**Disability Action Plan**

**2022–25**

# Contents

[Acknowledgement of country 3](#_Toc89090580)

[About Victoria Legal Aid 4](#_Toc89090581)

[Message from Chief Executive Officer 4](#_Toc89090582)

[Vision 5](#_Toc89090583)

[Our role 5](#_Toc89090584)

[Diversity and lived experience 5](#_Toc89090585)

[Disability definition 5](#_Toc89090586)

[Environmental and organisational context 6](#_Toc89090587)

[Royal Commissions and National Disability Strategy 6](#_Toc89090588)

[Disability Act (Vic) review 6](#_Toc89090589)

[COVID-19 7](#_Toc89090590)

[Strategic alignment 7](#_Toc89090591)

[Digital transformation 7](#_Toc89090592)

[Interdependencies with this plan 8](#_Toc89090593)

[Our plan 9](#_Toc89090594)

[Our clients 9](#_Toc89090595)

[Our staff 13](#_Toc89090596)

[VLA and our community 18](#_Toc89090597)

[How we developed this DAP 21](#_Toc89090598)

[Implementing, monitoring and evaluation 21](#_Toc89090599)

[Glossary 22](#_Toc89090600)

[Appendix 1 – Consultation on our draft Disability Action Plan 25](#_Toc89090601)

[Internal consultations 25](#_Toc89090602)

[External consultations 25](#_Toc89090603)

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# Acknowledgement of country

This submission was written on the land of the Wurundjeri and Boon Wurrung people of the Kulin Nation. We acknowledge and pay our respects to First Nations people and Traditional Custodians throughout Victoria, including Elders past and present. We also acknowledge the strength and resilience of all First Nations people who today are still arrested and imprisoned at rates far higher than other Australians. The dispossession and discrimination experienced by First Nations people has ongoing impact, including in the fact that First Nations people experience higher rates of disability and chronic illness than non-indigenous Australians.

# Note on cover design

This concept is a visual representation of the social model of disability. Too often, disability is seen to be a problem of the individual. The different shapes, colours and textures are abstract representations of varying types of disabilities. When putting all these shapes and colours together it creates a beautiful pattern. Each shape is different, but they work together harmoniously. We need to change the way we think about disability and accommodate people living with impairment, not the other way around. That’s what this pattern represents, rather than changing these shapes to fit into what we see as ‘normal’ (square edges, matching colours etc), we need to change our way of thinking and adapt to how these shapes fit.

# About Victoria Legal Aid

Victoria Legal Aid (VLA) is a Victorian statutory agency responsible for providing information, advice and assistance in response to a broad range of legal problems. VLA assists people with legal problems such as family separation, child protection, family violence, discrimination, criminal matters, fines, social security, mental health and tenancy.

In 2020–21, VLA provided assistance to over 74,000 unique clients from our 15 offices across Victoria. As the extract from our Annual Report 2020–21 at the end of this document shows, our clients from the 2020–21 financial year are diverse and experience high levels of social and economic disadvantage. Over half of our clients are currently receiving government benefits and one in three of our clients receive no income at all. Over 25,000 people disclosed having a disability or experiencing mental health issues and a significant proportion live in regional Victoria or are from culturally and linguistically diverse backgrounds. More detail about our services can be found in the info graphics at the end of this document.

# Message from Chief Executive Officer

I am pleased to present Victoria Legal Aid’s Disability Action Plan 2022–25 (DAP) to you.

VLA believes in equal participation by all people in our community. As a significant provider of legal services in Victoria we have a responsibility to address barriers and challenges that restrict the access of many Victorians to the justice system, including people with disability.

This plan, which has been co-designed with people with disability, sets out our objectives for the next four years. An annual implementation plan with accountability for timelines, activities and measures to track how we are progressing will sit underneath it.

Around 17 per cent of our staff have identified as having a disability or mental health issue and around 25 per cent of our clients. It is critical that we use the skills and capacities of our staff to provide legal services that respond appropriately to one of the parts of our community with the highest legal need.

Our 2022–25 DAP will help us support our client’s needs more holistically and reduce discrimination. The DAP will contribute to ensuring we are complying with our requirements under the *Disability Act 2006* (Vic) and to meaningfully report on progress in our Annual Report. The high-level objectives of our DAP have regard to the National Disability Strategy 2010–20, ensuring VLA is committed to a national approach to supporting people with disabilities. We will continue to challenge the beliefs and attitudes that undermine equality for people with disability.

The DAP adds to the suite of plans under our new Inclusion Framework such as our Cultural Diversity and Inclusion Strategy, our Anti-Racism Plan, our Reconciliation Action Plan 2 and our Gender Equality Action Plan.

The leadership team at VLA is committed to disability inclusion. Along with the development of our first Gender Equality Action Plan, the DAP will allow VLA to have a sharper focus on the intersectionality of experience in the legal assistance sector and the justice system.

We will continue to strengthen our co-design approaches with advice and expertise of people with a lived experience of disability and other lived experiences, including gender, First Nations, culturally diverse and/or from a LGBTQI community through the establishment of a new Lived Experience Advisory Group as one of the key actions in this plan.

# Vision

Victoria Legal Aid has an inclusive workplace culture and provides inclusive services, leadership and advocacy to improve disability equality across the whole organisation and in the community. Our vision for disability equality is that we have a fair and just society where everyone is equal.

# Our role

As a legal service provider, we will play an important role in improving outcomes for people with disability in the legal system.

To improve outcomes, we will develop stronger relationships with disability organisations, promote equal rights and opportunities for people living with disability and acknowledge our role as a significant influencer in the justice system to improve accessibility.

# Diversity and lived experience

We celebrate the contribution that all people bring to our organisation through shared experiences and views. We acknowledge that diverse people constitute our community and recognise that the lived experiences of our staff from a variety of cultural backgrounds, faiths and traditions brings richness to our organisation and to the Victorian community.

We acknowledge, respect and value the diverse experience of people with disability. We understand that these experiences may be compounded by disadvantage or discrimination that a person may experience because of intersectional factors such as First Nations background; age; sex; ethnicity; gender identity; race; religion; and sexual orientation.

