve the objects of this Act (section 61(a), Disability Discrimination Act 1992).

Having completed a review, you will be aware of the way your business may exclude potential customers with disabilities from purchasing goods and services.

This information, along with knowledge of your specific business, will enable you to develop strategies to make your goods and services more attractive to people with disabilities. For example, if your business objective is to encourage more people who have a hearing loss to spend their money purchasing your goods and services, a strategy might be to install Telephone Typewriters (TTYs). Education sessions in the workplace may be a strategy for addressing difficulties with customer service.

Utilise available expertise

People with disabilities have a unique insight, built on personal experience, into business practices which discourage them from purchasing goods and services. They will also be skilled in quickly identifying physical, communication and attitudinal barriers to access.

As with any initiative, a business will want to make use of existing expertise in the development and implementation of an Action Plan. In developing, implementing and evaluating Action Plans, businesses should consult with people with disabilities. Businesses should think about utilising available expertise when establishing advisory panels and engaging consultancy teams to assist the business with disability issues.

Through working with people with disabilities in the development of your Action Plan, your business will gain access to a wealth of expertise in disability issues.

Resource the action plan

As with any business activity, an Action Plan needs to be resourced with both labour and capital.

The costs of implementing an Action Plan should be recognised as legitimate business expenditure and incorporated into current and future budgets.

Incorporate the action plan into long term planning

Policies and programs designed to eliminate disability discrimination should include provisions to ensure the incorporation of Action Plan considerations into future business planning.

An Action Plan is really no different from any other best practice plan designed to ensure the continued success of your business. Developing strategies to comply with the Act should be an integral component of developing strategies to improve your business.

Mainstream the action plan

In the short term, it may be that an Action Plan will be a separate component of your business strategy. However, over time the Action Plan should become part of your general approach to forward planning.

In this way, the Action Plan will become less an independent strategy and more a thread running through all corporate plans.

Promote responsibility

While the development of an Action Plan will be a management responsibility, implementation of the Plan will involve all employees of the business.

All management position descriptions should specify that managers are required to implement the Action Plan. All other job descriptions should require employees to implement their Action Plan responsibilities.

Develop an informed planning process

To ensure that corporate planning is undertaken effectively, it is important that those involved in the planning process are informed about the function of an Action Plan.

Over time, individuals responsible for corporate planning will be replaced. Action Plans will need to include strategies for ensuring that future planners are made aware of Plan goals.

Review the action plan

Through an annual review of the Plan, your business will be able to improve its approach to achieving Action Plan goals.

Your review will also involve consideration of any evaluations of Action Plan strategies which may have been conducted by your business.

Increase customer loyalty

Action Plans are likely to improve the reputation of your business within the disability and general community. This will have a flow on effect in terms of increasing your market share. But if your business is to reap the full benefits of having an Action Plan it will need to market the Plan effectively to current and potential consumers. It will also have to involve customers by offering them the opportunity to make suggestions about ways to improve Action Plans.

Ensure information is publicly available

Progress towards Action Plan goals is information any business will want to make available to the public.

Access to the Action Plan and its implementation process will also encourage a sense of ownership of the Plan among employees and customers. This sense of ownership, of having a stake in the success of the Plan, will encourage employees and the public to make contributions to the Plan's implementation and improvement, and to ensure the Plan's success through commercial support for your business.

A copy of your Plan may be given to the Australian Human Rights Commission. The Commission may make the Plan available to other businesses as an example of an Action Plan. Lodging an Action Plan with the Commission acts as a clear statement of the commitment of your business to nondiscriminatory practices. By reporting on progress towards Action Plan goals, for example through annual reports, evaluation reports and company audits, a business can confirm and renew this commitment.

Establish grievance procedures

Establishing effective grievance procedures encourages confidence in the Plan and facilitates feedback on ways in which the Plan may be improved.

