

Equal Opportunity Training Video

Notes for training

Key personalities in this scene are:

- Les, manager
- Sandy, secretary with some human resource responsibilities
- Roger, the injured employee



Sitting Down

A scene in two parts enabling an exploration of disability discrimination, internal complaint process and the Equal Opportunity Commission's complaint handling process, and the links between occupational health and safety and equal opportunity laws.

Questions:

Question 1: How would EO laws impact on what you've just seen?

Question 2: Roger says 'if his request is not met, he will complain 'outside' and let 'them' decide what's reasonable'. If that means he would complaint to the EOC, would they determine what's reasonable?

Question 3: What rights does Roger have in this situation?

Question 4: What difference would it make to any rights Roger might have if his injury was not caused at work?

Question 5: Les, the manager, argues that Roger should spend some more time recovering at home – what's your view?

Question 6: Les says he will cut Roger's hours if he keeps making demands. How significant is that statement?

Ideas for training staff, managers (anyone in a supervisory position) or contact officers:

Staff

- Trainer could seek comments from small or large groups about ‘what constitutes a disability?’ And finishing with definitions highlighting temporary’ disability or impairment, permanent disability and or illness.
- Scene lends itself to discussion about ‘asserting’ one’s rights and the role of “self help” in dealing with matters of concern. Discussion can link how to assert one’s rights with the internal complaint procedure.
- Trainer could use the scene to explore the differences and similarities between taking up a complaint internally and with an external body like the EOC
- Trainer could ask participants what they would expect if a complaint was made to the EOC from the perspective of both the complainant and respondent. Comments could be noted on whiteboard using two separate columns.
- Questions could be put in to elicit views about how the complaint would be dealt with and how the individuals would be treated. Point to highlight from the scene is that the EOC is not an umpire. The scene is based on a complaint received at the EOC and a typical agreement reached at conciliation between the Complainant and Respondent includes a financial component covering loss of wages for example, an apology and training for staff.

Managers

Trainer could use the scene to explore ‘reasonable adjustment’ vs ‘unjustifiable hardship’. Is the stool a reasonable adjustment? Or would the provision of the stool impose an unjustifiable hardship on the employer?

Unjustifiable hardship as defined by the Disability Discrimination Act 1992

For the purposes of this Act, in determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account including

- (a) the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned; and
- (b) the effect of the disability of a person concerned; and
- (c) the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship; and

(d) in the case of the provision of services, or the making available of facilities—an action plan given to the Commission under section 64.

Trainer could use this scene to have a discussion about the difference between managing an employee who was injured at work by comparison with one with a non-work related injury. Highlight that while processes may differ, a disability is a disability under the Equal Opportunity Act 1984 or the Disability Discrimination Act 1992. Compare responsibilities with Equal Opportunity to those under Occupational health and safety legislation.

Discuss the role of the supervisor in assisting Roger's return to work.

Contact Officers

Contact officers could role play this scene as if Roger had approached them - emphasis on scoping range of options and their risks or benefits.

- You might ask managers the question: 'If you were dealing with this matter, what would you do 'differently from' and then 'the same' as Richard?' Talk about Greg's response that he knew nothing about the policy referred to by Richard.
- Another focus to take with group discussion 'This scene presents some negative and positive ideas which might be useful to you as managers. Richard displays at least five principles for nipping problem behaviours in the bud. What were they?' - 1) Richard was prompt, 2) took the matter seriously, 3) interviewed the parties in a sensitive environment, 4) impartial, and 5) kept the matter contained.
- Before showing the second and third scenes ask participants to think about the way Richard responds to Mick, then Greg, particularly the questions he puts to them and his responses.
- Discuss Richard's response and link with your workplace policies and procedures.
- Discuss how Managers can support staff with 'self help'.

Contact Officers [15 mins]

- Small group exercise inviting contact officers to describe how they would interview Mick if he had approached one of them. What information would they want from Mick and what would they provide?
- Pose a question to the whole group: what are the key differences between your role and Richard's?
- Discuss how a contact officer can support staff with 'self help'.