We will prioritise people’s lived experience of disability to help drive change across the Victorian justice and social system and promote cultural and attitudinal change in the broader community towards people with disability.

# Disability definition

The social model of disability articulated in the United Nations’ *Convention on the Rights of Persons with Disabilities*, recognises 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’.[[1]](#footnote-2)

The social model of disability places the obligation on us to adapt our environments and attitudes to remove and reduce barriers to ensure equal participation for all.

We acknowledge there are divergent views regarding the term and definition of ‘disability’.

When we use the term ‘disability’, we intend it to have a broad and inclusive meaning encompassing all forms of sensory, physical, cognitive, neurological, developmental and psychosocial disabilities (including mental health issues). We recognise and respect that individuals with these experiences may not identify with or use the term ‘disability’ in relation to themselves.

We acknowledge that disability may:

* be present at birth or acquired
* occur at any stage during a person’s life
* be permanent, temporary, or episodic
* be observable or invisible
* have varying impact on individuals
* fluctuate and vary in its impact depending on the context and degree of support available.

We note that the proposed new Disability Act in Victoria will be developed in 2022–23 and that a definition is being considered using ‘disability’, ‘barrier’ and ‘disability inclusion’.[[2]](#footnote-3)

# Environmental and organisational context

The VLA DAP provides a strategy to assist the organisation in developing and implementing effective changes around our clients and people with legal needs experiencing disability and around workplace culture, leadership and employment practices to improve disability inclusion of staff across the organisation.

## Royal Commissions and National Disability Strategy

This DAP has been developed in the context of a significant number of royal commissions (the federal Royal Commission into Abuse, Neglect and Exploitation of People with Disability, and the Victorian Royal Commission into Victoria’s Mental Health system), reviews (*Disability Act 2006* (Vic)) and legislative change (new Mental Health and Wellbeing Act) in the disability focussed work of governments. It has been developed in consultation with a large number of staff and organisations (go to [Appendix 1](#_Appendix_2_–)).

A new national strategy titled Australia’s *Disability Strategy 2021–31* is due to be released later in 2021 once formally endorsed by all Australian governments.[[3]](#footnote-4)

## Disability Act (Vic) review

The *Disability Act 2006* (Vic) (section 38) requires statutory authorities to have a DAP. A positive duty is placed on organisations like VLA to take proactive, reasonable and proportionate steps to eliminate discrimination, sexual harassment and victimisation and to provide reasonable adjustments for people with disabilities in employment and when providing services is set out in the *Equal Opportunity Act 2010* (Vic).

We know that in the review of the *Disability Act 2006* (Vic) there may potentially be stronger accountability and compliance measures included in the Act on the positive duty for statutory entities to have a DAP. These positive duties would align with the *Gender Equality Act 2020* (Vic) which requires statutory entities to have a Gender Equality Action Plan (GEAP) and report every two years to the new Commission for Gender Equality in the Public Sector.

Victoria is also developing a new State Disability Plan which will be part of the setting up of a framework for Victoria for the next four years. We propose to have a yearly Implementation Plan that will sit underneath the DAP for each of the four years. This will provide some flexibility about how we implement our DAP actions and measure progress on our activities, which will hopefully ‘future proof’ it for any changes in DAP requirements that arise as part of the *Disability Act 2006* (Vic) review.

## COVID-19

These developments are also happening during the global COVID-19 pandemic where there has been a marked divide between people with disabilities and the rest of the population in fair and equitable access to vital services and supports.[[4]](#footnote-5) This led to the Disability Royal Commission issuing a Statement of Concern about the impact of COVID-19 on people with disability in 2020.[[5]](#footnote-6) With the development of a new COVID-19 enforcement unit of COVID-19 laws in Victoria Police and new pandemic legislation in Victoria, it is possible that these may have a disproportionate impact on people with disability who may become our clients.

While this DAP is proposed for a period of four years, it is expected that some form of change to government legislation or policy and COVID restrictions or requirements may require a change of priority or focus during the life of the plan. For example, the requirements for DAPs may change and the need to further prioritise our services to people with disability may become evident once more data gathering and research is completed about the accessibility of our services during the pandemic.

## Strategic alignment

Aligning our DAP with our new Strategic Plan 2026, our Gender Equality Action Plan, our Outcomes Framework, and our Inclusion Framework demonstrates our commitment to a responsive, dynamic, and innovative organisational culture. With a DAP in place, we will be able to better focus on the intersectionality of experience between those with a lived experience of disability and other lived experiences, including gender, being First Nations, culturally diverse and/or from a LGBTIQ community.

## Digital transformation

VLA is going through substantial digital transformation and our technological and infrastructure capabilities are rapidly changing. We are also reviewing our regional services. These changes have the potential to greatly improve our service delivery to many clients and people with legal needs who also have a disability. However, we must carefully determine the impacts of our digital changes and ensure we maintain access to our services and information through multiple avenues and non-digital means for those who do not have access to digital technology or are not comfortable using it, so that we are not excluding people with disability from our services.[[6]](#footnote-7)

## Interdependencies with this plan

We also need to acknowledge the challenges and tensions around the interdependent nature of the work proposed in this plan, noting also that cultural change in organisations takes time. While we have made considerable progress in creating a fair, equitable and flexible workplace, our data indicates that we can do more to support our staff with disability.

We know that organisations that have greater diversity and inclusion in their workforce also have more innovation, creativity and productivity and will better understand the barriers and challenges of our clients and people with legal needs with disability. Working to improve social inclusion for people with disability in partnership with disability organisations and through our strategic advocacy work leads to improved social and economic outcomes in the community more broadly.

# Our plan

## Our clients

Our clients are at the heart of what we do.

Around 18 per cent of Victorians experience some form of disability[[7]](#footnote-8) and people experiencing disability are overrepresented throughout the justice system. This is especially true for First Nations people, who are both significantly overrepresented in the justice system and experience disability at much higher rates than non-indigenous Australians.

Research[[8]](#footnote-9) has shown that people with disability are:

* more likely to experience legal problems and significant barriers to addressing these problems
* more likely to experience multiple and intersecting legal and non-legal problems and
* likely to have limited legal knowledge, which reduces their ability to achieve legal resolution without assistance.