Such procedures maintain goodwill between your business, your customers and the general community and may also be an effective way of preventing complaints of disability discrimination through resolution of disputes at an early stage.

Grievance procedures need to be publicised. They should be quick and efficient, free of charge, dealt with at a senior level and capable of delivering results.

Goals and targets

The action plan of a service provider must include provisions relating to the setting of goals and targets, where these may reasonably be determined against which the

success of the plan in achieving the objects of the Act may be assessed (section 61(d), Disability Discrimination Act 1992)

Set goals and targets

Without goals and targets, Action Plans will be much more about 'plans' than 'action'.

Without goals and targets, it will be difficult for your business either to assess improvements in marketing your goods or services to potential customers with disabilities, or to identify ways in which your Plan might be further improved.

Goals and targets should be specific enough to enable them to be measured. For example:

- all Melbourne branch offices to be wheelchair accessible; or
- all management to undertake x hours training per year in the area of disability discrimination.

Set time frames

Strategies designed to achieve goals and targets must include time frames.

The inclusion of time frames will have a number of benefits. Employees and customers alike will develop confidence in the Plan. It will be viewed as a positive force capable of producing results, rather than as vague wish list. Business expectations will remain realistic and achievable.

Without time frames, strategies are generally incapable of evaluation and your business will have no way of determining if the Action Plan initiatives are cost effective.

Using the examples above, the strategies are greatly improved by the incorporation of time frames:

- all branch offices to be wheelchair accessible by December 2016; and
- all senior management to be undertaking ten hours disability discrimination training per year by June 2016; all other management to be undertaking ten hours disability discrimination training per year by end 2016.

Devise evaluation strategies

The action plan of a service provider must include provisions relating to the means, other than [goals and targets] of evaluating the policies and programs [included in the plan] (Section 61(e), Disability Discrimination Act 1992)

Without evaluation a business will have no way of determining whether it is achieving its goals or whether its implementation program is producing value for money. Evaluation strategies should be developed in connection with goals, targets and time frames.

The success of an effective Action Plan may be illustrated by any number of changes, such as increases in the numbers of customers with disabilities, observable changes in employee understanding of disability discrimination issues, or improvements in the physical accessibility of business premises.

Successful compliance should be proudly trumpeted by the business, and could be a standard component of any annual report, internal or external evaluation or audit.

Allocate responsibility

The action plan of a service provider must include provisions relating to the appointment of persons within the service provider to implement the provisions [of the action plan] (section 61(f), Disability Discrimination Act 1992)

As with any management initiative, smooth implementation of the Action Plan will require that clear lines of responsibility be established.

Responsibility may best lie with an individual or a group, depending on the business. Like all other business initiatives, implementation of the Plan will be assisted by ensuring that the person or group appointed to oversee the project has the authority to effect the necessary changes.

Information from customers and potential customers will also assist in the improvement of the Plan. To facilitate this feedback, contact details for the person or group should be made public.

Communication

The action plan of a service provider must include provisions relating to the communication of [action plan] policies and programs to persons within the service provider (section 61(b), Disability Discrimination Act 1992)

It is one thing to have an Action Plan, but quite another to make your employees aware of the new approach. For the Plan to succeed, a team effort will be required.

In order that all employees appreciate the value of successfully implementing an Action Plan, as well as understanding what they are required to do to ensure success, your business must work out ways to communicate the Plan to employees.

Training in Action Plan responsibilities will need to be undertaken with employees and management. Training will need to include customer service issues, together with practical instruction in such areas as use of TTYs. Management should think about ways to encourage current employees to undertake training, and strategies for the training of future employees should be developed.

