



**Victorian Equal Opportunity
& Human Rights Commission**

Supporting workers with disability

Lessons for the post-COVID workplace

The COVID-19 pandemic compounded existing inequalities for workers with disability, leaving many of them feeling stretched, stressed and unfairly treated. However, the unprecedented move to remote and flexible work during the pandemic also created opportunities to better understand how flexible work arrangements can support people with disability to access and participate meaningfully in the workplace. It also shed light on how these arrangements can be improved for workers with disability into the future.

At the peak of the pandemic, the Commission surveyed and interviewed Victorian workers aged 18+ years, who are parents, carers and/or have disability, to better understand how COVID-19 transformed approaches to flexible work.

This is what we learned.

OUR METHODOLOGY

The Commission surveyed 1504 Victorian workers aged 18+ years, who are parents, carers and/or have a disability.

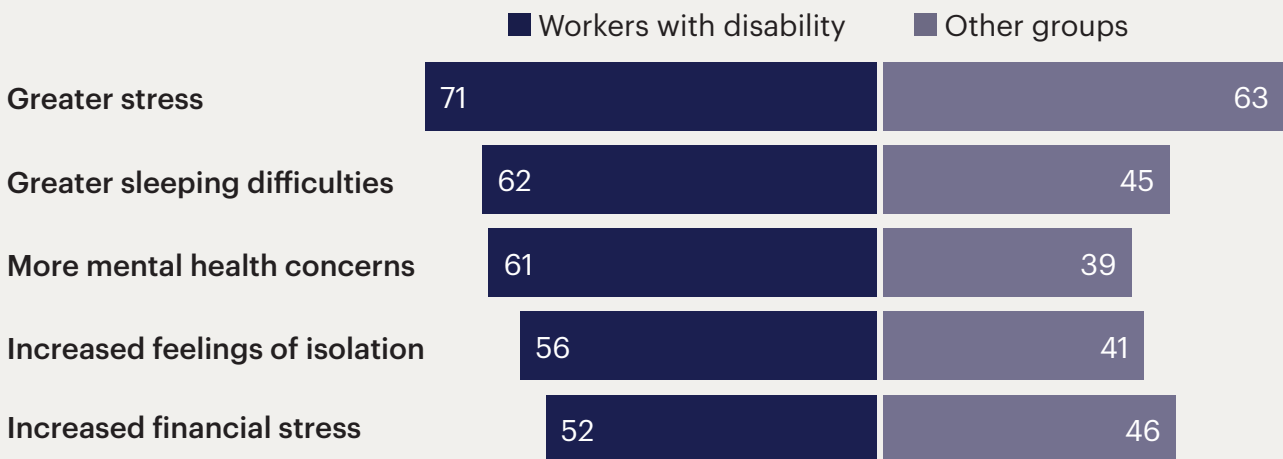
We supplemented our online survey with 12 qualitative interviews. The survey and interviews were conducted between 27 June 2020 and 3 July 2020. We ensured robust sample sizes by setting quotas by location, gender, age and parental/carer/disability status.

The Commission acknowledges and thanks the Victorian Public Sector Commission for its support in analysing our survey results. Newgate Research undertook the survey on our behalf.

Many workers with disability experienced heightened stress and alienation during COVID-19

Workers with disability reported negative impacts to their health and wellbeing during the pandemic at higher rates than any other group surveyed.

Negative impacts experienced during the pandemic (%)



Just over 1 in 2 workers with disability reported experiencing increased financial stress during the pandemic.

Almost half of workers with disability (45%) reported needing to use some of their savings to get by.

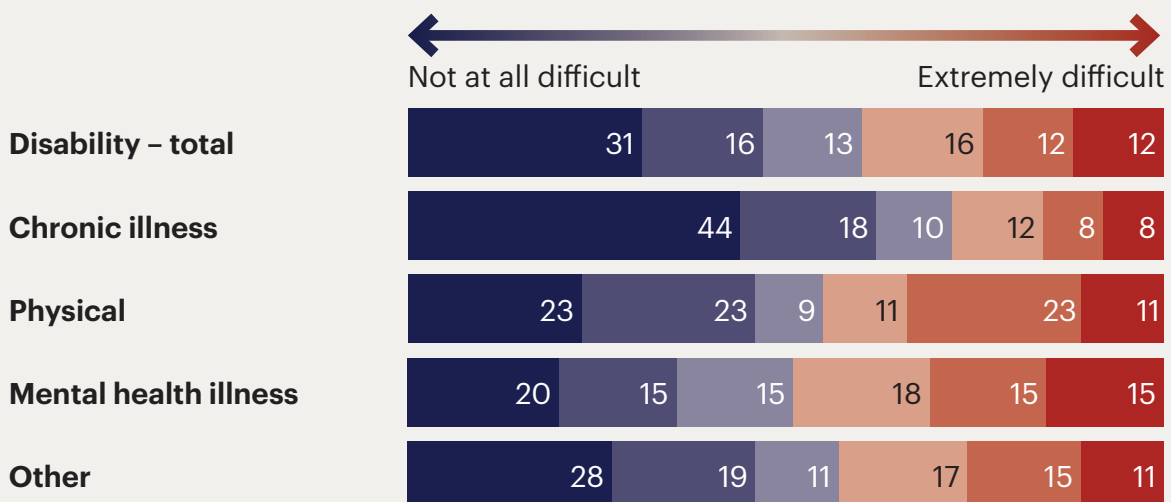




Many workers with disability had difficulty managing their disability and keeping up with work during COVID-19

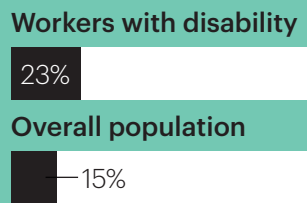
Many people with disability found it quite difficult to manage their disability and work during the pandemic, with **40%** rating this 7 or more out of 10, rising to **49%** among those with mental ill-health. Those with a language background other than English were more likely than native English speakers to say it has been extremely difficult to manage their disability (**15%** compared to **4%** rating this at 10 out of 10).