This makes accessible and effective legal services and non-legal advocacy services even more important for people with disability.

At least 25 per cent of VLA’s clients identify as experiencing disability.[[9]](#footnote-10) We have received feedback – and acknowledge – that we need to do more to improve the accessibility of our services for clients with disability and ensure our services better meet their needs.

We will actively prioritise access to our services for people with disability with legal needs and we will clearly communicate where and how we can assist. VLA’s role as a coordinator of the legal assistance sector with our private law firm and community legal centre partners means we are in a unique position to show leadership and take a systems view of how pathways can be improved, and barriers reduced for people with disability with legal needs across the legal sector.

This part of our plan aligns with our obligations under section 38 of the current *Disability Act 2006* (Vic) to reduce barriers to people with disability accessing goods, services and facilities. It also aligns with the VLA Outcomes Framework pillars 1.1, 1.3 and 1.5, our Client First Strategy and Inclusion Framework goals.

It also aligns with the 10 priority areas to address disability inequality identified by the First Peoples Disability Network Australia (FPDN).[[10]](#footnote-11) Priority 3 states that we should prioritise timely intervention to ensure supports and services are provided, and available over the long term, and in the right time in First Nations people with disability’s lives and priority 7 states we should implement an access to justice strategy for First Nations people with disability, particularly those with cognitive impairment, sensory and intellectual disability. It is important when we do this work that we recognise that Aboriginal and Torres Strait Islander people are leaders in the inclusion of people with disability.[[11]](#footnote-12)

### Key objectives

**1. Establish and support a VLA disability lived experience advisory group[[12]](#footnote-13) to better understand client experiences and to inform and co-design service, policy, and practice improvements and/or changes**

Our purpose is to make a meaningful difference for clients and the community through effective legal and non-legal advocacy services and collaborative leadership in a strong and dynamic legal assistance sector. To do this, we need to put people with legal needs at the centre of all our work and thinking. We need to better understand their needs and preferences and work with them to improve our services.

We have been building our capability and commitment to engaging and working with people with lived experience in recent years, including through our regular client satisfaction surveys, using co-design or co-production methods, the creation of consumer consultant positions, the establishment of our *Speaking from Experience* consumer advisory group (which is made up of people with a lived experience of mental health issues) and our *Shared Experience and Support* advisory group (which is made up of people with lived experience of the child protection system, including people with cognitive disability), and the launch of our *Client-First Strategy* in 2020.

Given people with disability make up at least a quarter of all our clients and can often experience the greatest barriers when accessing and engaging with our services, we will establish a disability lived experience advisory group[[13]](#footnote-14) to help us understand more about the lived experience of accessing our services and help improve our services, associated policies and practices. We will develop pathways for cooperative work relationships with other lived experience advisory groups. We will carefully consider the size and diverse membership of the group, and put in place appropriate resources and supports, to ensure this group is a safe space for participants and operates effectively.

**2. Improve on and consider different ways people with disability access information and enter into our services[[14]](#footnote-15)**

We know that some people with a disability who have legal needs are unaware of or face barriers in navigating legal and related systems including access to VLA’s services.

Our Legal Help phone service is the entry and triage point for all people with legal needs. However, communicating over the telephone, as well as long wait-times to speak to someone, can be barriers, especially for people with cognitive disability, mental health issues, or hearing impairment. We have also received feedback that workers and family members trying to support people with disability to access our services can sometimes experience barriers such as the need to obtain written third-party consent.

Once a person has contacted VLA, they may be referred to or passed between different teams and services. While our internal referral systems are improving, and it is unavoidable that we will refer people to other areas, this can still sometimes result in clients having to speak with multiple people about their legal issues and personal circumstances. People with disability, especially cognitive disability or mental health issues, may find this confusing, frustrating or distressing. They may also experience referral fatigue and drop out of accessing our services and may be reluctant to re-engage with our services.

Through this key objective, we will:

* improve our understanding of how people with disability and their support people access, or attempt to access, our services, and how they experience our services. This will be accomplished through journey mapping and consultation with people with lived experience of disability
* consider establishing dedicated entry/access points and pathways for people with disability based on our journey mapping work findings
* clarify and communicate how workers and other third parties can share information with VLA and assist people with disability to access our services, whilst allowing people with disability to remain at the centre of the service and with their consent
* explore outreach and in-reach services and health justice partnerships that may help facilitate access to a wider range of our services and in more locations for people with disability.

**3. Improve the way we ask for and record information about people with disability who are seeking our help**

We currently record around 25 per cent of our clients who self-identify as experiencing a disability or mental health issue. However, we suspect the true number may be much higher. For example, 46 per cent of clients responding to the 2019 VLA client satisfaction survey reported having some form of disability. This suggests we are not asking clients often enough, or well enough, about their disability. This figure may also be impacted in coming surveys by the pandemic which has had a significant impact on people with more experiencing mental health issues.

Our current data systems are also quite blunt – they only enable a narrow range of disability types to be recorded and there is no capacity to record multiple disability types, the degree of impact of a person’s disability or what their support needs may be as identified by them. There is also inconsistency between our various data systems and forms. Our Legal Help phone intake service used to ask every caller about disability, but when VLA moved from its old database system to a new Legal Help Intake phone system, this was no longer considered a mandatory question. This change has been a barrier to good data collection and assessments of client needs and will be addressed through this DAP.

We will do this work within a supported decision-making framework for people with disability which aligns with a human rights framework. Supporting people to make their own decisions, express their views and self-advocate to resolve their legal issues is recognised by VLA as very important. If they need support, people with disability can still make autonomous decisions.

Through this key objective, we will:

* improve our data collection and analysis so we know who is accessing our services and how best to meet their needs
* improve and standardise the way we ask about, capture, and measure client information including disability and support needs across our programs and systems, and
* co-design guidance tools and training for all client-facing staff to support these objectives.

**4. Improve the way we deliver information and services to people with disability**

As referred to in [Objective 3](#bookmark3), we have identified that staff throughout VLA need further guidance and training regarding the most appropriate way to ask about a person’s disability and support needs, as well as how to adapt the service they deliver in response to that information.