3. Summary

The Action Plan process is similar to any best practice approach to business. It will fit comfortably with your business objective of ensuring continued commercial success. The components are:

1. Review your practices
2. Devise policies and programs to eliminate disability discrimination
3. Set goals, targets and time frames
4. Devise and incorporate evaluation strategies
5. Appoint persons to be responsible for the implementation of the Action Plan
6. Communicate the Action Plan to people within your business

4. Appendix 1: Checklist

1. How does your business collect information about actual and potential markets?
What can you do to collect more useful information?
2. What physical barriers need changing to encourage customers who have a disability?
3. How can you change communication practices to ensure that all customers may have access to your information and provide information to you?
4. Are any employees allowing their own discriminatory practices to impact on customer service? How might this problem be addressed to ensure that your staff provide a quality service?
5. Will the review of your business practices make use of the expertise of people with disabilities in identifying barriers to access and in developing the Action Plan?
6. Have you determined ways to evaluate your progress towards Action Plan goals?
7. Are your goals and targets achievable?
8. Have you set time frames to ensure your goals and targets have some meaning?
9. Has the business allocated sufficient resources, priority and authority to ensure the success of the Action Plan?
10. How are you going to inform employees about the Action Plan and educate them about their role in implementing it?

11. Have you devised strategies for publicising your commitment to the Action Plan so that your business reaps all the public relations benefits?
12. Does your business have a complaints procedure that really enables matters to be fixed without the customer making a complaint to the Commission?
13. Has your business incorporated long term planning and evaluation strategies into the Action Plan?

6. Appendix 2: Examples

These are sample Action Plans only. They cannot be substituted for developing your own Action Plan by following the steps outlined in this guide.

Businesses will need to develop Action Plans which reflect their specific resources and structures. An Action Plan which efficiently eliminates discriminatory practices in one business may prove completely ineffective in another. Action Plans are about implementing strategies relevant to individual businesses.

Businesses named in the following examples have been invented by the Australian Human Rights Commission for the purposes of illustration only. Any likeness to an actual business is accidental and unintended.

Example one: Aussie Electronics

Aussie Electronics is an importer and retailer of electronic goods. It also provides a maintenance and repair service. The Company's head office is in Brisbane and there are retail outlets in every capital city. Aussie Electronics employs 200 people. It is run by a Manager and Assistant Manager who are responsible to the Board of Directors.

At a monthly meeting, the Board considers the potential advantages in having a Disability Action Plan, including:

- tapping into a new market;
- improving business image; and
- preventing possible complaints being made against the business.

The Board decides to set up a Disability Project Team to identify whether any existing business practices limit access to the company's goods and services for customers with disabilities. The Project Team is also asked to develop an Action Plan to ensure the elimination of discrimination.

The Board directs that the Project Team is to be chaired by the Assistant Manager of the Company, and that it will comprise the Personnel Manager, a nominated

representative of each retail outlet and employee representatives. The Assistant Manager will be responsible for engaging the expertise of people with disabilities.

Review business practices

Collection of information

Aussie Electronics undertakes customer and employee surveys. It also commissions market research. The Research indicates that a very small percentage of customers purchasing company goods, possibly as low as 1 per cent, has a disability. The percentage of customers using the maintenance and repair service who have a disability may be even lower.

Physical environment

A review of Company premises is conducted and indicates the following:

1. The Hobart, Adelaide and Darwin stores are all accessible to customers who use a wheelchair.
2. The Melbourne store extends over two floors and only the ground floor is accessible.
3. The Perth and Canberra retail outlets are not accessible for customers who use a wheelchair or other mobility aids. The Brisbane store is accessible only at the rear of the building and this fact is indicated only by a small sign adjacent to the store's main entrance.
4. While most stores have parking reserved for customers with disabilities, the Sydney and Brisbane stores do not.
5. No advertising literature indicates which stores are accessible and which are not.
6. While most stores have street level identification which might assist in the location of shop premises by customers with a vision impairment or an intellectual disability, the Canberra and Hobart stores do not.
7. Most stores are brightly lit with a decor comprised of contrasting colours. This assists in the use of premises by customers with a vision impairment. The decor in the Canberra store is, however, black and grey with subtle lighting. The result of this scheme is an environment which is too dark and difficult to negotiate for customers with a vision impairment.
8. The Sydney store is located on the third and fourth floors of a twenty storey building. Although the store is accessible for customers who use a wheelchair, the lift does not have buttons with tactile cues and does not announce floors. Consequently, customers who are blind or who have a vision impairment find it difficult to locate the correct floor.