Difficulty managing a disability and keeping up with work during COVID-19 (%)

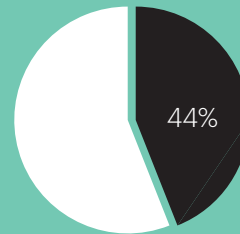


Workers with disability were more likely to ask for flexibility, but also more likely to be refused

Workers with disability were more likely than other workers to ask their employer for flexible arrangements during the pandemic. Yet, when workers with disability did ask to work flexibly, they were refused access to these arrangements at higher rates than the overall population (**23%** compared to **15%**).



23% of workers with disability were refused access to flexible work arrangements, compared to **15%** for the overall population.



Almost half of workers with disability who are also parents and carers (**44%**) had one or more requests for flexible work denied, compared to **26%** for parents and carers without disability.

People with disability who worked flexibly reported positive experiences more often

While a majority of people surveyed (**52%**) had a positive experience of working flexibly during the pandemic, workers with disability were more likely than other workers to report such experiences (**56%** compared to **45%**).

Stephen's employer is open to him working flexibly around his disability

Stephen works part-time in a non-profit shop providing support for people experiencing homelessness.

Stephen has a physical difficulty and is pleased with how his employer has accommodated his disability. "They put in an accessible toilet, a ramp, and made sure I had enough space to wheel around in. They didn't have those things before I became an employee and it only took them about four weeks to get it sorted once I had started."

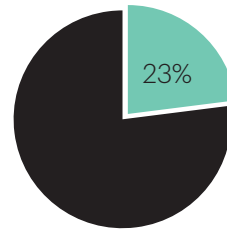
He felt his organisation was fairly open to working flexibly around his disability during the pandemic, having accessed a range

of flexible work options in his time there. "They seemed happy enough to do it. I could ask for time off when I needed it, and I got the respect I needed for it."

Stephen was stood down when the store had to shut during the pandemic. He is looking for work, but he believes he will be able to resume work again for the same employer after the lockdown. "I'll work at the same place and go back when the shop reopens. I'll access the same flexible working options in the same ways. So far, they have been good to me, so there's no reason to change it."

Awareness of legal obligations to protect workers with disability is low

Workers with disability were more likely than other workers to be aware of laws or standards to protect workers against discrimination (**21%** compared to **14%**) but understanding of these laws or standards remains low overall.



Almost a third of workers with disability (**32%**) reported they were unaware that employers must make reasonable adjustments for employees with disability, compared to almost a fifth of workers without disability (**21%**).

Workers unaware of employers' obligations to make reasonable adjustments for workers with disability felt less secure about their jobs than those who were aware (**23%** compared to **15%**).

Many employers also do not understand their legal obligations with respect to workers with disability, including in relation to flexible work. As a result, a significant number may be unnecessarily or inappropriately denying requests by workers with disability.

More education is needed to support workers with disability and employers to understand their rights and responsibilities.



Protections for people with disability under the Equal Opportunity Act

Discrimination at work (and certain other areas of public life) is against the law. Employers (and other duty holders) have a positive duty to take proactive steps to prevent and respond to discrimination on the basis of disability.

The law also requires employers to make adjustments to help support and include people with disabilities, where reasonable. For example, accessible bathrooms in office buildings and hearing loops in banks.

The law allows for consideration of expense and effort. If complying with the law requires a large cost or disruption, the employer (or other duty holder) may be exempt.

It is also against the law to victimise a person (i.e. treat them badly or unfairly) because they make a complaint about discrimination or have helped someone else to do this.

Supporting workers and employers to discuss flexible work

The Commission has released a 'Flexible work request planner' to support workers and employers to prepare for and consider requests for flexible work.

The planner is an interactive chatbot, freely available on our website, which supports workers and managers to initiate a conversation about flexible work and create an effective plan. It includes a pathway for managers to check legal obligations, prompts to set up a successful conversation and downloadable planning tools.

The Commission can also work with organisations to review policies and procedures and develop strategies to successfully embed flexible working arrangements across their workforce and create equality for all workers, including those with disability.

To try the Flexible work request planner, visit www.humanrights.vic.gov.au/resources/chat-about-flexible-work/





What next?

The COVID-19 pandemic heightened existing struggles for workers with disability, particularly those who are also parents or carers. It also drastically reshaped attitudes towards flexible work and demonstrated that workplaces can operate, and indeed thrive, with flexibility.

We now have an opportunity to consider how workplaces can operate into the future, to ensure all employees, including those with disability, can balance their work commitments, parenting and caring responsibilities safely and effectively.

The Commission's research points to a need:

- 1 for greater education and support for workers with disability to access their rights to request flexible work arrangements and reasonable adjustments
- 2 for greater education and support to help employers understand and comply with their legal obligations related to flexible work and to make reasonable adjustments for workers with disability
- 3 for employers to consider fully the voices and experiences of people with disability
- 4 for the Victorian Government to prioritise workplace equality as part of its response to COVID-19 and recovery efforts
- 5 to reduce the heavy burden on people with disability to enforce the law by strengthening the Commission's ability to address systemic discrimination under the *Equal Opportunity Act 2010*.

Further information

For more on how the Commission is working to support workers with disability, visit our website.

For general enquiries or further information, call our Enquiry Line on 1300 292 153.

For media enquiries, contact Peter Davies on 0447 526 642 or at peter.davies@veohrc.vic.gov.au.

humanrights.vic.gov.au