We are aware that to achieve equality and respect for people with disability, we need to be holistic in our approach and person-centred. Rather than a deficit approach we should view clients with disability as having strength but where inequalities exist in systems, community attitudes, and the built environment, they should be addressed. Inequality that occurs concurrently with other forms of discrimination and disadvantage such as racism, colonisation, sexism, homophobia and religious discrimination must be tackled. It is important that staff understand intersectionality, in order to focus their efforts and tailor work accordingly.

Through this key objective, we will:

* Consider how we can expand or incorporate the trauma-informed and client-focussed aspects of the *Your Story Disability Legal Service* across VLA
* Improve training and support for staff to improve their capacity to work with and adapt their services for people with disability (including with an intersectional lens) and ensure uptake of that training
* Consider opportunities to expand our supportive non-legal services, like our Independent Mental Health Advocacy (IMHA) and Independent Family Advocacy and Support (IFAS), for clients with disability across VLA’s practice areas
* Ensure legal information is available, co-designed and in a range of accessible formats on our website, in our sharable resources, through our phone intake Legal Help, and through our community legal education work.

**5. Align our service range, eligibility guidelines and processes to meet the needs of people with disability**

Our Client First Strategy and our Client Priority and Capability Policy talk about our approach to prioritising services based on personal circumstances and legal capability, in the context of particular legal issues and service capacity. This approach is intended over time to become a lens that we apply to eligibility and design of all levels of service (from legal information services through to casework and representation services).

In line with this approach, we will prioritise people with a cognitive impairment, children and young people with disability and those experiencing mental health issues that significantly affect their ability to engage in everyday activities, people who have difficulty with reading and writing in everyday life (which may include people with undiagnosed disability) and people with chronic illness or significant physical disability. We will also apply an intersectional lens in this approach because we recognise that disability inequality may be compounded by other forms of disadvantage that a person may experience.

Under this key objective, **once we have completed client journey mapping under Objective 2**, we will:

* Consider specific adjustments we can make to improve the range and availability of services we offer for clients with disability (including practice areas we cover, our spread of services across the state, and the availability of supportive non-legal services across our practice areas and locations)
* Consider how we could improve internal use of our ‘special circumstances’ guideline (that determines eligibility for grants of legal assistance for clients in our highest priority client categories such cognitive impairment and people with significant mental health issues)
* Consider how we can improve access for people with disability to our less-intensive services (such as duty lawyer services)
* Review our systems and processes as they relate to clients with disability (including application for grants of legal assistance) once we have a clearer idea of any barriers from the journey mapping (in conjunction with Objective 3 on data and recording and our Intake Audit)
* Consider how we can work with our sector partners as part of the mixed model of legal aid service delivery to improve access to legal assistance services for people with disability to ensure we (in conjunction with the rest of the legal assistance sector) are meeting the needs of our clients with disability
* Work with peak disability services in the community to provide feedback to us on improving our services for clients with disability.

## Our staff

Our staff are our most valuable asset.

Article 27 of the *Convention on the Rights of Persons with Disabilities* provides that people with disability have the right to work on an equal basis with others, including the right to work in an environment that is open, inclusive and accessible.

In practice, however, people with disability in Australia are significantly less likely to participate in the labour force or to be employed, have less than half the median gross weekly income and are about half as likely to work full time compared to people without disability.[[15]](#footnote-16) People with disability can face barriers to employment, to achieving fair and equitable pay that may limit financial independence, and other benefits associated with work, including dignity, independence, a sense of purpose and social connectedness.

In our 2021 Gender, Diversity and Inclusion (GD&I) staff survey, an estimated 17 per cent of VLA staff identified as having a disability or mental health issue. This is significantly higher than the figure captured in our payroll system and in many other organisations. It suggests that our people are comfortable reporting disability through an anonymous means such as the survey or once they have been in their roles for some time at VLA but remain fearful of the impact on career or selection outcomes if they disclose their disability at the stage of recruitment or when starting work at our organisation.

These survey results raised questions about how accessible, culturally safe and inclusive our workplace currently is for staff with disability, including reporting incidences of discrimination around their disability. When asking questions about reporting incidences of discrimination, the GD&I survey did not set a timeframe, and respondents may have answered this question with their entire working life with VLA in mind rather than a specified or recent period of time. The results do indicate that we need to consider the barriers to reporting and how we can improve staff confidence to encourage increased reporting so that we can provide the right supports.[[16]](#footnote-17) Addressing these issues also through our DAP will directly benefit our staff and prospective employees with disability and improve our workplace culture.

Having a diverse workforce, including strong representation of all types of disability, is also good for our organisation and clients. Diverse lived experience can lead to different perspectives, ideas and solutions. This is valuable and is particularly important given the work we do and the high proportion of our clients who experience disability. While we recognise that everyone’s experience of disability is different, having a workforce with insights into the lived experience of disability is a strength when supporting our clients.

This part of our plan aligns with our obligations under section 38 of the current *Disability Act 2006* (Vic) to reduce barriers to people with disability obtaining and maintaining employment. It also aligns with the VLA Outcomes Framework pillars 4.2 and 4.3, and our Inclusion Framework goals.

### Key objectives

**6. Support the VLA Disability Employee Network to inform and influence our workplace policies, practices and culture**

In March 2021, VLA established its first ‘Disability Employee Network’ (DEN), which is open to all staff experiencing or have experienced disability, mental health issues, chronic illness and/or neurodiversity. It provides peer support for individual members. It also plays an important advisory role to VLA on how we can be more accessible and inclusive of staff and clients with disability and mental health issues.

Under this key objective, we will:

* Support and embed the role of the DEN to ensure that peer support is available to all staff with disability and to strengthen the way it informs and influences our workplace policies, practices and culture, drawing on their valuable lived experience.

**7. Improve our understanding of our disability workforce through better data**

VLA conducted a Gender, Diversity and Inclusion (GD&I) staff survey in April 2021. The GD&I survey was completed by 519 staff (57.8 per cent). Around 17 per cent of staff at our organisation identified as having a disability or mental health issue.[[17]](#footnote-18)

While the survey did not have a time-period specified on the question for staff about when they may have experienced a disability or mental health issue, of the 17 per cent, more than half said they had not disclosed this to VLA before.[[18]](#footnote-19) There are a variety of reasons for this, including not requiring reasonable adjustments to perform their role. Approximately 40 staff indicated they had not disclosed because they felt it would impact career progression, and some feared discrimination and prejudice. About a third of those who responded worried about being treated differently.