9. While all stores have newly installed fire alarm systems, no systems have a visual component and no branch stores have policies covering the evacuation of employees or customers with disabilities. In some stores, customer assistance counters are too high to permit easy communication with customers using a wheelchair.
10. Electronic information terminals cannot be used by customers who are blind or who have a vision impairment - there are no alternative sources of information in the Darwin or Adelaide stores.

Communication

A review of ways in which Aussie Electronics communicates with customers and potential customers indicates that:

1. The Sydney and Adelaide retail outlets have TTYs. Other Service Centres do not.
2. While most employees of the Sydney and Adelaide stores know how to use TTYs, some do not.
3. Aussie Electronics does not produce information about its goods and services in anything other than printed form. The Company's entire advertising campaign is focused on print media. The production of information in catalogues assists people with learning disabilities, but excludes people with a vision impairment or a print handicap.
4. Client services such as consumer credit, charge cards, and lay-bys are dependent upon print transactions. This precludes customers with a vision impairment or print disability from using these services.
5. Company documents and transactions involve language which is unnecessarily complex and therefore difficult for customers who have an intellectual disability or a learning disability to understand.
6. Nationally, three employees have sign language skills but this is not generally known by their managers and colleagues. Their skills could be better utilised.
7. A promotional video distributed by the company does not include captions.
8. Advertisements do not appear in any national publications which target people with disabilities. Other advertising does not refer to the accessibility of stores or Company products.

Attitudinal environment

The employee survey shows that:

1. Employees are committed to the elimination of discrimination.

2. Approximately half the employees of Aussie Electronics are uncomfortable serving people with obvious disabilities and are unclear about the needs of customers with disabilities.
3. A third of all employees think that where customers are accompanied by carers, it is appropriate to address the carer instead of the customer.
4. While very few customer complaints were lodged over the last 12 months, twenty percent were made by customers alleging they received inadequate service because of their disability.
5. Employees are particularly concerned about working with or serving customers with HIV/AIDS, psychiatric or intellectual disabilities and would like more information about these disabilities and about how to respond to people who have them.

Aussie Electronics' Board of Management concludes that:

1. Aussie Electronics may contravene the Disability Discrimination Act and there is a risk of a complaint being made against the company under the Act.
2. People with disabilities constitute a significant untapped market and there are sound business reasons for developing an Action Plan.
3. Development of an Action Plan will provide the company with an excellent opportunity to improve its image as being responsive to the whole community.
4. Implementation of an Action Plan to encourage potential customers with disabilities to purchase goods and services from the business is economically viable, as many of the barriers to access can be removed at little or no cost.

The Project Team considers the issues identified through the review of company activities and develops strategies to eliminate disability discrimination. These strategies form the basis for the Action Plan. The Plan includes:

1. goals and targets to ensure that results are measurable;
2. time frames; and
3. suggested evaluation techniques.

Aussie Electronics develops the following Action Plan.

Aussie Electronics action plan

Physical barriers

1. At the end of the current lease of the Brisbane premises, those responsible for leasing new premises will find a location which is accessible for people with disabilities.

2. A cost analysis in relation to access to the second storey of the Melbourne store has been completed. A purpose-built lift may be installed for a fraction of the cost of installing a general lift service. Consequently, a purpose-built lift will be installed within twelve months.
3. The Company's building report will be reviewed to assess all Company premises for their accessibility. Modifications required to make premises accessible will be listed and this list will be forwarded to the Board of Directors as soon as it is available. The Board will be responsible for making decisions about which modifications are priorities, affordable and achievable, but will take advice from the Project Team.
4. In addition to Points 1 and 2 (above), the Company will allocate an amount per annum over the next three years to implement urgent changes as indicated by the priority list below:
5. **Year 1:** fire warning systems and fire escapes will be improved; parking to be reserved for customers with disabilities at all stores; a large sign will be erected at the front of the Brisbane retail outlet advising that the store is wheelchair accessible from the rear.
6. **Year 2:** lift access to the Perth store's second floor will be made available; lighting will be changed within the Canberra retail outlet to make the space less dangerous for customers with a vision impairment.
7. **Year 3:** the already scheduled redecoration of the Hobart store will focus on modifying display units and customer service counters to ensure that they do not act as barriers.

Communication

1. TTYs will be installed in all offices by December 2015 and all employees will receive training in the use of TTYs by March 2016.
2. All stores will be listed in the TTY directory and Yellow Pages as soon as possible.
3. Employees with sign language skills will be encouraged to utilise these skills and to undertake training at company expense to maintain these skills. Employees interested in developing these skills will be encouraged to undertake training at the Company's expense and will be notified of this opportunity through the next Aussie Electronics newsletter. A sign stating that employees with Auslan skills work in the store will be posted outside relevant retail centres.
4. The promotional video will be remade within two years and will include captions.
5. The Company will review advertising strategies within a year to ensure that information is reaching people with disabilities. The Marketing Manager will

investigate advertising in national publications which target people with disabilities and the possibility of noting the Action Plan in all mainstream advertising.

6. Aussie Electronics management will consider ways in which transactions involving complex documents may be made simpler and less dependent on printed or written information.

Attitudinal

1. Information about the Disability Discrimination Act and people with disabilities will be provided to employees through the Aussie Electronics e-newsletter, commencing in January 2016.
2. The non-discriminatory employment policy will be affirmed by the Board at its next meeting and a statement to this effect will be incorporated into the next employee newsletter.
3. Representatives of disability organisations will be invited to address management and employees on disability discrimination issues within three months.
4. Workplace training will occur over the next 12 months to inform employees about rights and responsibilities which arise under the DDA, with fifty percent to have received this training by September 2016.
5. Management will, as a priority, collect and distribute information to employees about HIV/AIDS and psychiatric and intellectual disabilities. Training about how to respond appropriately to customers with disabilities will be done by December 2016.

Grievance procedure

1. Complaints about failure to comply with the Disability Discrimination Act or the Action Plan may be made to the Assistant Manager. The Assistant Manager will investigate the matter and seek to resolve the problem as quickly as possible. This will include authorisation to take any measures as may be appropriate.
2. Copies of any complaints and information on progress towards resolution will be made available to the Board at the first meeting following receipt of the complaint.

Communication

1. Copies of the Plan will be given to all store managers.
2. Copies of the Plan will be held by the Public Officer and the Executive Secretary and will be made available to employees on request and free of charge. Employees will be advised of this through the Aussie Electronics e-newsletter.

3. A notice will be posted at the main entrance of all retail outlets notifying the public that the business is implementing an Action Plan and inviting them to participate in the process.
4. Members of the public will be encouraged to inspect the Plan and will receive a free copy of the Plan upon request.
5. The Plan will be made available in print, large print, on computer disk and on audiotape.
6. Feedback from employees and the public is welcome and should be directed to the Assistant Manager. Feedback will be acknowledged.
7. The Plan will be lodged with the Australian Human Rights Commission within a month of its being adopted by Aussie Electronics.

Evaluation strategies

1. Each Annual Report, starting with 2014-15, will include information on progress towards Action Plan goals.
2. All evaluations of individual retail outlet performance will include consideration of progress in the implementation of Action Plan initiatives.
3. This plan will be reviewed by December 2015 by the Action Plan Project Team and recommendations for changes to the Plan will be made to the Board of Directors at the next meeting.
4. The Board will consider suggested changes within two months of receiving them and will make amendments to the Action Plan.
5. The Board will also take this opportunity to consider the positive outcomes of Action Plan implementation and will consider ways of publicising these results.