We do not know the range of disability types included in this 17 per cent figure. The limited data about our workforce also means we do not know how well staff with disability are represented in positions at each level in the organisation. Of the staff who responded to the survey with disability or mental health issues, more staff with disability or mental health issues reported experiencing bullying and harassment, more sexual harassment and being excluded from events compared with staff without disability or mental health issues.

Of the staff who responded to the survey and identified as having a disability or mental health issue, a lower percentage than other diverse cohorts felt that VLA’s policies and complaints processes are effective in dealing with any concerns raised about discrimination. In considering barriers to reporting, a significant number of staff with disability or mental health issues said they did not know who to report discrimination to or how to report discrimination compared with a lower number of staff without disability or mental health issues.

The results suggest we need to do more to address attitudinal and cultural barriers in our organisation to ensure it is a disability-positive, welcoming, safe, and inclusive workplace. This will lead to more staff feeling confident about disclosing their experience of disability or mental health issues through our employee systems. Staff do not need to disclose their disability when they start working with us unless they need support or reasonable adjustments. If they experience a disability while working for VLA and tell us about their support needs, this will in turn improve our data and our responses.

Under this key objective we will:

* Explore ideas in collaboration with the DEN for gaining staff trust in disclosing disability (including intersectional data) through our recruitment and employment systems if support would assist them to undertake their role
* Improve our data collection in our employment systems by giving staff more choice to select multiple disabilities and adjustments required or support needs
* Monitor and track our data from staff (in line with appropriate privacy, security and confidentiality requirements) and customise our surveys to make sure that we can alleviate any data gaps. This will help VLA to better understand barriers to inclusion and equality for people experiencing intersectional and disability inequality
* Promote the value of diversity, including disability and mental health issues, in the workforce, within teams and at all levels of the organisation so staff feel safe and confident to disclose information to us
* Produce regular communications to staff about what will be done with their information and what the benefits will be of disclosing their experience of disability or mental health issues to their manager and VLA.

**8. Build a disability-positive, safe and inclusive workplace culture**

Our recent GD&I staff survey results also showed that of the staff respondents to the survey who have a disability or mental health issue, a significant number have not disclosed their disability to VLA due to concerns about career progression and a third said they felt that they may be treated differently if they disclosed their disability or mental health issue. They felt they had less access to development opportunities and were less likely to view our recruitment processes as welcoming, encouraging and considerate of the needs of candidates from diverse backgrounds.

Other results from the GD&I survey include:

* Staff responding to the survey who have a disability or mental health issue scored below the average on whether VLA provides a culturally safe and inclusive work environment
* Staff with disability or mental health issues who responded to the survey had the lowest score of our diversity cohorts in recommending VLA as an employer of choice
* Staff with disability or mental health issues who responded to the survey feel less included, valued, and respected in their team than staff without disability.

Under this key objective, we will:

* Review and revise the content and improve the uptake of our existing training modules on diversity, inclusion, unconscious bias and disability
* Consider partnering with disability organisations to deliver professional development training to our staff
* Promote VLA’s desire to support disability diversity internally and externally by participating in forums and conferences and making statements on the issue
* Consider Key Performance Indicators for improving diversity and inclusion in managers performance plans
* Make the importance of disability accessibility and inclusion more visible within our organisation for staff, including by:
  + Holding our own regular forums and events that advance conversations about diversity, inclusion, and cultural safety
  + Providing a progress report on the work of the DAP as part of the reporting done to the VLA Health, Safety and Wellbeing Committee
  + Giving more platforms to people with disability, such as when selecting speakers for events
  + Acknowledging and celebrating disability-related events and dates
  + Incorporating DAP objectives in VLA planning and strategies
* Establish a Diversity and Inclusion Champions Network of staff members in line with our Inclusion Framework – including senior leaders – from across the organisation to promote the work of the DAP and our other diversity and inclusion initiatives and help create a disability-positive and inclusive workplace more broadly.

**9. Provide better support to staff members with disability and intersectional factors that impact on them and ensure our workplace is accessible**

Some staff with disability or mental health issues require workplace adjustments, flexible practices or other supports in order to perform their roles. Staff have also reported aspects of access to our buildings and ICT not being fully accessible or inclusive of their needs.

There is an obligation on VLA to provide reasonable adjustments to staff with disability or mental health issues and ensure we do not directly or indirectly discriminate against them. In addition, we have obligations under Occupational Health and Safety legislation[[19]](#footnote-20) and commitments under the VLA Health, Safety and Wellbeing Policy.[[20]](#footnote-21) In consultations, some managers indicated they do not feel they have the skills, tools or confidence, to respond to the support needs of their staff members with disability. We are aware that supportive and inclusive workplace practices vary throughout the organisation and the provision of adjustments – and therefore the experiences of staff members – vary considerably across the organisation.

Under this key objective, we will:

* Provide better resources and training for our people managers (including through our Health Safety and Wellbeing team at VLA and our Health and Safety staff representatives) to help them provide consistent and appropriate support for our staff members with disability and mental health issues, from induction onwards
* Review and promote our reasonable adjustment policy and other relevant policies
* Ensure completion of unconscious bias training by People & Culture Business Partners
* Provide and promote clear contact points within our People & Culture team to improve support to our staff members with disability or mental health issues and their managers
* Better understand and remove physical, built environment, and other barriers in our workplace.

**10. Ensure recruitment processes are accessible and equitable**

In our GD&I survey, staff who identified as having a disability or mental health issue said they are less likely to view our recruitment processes as welcoming, encouraging and considerate of the needs of candidates from diverse backgrounds.

Under this key objective, we will:

* Make sure that recruitment policies, processes and systems at VLA (including opportunities for law students and graduates with disability) are supportive and accessible for people living with diverse types of disability
* Make our workforce more reflective of the clients we serve by increasing the percentage of staff with diverse disability at VLA to 20 per cent
* Ensure completion of disability training by staff who undertake recruitment and include people with lived experience of disability on our recruitment panels
* Consider role models for disability inclusion within areas of leadership responsibility
* Encourage participation of senior leadership in disability development and promotion programs
* Review our workforce planning process to ensure disability objectives are included.

**11. Improve career pathways and professional development opportunities for staff with disability**

Staff that participated in our GD&I survey who identified as having a disability or mental health issue, feel they have less access to development opportunities. The survey results show that we have some work to do in VLA with our staff with disability in this area.

Under this key objective, we will:

* Seek the views of the DEN and staff more broadly for ideas to redress any imbalance in access to career progression and professional development for staff with disability or mental health issues
* Make sure that career pathways (including opportunities for graduates with disability) and development opportunities are supportive and accessible for people living with diverse types of disability.

## VLA and our community

We are committed to improving disability inclusion in the broader community.

The concepts of equality, anti-discrimination and accessibility are embedded in the United Nations’ *Convention on the Rights of Persons with Disabilities*, which demands ‘[r]espect for difference and acceptance of persons with disabilities as part of human diversity and humanity’, as well as ‘the[ir] full and effective inclusion … in society’.[[21]](#footnote-22) However, many people with disability in Australia continue to experience exclusion from social, economic, political, and cultural life, as well as other significant historic and ongoing injustices.[[22]](#footnote-23)

We see how the issues in people’s lives including discrimination and exclusion, can result in spiralling legal problems. Gaps in systems and services for people with disability can have serious consequences including people with disability ending up in prison, homeless or in the child protection system. We are therefore committed to improving disability inclusion in the broader community and strengthening the services that should support people with disability and their families to live well and without the need for involvement in the justice system.

VLA is already doing a wide variety of work that directly or indirectly promotes the inclusion and participation in the community of people with disability, such as:

* Our Equality Law Program, that actively addresses discrimination based on disability
* Our various individual legal and non-legal advocacy services that help make sure people with disability have the advice and resources they need to participate in the justice system, other systems and the community more broadly
* Our community legal education work, that helps people with disability to understand their rights
* Our strategic advocacy, that regularly seeks to partner with other peak organisations to address systemic barriers and practices that exclude or limit the rights and opportunities of people with disability.

We do this work well. However, our new DAP provides a valuable opportunity for us to reflect on how we can use our role and influence in the legal assistance sector, justice system and community more broadly to work with and influence others to better promote the inclusion and participation of people with disability or mental health issues in the community.

This part of our plan aligns with our obligations under section 38 of the current *Disability Act 2006* (Vic) to reduce barriers to people with disability obtaining and maintaining employment. It also aligns with the VLA Outcomes Framework pillars 5.1 and 5.2, our Strategic Advocacy Priorities, and Inclusion Framework goals.

### Key objectives

**12. Embed a focus on disability, and include disability lived experience perspectives and expertise, in all VLA work**

Consideration of disability, support needs and disability justice need to be built into our systems and processes consistently from the outset, rather than on a retrospective or case-by-case basis.

Under this key action, we will:

* Amend our policies, procedures and practices, as opportunities arise,[[23]](#footnote-24) across VLA to ensure we proactively and systemically consider the rights, needs and negative impact of discrimination on people with disability, and seek to incorporate disability lived experience perspectives and input, into all of our work, wherever possible. This includes:
  + Our strategic advocacy
  + Our research and evaluation work
  + Our project work
  + Training
  + How and what we procure
  + ICT
  + Service design and delivery
  + Community Legal Education and
  + Auditing and reporting.

Our organisation-wide Disability Working Group will help ensure effective sharing of information and collaboration on disability-related projects across VLA.

In doing this, we can make VLA more universally accessible and help address historic and ongoing injustices against people with disability.

**13. Proactively engage with, and build stronger relationships with organisations that represent and work with people with disability**

In VLA’s strategic priorities and plans we commit to work in ways to build trust and deepen relationships with colleagues, partners, and the community.

We seek to serve the broader community by providing information, legal advice, and education with a focus on the prevention and early resolution of legal problems, and legal representation to those who need it the most.

We increasingly collaborate with other organisations in our strategic advocacy campaigns and submissions. However, this has sometimes been ad hoc. Under this key objective, we will build stronger relationships and more effective partnerships with other organisations that represent and work with people with disability. This will help us deliver more targeted, tailored and accessible preventative legal information and advice services in a collaborative way.

Under this key objective we will:

* Strengthen our relationships and collaborate with other organisations and services that represent or work with people with disability as ‘critical friends’, to systematically improve our services and to better assist individual clients.

**14. Advocate for and promote cultural and attitudinal change in the broader community to benefit people with disability**

Our Outcomes Framework states that we will work for fairer laws, systems and policies by contributing to change in practices by government, courts and tribunals and service providers to better support clients and community and address systemic injustices and to address systemic issues affecting clients and communities.

Through our advocacy, we work to address the barriers that prevent people from accessing the justice system by participating in reforms and ensuring the actions of governments and their agencies are held to account. We have participated in Senate Committee hearings alongside our clients with disability, prepared submissions to Royal Commissions and to governments undertaking legislative reforms, such as on the review of the state Disability Act, the National Disability Insurance Scheme and the Disability Support Pension.

Under this key objective, we will:

* Combine our experience and expertise with other organisations so we can collectively make a greater impact in improving laws and practices that impact on the rights of people with disability and those experiencing mental health issues, and better promote cultural and attitudinal change in the broader community to benefit all people with disability.

# How we developed this DAP

During 2021, the DAP team held both organisation-wide and targeted consultations (including around 100 people), plus numerous other meetings with individuals, teams and groups of staff as well as the Disability Working Group and direct feedback (go to [Appendix 1](#_Appendix_2_–)).

We also sought lived experience feedback and engagement, including from our own Disability Employee Network (DEN), Speaking from Experience (SFE), and the Disability Working Group (DWG) lived experience advisors.

Between 22 March 2021 and 4 April 2021, VLA conducted its Gender, Diversity and Inclusion (GD&I) survey of its staff which is undertaken every two years. All VLA’s 899 staff employed at the time were invited to participate in the survey. Out of the 899 employees invited to complete the survey, 519 responded which is a 57.8 per cent response rate. When statistics from the survey are referred to in the DAP, they are representative of the staff who responded, rather than VLA staff as a whole. For example, 27 per cent of staff who responded to the survey identified as having a disability or mental health issue (around 17 per cent of all staff).