Mainstream the action plan

1. The planning team will convene a meeting in March 2016 to consider mainstreaming the Action Plan and incorporating Plan goals into general business planning.
2. Aussie Electronics will not relocate its central office or any retail outlet without regard to the requirements of the Disability Discrimination Act.

Promote responsibility

The Personnel Manager will ensure that all management level job descriptions are reviewed by December 2015 and will include a requirement as follows:

"Managers will be required to oversee the implementation of the Company's Disability Action Plan."

Develop an informed planning process

Members of the planning team will be required to familiarise themselves with the DDA and the function of an Action Plan. Resources will be made available to assist the team to devise plans which comply with this Action Plan. Planners will seek advice from organisations representing people with disabilities where they are unclear about disability issues.

Example two: Twenty-first Century Credit Union

Background

Twenty-first Century Credit Union (TCCU) is a Canberra based Credit Union which has been in operation for three years. It has 50 employees in four Customer Service Centres in the ACT and is run by a Management Team. TCCU is a relative newcomer to providing financial services and is always keen to reach new markets. It advertises itself as a strong supporter of the Canberra community and as a progressive new force in the financial market.

TCCU has traditionally not kept information on the proportion of its customers with disabilities or its potential customer base among people with disabilities. Employees report that service to customers with disabilities is rare. After consideration, TCCU concludes that there is no reliable data available to assist in determining its current or potential markets among people with disabilities. However, it is concerned about the potential damage to its image if complaints are made about TCCU discriminating against customers with disabilities.

TCCU contracts a local disability organisation to undertake a review of its activities and to devise and implement an Action Plan. TCCU nominates two members of the Management Team to work with the local disability organisation in the implementation of the Plan.

The review

Attitudinal issues

1. Employees indicate that they have some concerns with providing services to customers with disabilities.
2. Three employees responsible for granting credit to customers believe that people with HIV/AIDS (or other conditions which may become more debilitating with time)

should not qualify for credit because they consider that long-term employment is unlikely and income protection insurance is impossible to obtain.

3. An employee recalls that a potential customer who was blind was recently told over the phone that she would not be able to obtain credit on the basis that she was unable to read the Credit Union's credit contract.
4. Some employees believe that the presence of people with psychiatric disabilities in the Customer Service Centres may offend other customers and, as a result, should not be encouraged as customers.

Communication practices

1. Most employees have been trained in the use of a TTY and TTYs exist in all Customer Service Centres. However, the branches are not listed in the TTY Directory and TTY training is not incorporated into orientation programs for new employees.
2. The automatic teller machines eliminate the need to interact with tellers, which makes them particularly useful for some customers with disabilities which make verbal communication difficult.
3. As the automatic teller machines do not have tactile cues, they cannot be used by people with a vision impairment.
4. Brochures are valuable assets for customers with learning disabilities as they clearly set out various savings options and other services. However, there is a need to make this information available to customers who are not able to read this information in standard printed form.

Physical environment issues

1. All four centres are wheelchair accessible.
2. Of six automatic teller machines, four are placed at a suitable height for customers who use a wheelchair.
3. All centres are easily identifiable from ground level.
4. Two centres have visual fire alarms; four do not.

Confidentiality issues

1. Three centres have private offices in which customers can discuss credit and loan issues. One does not have adequate private space.
2. Some staff believe that too much personal information (including information about disabilities) is sought from customers applying for loans and loan insurance.

3. Three staff report customer objections that this collection is an unnecessary invasion of privacy.
4. TCCU does not have a confidentiality policy and staff would appreciate training in relation to privacy and confidentiality.

The following Action Plan is developed.

Twenty-First Century Credit Union action plan

This Action Plan has been developed by in association with the TCCU.