From these consultations and the GD&I survey, three focus areas emerged for this DAP – **our clients, our staff** and **how VLA connects to our community**

As explained throughout this document, these focus areas align with, and will contribute to, existing principles, pillars and goals under our various frameworks referred to in our Organisational context, plans and policies.

In addition, we consulted with key disability organisations and partners to obtain their feedback on this plan.

# Implementing, monitoring and evaluation

The 14 key objectives in the DAP are high level and are intended to run across the four-year life of the DAP. Annual implementation plans will set out in greater detail what specific actions we will take each year to work towards each of the key objectives, assign responsibilities and timeframes for those actions, and identify deliverables and other measures so we can track our progress.

A Disability Working Group has been established to oversee the implementation of the DAP. The Working Group will monitor and report on the progress of the implementation to the Executive Management Group.

The status of the measures will be collated and provided to the Executive Management Group once a year and will be used to prepare a section on key achievements against the DAP for the VLA Annual Report. This will include data on the number of staff and clients who identify as having a disability, and the experiences of clients using our services and resources through our existing Client Experience surveys and through consultations with people with lived experience.

The Disability Employee Network and other diversity networks at VLA will be updated and provide input into the progress of implementation of the DAP objectives.

We will monitor reasonable adjustments we make to provide tailored work environments, conditions of work, modes or methods of service delivery or resources to ensure staff are able to participate fully and independently (with reasonable and necessary support) in all aspects of work and career development. This data will be used to identify areas for further improvement.

# Glossary

**Barriers** – Means anything physical, architectural, technological or attitudinal, that is based on information or communications or anything that is the result of a policy or a practice – that hinders the full and equal participation in society of persons with an impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment or a functional limitation.

**Client** – The word ‘client’ is used in this report to mean someone who has been provided with our services. This may be through a grant of legal aid after meeting our guidelines or someone we appeared for in court through our duty lawyer services, or someone we provided information or advice to over the Legal Help phoneline or webchat.

**Cognitive impairment** – When we use this term in the DAP we are describing a condition where someone has an impairment that affects their memory, thinking or ability to pay attention. This would include intellectual impairment, acquired brain injury, Downs Syndrome, ADHD, ADD, Dementia and Alzheimer’s disease.

**Co-design** – Bringing together clients and employees with lived experience of disability, along with stakeholders and decision makers at VLA to jointly create processes and policies.

**Disability** – Throughout this DAP we use the term ‘disability’ to encompass the social model of disability, that is, we intend it to have a broad and inclusive meaning encompassing all forms of sensory, physical, cognitive, learning, intellectual, neurological, developmental, communication and psychosocial impairment (including mental health issues) or a functional limitation whether permanent, temporary or episodic in nature. The impairment or functional limitation may or may not be evident, and in interaction with a barrier, hinders a person’s full and equal participation in society. We recognise and respect that individuals with these experiences may not identify with or use the term ‘disability’ in relation to themselves.

**Disability Employee Network (DEN)** – Formed in early 2021, the DEN is made up of employees from VLA with lived or living experience of disability. The aim of the DEN is to support the creation of the DAP and advise VLA on the experiences of staff with disability, chronic illness, mental health issues or neurodiversity. The DEN currently has around 17 members from across VLA.

**Disability Inclusion** – As modelled on the definition of gender equality in the *Gender Equality Act 2020* (Vic), in the DAP disability inclusion is taken to mean achieving equality of rights, opportunities, responsibilities and outcomes between people with disability and others.

**Disability Working Group (DWG)** – A group of senior staff at VLA with the responsibility of supporting VLA’s work on disability and mental health issues, including but not limited to supporting the work of the DAP, advocating to improve NDIS, sharing information and providing feedback on VLA’s responses to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and to the recommendations from the Royal Commission into Victoria’s Mental Health System and the Disability Act (Vic) review. The DWG also has several members of Speaking From Experience participating on it.

**Duty lawyer services** – The term ‘duty lawyer services’ refers to the service provided by our staff for people seeking assistance in relation to a court or tribunal appearance and it does not necessarily mean that a person is eligible for a full grant of legal assistance or ongoing representation.

**Environmental barriers** – This term is used to specifically refer to anything in the built environment, such as limitations of access to buildings, that stops the full and equal participation within society of people with a disability.

**Gender, Diversity and Inclusion survey** – This is a staff survey completed every second year by our People & Culture team. All staff are eligible to complete this survey.

**Independent Family Advocacy and Support (IFAS)** – This service provides non-legal advocacy and support to parents and primary carers in the early stages of child protection involvement, with a focus on Aboriginal families and parents with an intellectual disability.

**Independent Mental Health Advocacy (IMHA)** – This is a state-wide advocacy service for people receiving compulsory treatment and voluntary inpatients who are at risk of compulsory treatment. The goals of IMHA’s service and approach to advocacy are guided by the principles of the Mental Health Act 2014. The Act promotes voluntary treatment wherever possible and focuses on recovery. IMHA will assist people to have a say in decisions relating to their assessment, treatment and recovery. The service commenced on 31 August 2015.

**Intersectionality** – Is the way different aspects of a person’s identity can subject them to overlapping forms of discrimination. Co-production, co-design and engagement processes in developing and implementing our DAP should ensure the active involvement of diverse communities, including people who experience mental health issues or identify as having a disability, First Nations people, people from culturally and linguistically diverse backgrounds, LGBTQI+ community members, people with different socioeconomic backgrounds, young people and older people.

**Mental health issues** – This term is used to describe disabilities that may arise from someone experiencing mental health issues including schizoid disorders (schizophrenia, schizoaffective disorder), anxiety disorders (anxiety, obsessive compulsive disorder, agoraphobia, post-traumatic stress) and mood disorders (depression, bi-polar, post-traumatic stress), personality disorders and eating disorders. Not everyone experiencing a mental health issue will experience a psychosocial disability.

**Non-legal service** – We regularly refer people seeking assistance to a range of services that are not specifically about their legal question or case – we call these services non-legal services and they include (but are not limited to) such services as family violence support, tenant advocacy, disability support, migrant services, drug and alcohol support services, financial counselling, mental health support services.