Management Team. Responsibility for implementation of the Action Plan rests with the Management Team. Day to day implementation of the Action Plan, however, is the responsibility of Management Team members Mary Lee and Michael Mendez. Ms Lee and Mr Mendez are authorised to allocate 25 per cent of their working weeks to the implementation of this Action Plan for the next three years. The TCCU will allocate the necessary human and financial resources for the next three years to support Ms Lee and Mr Mendez in the implementation of the Action Plan.

Employees with concerns about the Action Plan should contact Ms Lee. Members of the public with complaints or enquiries about the Plan should contact Mr Mendez.

TCCU will encourage customers with a disability to participate in improving services. Freecall telephone and TTY lines will be established to collect information from customers with disabilities about the ways in which they consider services may be better provided.

This service will be advertised in all Customer Service Centres, as "important notices" on all account statements and on all Union brochures which are to be printed from this date onwards. It will also comprise part of the radio advertising strategy over the next twelve months.

Survey forms will be sent out to all TCCU account holders requesting that clients with disabilities complete and return the surveys. Forms will not seek identifying information and anonymity will be preserved. Upon request, survey forms will be made available in alternative formats.

Reforms to be implemented

Attitudinal

1. Prior to December 2015, management will convene a one day workshop focussing on the provision of information about disabilities to all employees. In

particular, education will focus on psychiatric disabilities, HIV/AIDS and other conditions which may become more debilitating with time. Credit officers will also be required to attend additional training to look at the issue of providing credit to people with disabilities, and this training will occur prior to June 2016.

2. Development of the yearly employee training program will take into account the need for ongoing training in providing services to customers with disabilities.
3. The training manual will, within six months, be amended to include information about people with disabilities and information about the DDA.
4. TCCU policy will be amended to include a strong statement in support of creating a non-discriminatory service. This amendment will be made within six months.
5. The TCCU will work towards the development of policy relating to providing credit to people with disabilities. In particular, TCCU will consider the need to address discriminatory attitudes and ignorance about people with disabilities which may impact on customer service. TCCU will contract a team to produce a best practice manual for assistance in this area and will invite consultancy groups to tender for this project. The Management Team will be responsible for developing the brief for tenders. Tenders will be called prior to July 2016.
6. A statement indicating the Credit Union's commitment to providing service to all people, including people with a disability, will be displayed prominently in all Centres.

Communication

1. TTY numbers will be listed in the National TTY directory within twelve months.
2. TTY training will be incorporated into employee training programs within twelve months.
3. TCCU brochures will be made available in large print within three months.
4. TCCU will require the Director of Loans to consider ways of making contracts simpler and available in alternative formats. The Director is authorised to seek and pay for such help as is appropriate and will report back to Management Team by June 2015.

Physical

1. Fire alarm systems in all Centres will be improved to incorporate non-audio warning signals by the end of 2015.
2. The TCCU will seek information about availability of automatic teller machines which may be used by people who are blind or who have a vision impairment. This information will be provided to the Management Team by December 2015.
3. By end 2016 all new teller machines will be inserted at a height which makes them accessible for customers who use wheelchairs.

Confidentiality

1. By end 2015 all centres will have adequate private space in which to interview customers.
2. TCCU will develop a confidentiality policy within twelve months and this will be communicated to all staff upon adoption of policy by Management Team.
3. Staff will receive training in confidentiality issues within twelve months of the confidentiality policy being adopted.
4. The Management Team will reconsider the need to collect information about disabilities in relation to loans and loan insurance within six months.
5. TCCU will strengthen security systems to safeguard the confidentiality of all personal customer information.

Public accountability

The TCCU will make this Plan publicly available by:

- advertising its existence in all Customer Service Centres;
- inserting a notice at the bottom of account statements twice a year for two years;
- inserting a notice at the bottom of the next print run of brochures;
- noting it as part of TCCU radio advertising over the next twelve months;
- making copies available in large print at all centres; and
- lodging the Plan with the Australian Human Rights Commission within one month of its adoption by the TCCU.

Complaints about the Action Plan or non-compliance with the Disability Discrimination Act will be forwarded immediately on receipt to the Management Team for the Team's prompt consideration.

The future of the action plan

This Action Plan will remain in operation for three years. After this point the Management Team will review the need to incorporate the Action Plan into the broader TCCU planning strategy.

The Personnel Manager will be responsible for ensuring that within twelve months all job descriptions are amended to require employees to meet their responsibilities under the Action Plan.

This Plan will be reviewed by the Management Team within 18 months.

Evaluation

1. Employees will be asked to participate in a second survey. This survey will seek information about understanding of disability discrimination issues and experiences in providing services to customers with disabilities. The results will be compared with the results of the initial survey.
2. The Human Resources Manager will be responsible for evaluating the effectiveness of employee training under the Plan.
3. Centres will keep statistics on:
4. the distribution of brochures in alternative formats;
 - the numbers of TTY enquiries; and
 - the numbers of enquiries about the Action Plan.
5. These statistics will be provided to the Management Team for the Team's use in evaluating the effectiveness of strategies under the Action Plan.
6. Funds will be allocated for an external evaluation of the implementation of this Plan. This evaluation will be conducted three years after the adoption of the Plan.

7. Appendix 3: Legislative requirements for action plans

It is not a requirement of the Disability Discrimination Act that service providers prepare and implement Action Plans. However, if a business decides to prepare an Action Plan, the Act specifies that the Plan must include certain things.

Disability Discrimination Act 1992

Provisions of action plans:

SECTION 61

The action plan of a service provider must include provisions relating to:

- a) the devising of policies and programs to achieve the objects of this Act; and
- b) the communication of these policies and programs to persons within the service provider; and
- c) the review of practices within the service provider with a view to the identification of any discriminatory practices; and
- d) the setting of goals and targets, where these may reasonably be determined against which the success of the plan in achieving the objects of the Act may be assessed; and
- e) the means, other than those referred to in paragraph (d), of evaluating the policies and programs referred to in paragraph (a); and
- f) the appointment of persons within the service provider to implement the provisions referred to in paragraphs (a) to (e) (inclusive).

Action plans may have other provisions:

SECTION 62

The action plan of a service provider may include provisions, other than those referred to in section 61, that are not inconsistent with the objects of this Act.

8. Appendix 4: Relevant sections of the Act

SECTION 4

"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; or
 - k) is imputed to a person;

Part 3 - Action plans

Interpretation

SECTION 59

In this Part:

"service provider" means a Department, a department of a State, a public authority of the Commonwealth, an instrumentality of a State, an educational institution or a person who:

- a) provides goods or services; or
- b) makes facilities available; whether for payment or not.

Action plans

SECTION 60

A service provider may prepare and implement an action plan.

Provision of action plans

SECTION 61

The action plan of a service provider must include provisions relating to:

- a) the devising of policies and programs to achieve the objects of this Act; and
- b) the communication of these policies and programs to persons within the service provider; and
- c) the review of practices within the service provider with a view to the identification of any discriminatory practices; and
- d) the setting of goals and targets, where these may reasonably be determined against which the success of the plan in achieving the objects of the Act may be assessed; and
- e) the means, other than those referred to in paragraph (d), of evaluating the policies and programs referred to in paragraph (a); and
- f) the appointment of persons within the service provider to implement the provisions referred to in paragraphs (a) to (e) (inclusive).

Action plans may have other provisions

SECTION 62

The action plan of a service provider may include provisions, other than those referred to in section 61, that are not inconsistent with the objects of this Act.

Amendment of action plans

SECTION 63

A service provider may, at any time, amend its action plan.

Copy of action plan to be given to Commission

SECTION 64

A service provider may give:

- a) a copy of its action plan; or
- b) any amendments to the plan; to the Commission.