**People seeking assistance** – The term people seeking assistance or help seekers is often used to mean people who contact VLA with questions about legal issues they have. They have not yet become ‘clients’ and may be given information or a referral if they do not meet VLA’s criteria for a grant of legal aid under our guidelines or we do not undertake legal work in the area of law they are seeking advice on.

**People with legal needs** – This term is used interchangeably with people seeking assistance to mean people who seek assistance or people who have legal needs who have not yet sought our assistance.

**Psychosocial disability** – ‘Psychosocial disability’ is an internationally recognised term under the United Nations Convention on the Rights of Persons with Disabilities and is used to describe what is often the outcome for a person with a mental health condition attempting to interact with a social environment that presents barriers to their equality with others. Psychosocial disability may also describe the experience of people with impairments and participation restrictions related to mental health issues such as the loss of or reduced abilities to function, think clearly, experience full physical health and manage the social and emotional aspects of their lives

**Speaking From Experience (SFE)** – The Speaking from Experience, an advisory group is made up of people who have lived experience of mental health issues and the public mental health system has been in place since 2016 when it was established as part of IMHA. IMHA’s Senior Consumer Consultant supports Speaking from Experience to inform service design, delivery and evaluation across VLA. The Senior Consumer Consultant and Speaking from Experience have also contributed to policy development, been on staff recruitment panels, and developed accessible resources for clients across our legal and non-legal advocacy services.

**Universal design** – The designing of buildings, products, environments, processes, policies, etc to make them accessible to all people. It is about creating an inclusive society. Eg [8 Goals of Universal Design – Centre for Universal Design Australia](http://universaldesignaustralia.net.au/8-goals-of-universal-design-2/).

# Appendix 1 – Consultation on our draft Disability Action Plan

## Internal consultations

* Disability Employee Network
* Cultural Diversity Consultative Committee
* 5x all staff open sessions
* Targeted workshops on:
  + Our Staff
  + Our Clients
  + VLA and our community
* Regional Managing Lawyers and Deputy Regional Managing Lawyers
* Executive Management Group
* Aboriginal Services
* Client Intake and Inclusion
* Disability Working Group (made up of VLA staff and three lived experience representatives of SFE)
* Policy Managers
* Regional Services team (including Service Design)
* Strategic Planning and Investment team
* People and Culture
* Your Story Disability Legal Support
* Program Managers
* Speaking From Experience
* DLA
* Procurement
* Grants and Quality Assurance

## External consultations

* Office of Public Advocate
* VALID
* Villamanta
* Youth Disability Advocacy Service
* Victorian Aboriginal Legal Service
* Mental Health Legal Centre
* Djirra
* Centre for Innovative Justice
* Federation of Community Legal Centres
* VicDan
* Disability Discrimination Legal Service
* VMIAC
* Deaf Victoria
* CPSU
* Fitzroy Legal Service
* Australian Federation of Disability Organisations
* Women with Disabilities Victoria
* Voices for Change

1. United Nations, *Convention on the Rights of Persons with Disabilities*, preamble, [5]. [↑](#footnote-ref-2)
2. ‘Disability’ is proposed to be defined in the new Disability Act as meaning ‘any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment – or a functional limitation – whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person’s full and equal participation in society.’ [↑](#footnote-ref-3)
3. The National Disability Strategy 2010-2020, An Initiative of the Council of Australian Governments was endorsed on 13 February 2011 by the Commonwealth and all State Governments in Australia. It was the first time that all governments have committed to a national and approach ‘to improving the lives of people with disability, their families and carers…’ a new Strategy titled Australia’s Disability Strategy 2021-2031 is due to be released later in 2021 once formally endorsed by all governments. The National Disability Strategy 2010-2020 remains in place until the new Strategy is given endorsement [↑](#footnote-ref-4)
4. Lessons for the post-COVID workplace – how employers can better support parents, carers and workers with disability | Victorian Equal Opportunity and Human Rights Commission and Court hearings via video 'risk unfairness for disabled people' | UK news | The Guardian [↑](#footnote-ref-5)
5. Statement of Concern accessed on 24 November 2021 https://disability.royalcommission.gov.au/publications/statement-concern-response-covid-19-pandemic-people-disability [↑](#footnote-ref-6)
6. *Measuring Australia’s digital divide: The Australian digital inclusion index (2021)* Thomas et al RMIT, Swinburne. While digital inclusion is improving at a national level, 23% of highly excluded people (11% of the population) are those with disability. [↑](#footnote-ref-7)
7. ‘People with disability in Victoria’, 6 May 2021, <https://providers.dffh.vic.gov.au/people-disability-victoria> [↑](#footnote-ref-8)
8. Coumarelos, C, Macourt, D, People, J, MacDonald, HM, Wei, Z, Iriana, R & Ramsey, S, *Legal Australia-Wide Survey: legal need in Australia*, Law and Justice Foundation of NSW, Sydney, 2012, pp 227-228 found that people with a disability were the only disadvantaged group to have increased prevalence on all of the measures examined. [↑](#footnote-ref-9)
9. We suspect the true number may be much higher. For example, 46% of clients responding to the 2019 VLA client satisfaction survey reported having some form of disability. [↑](#footnote-ref-10)
10. [Ten priorities to address disability inequity - FPDN](https://fpdn.org.au/ten-priorities-to-address-disability-inequity/) in Aboriginal and Torres Strait Islander Communities for the National Disability Strategy and NDIS [↑](#footnote-ref-11)
11. Priority 4, [Ten priorities to address disability inequity – FPDN](https://fpdn.org.au/ten-priorities-to-address-disability-inequity/) [↑](#footnote-ref-12)
12. Both different types of disability and diverse backgrounds – First Nations, CALD, younger and older, LGBTQI+ [↑](#footnote-ref-13)
13. Participants will be remunerated for their expertise as VLA does for SFE and SeAS. [↑](#footnote-ref-14)
14. People with cognitive disability and those who are experiencing mental health issues that significantly affect their ability to engage in everyday activities are considered to be the highest priority clients in VLA’s Client Priority and Capability Policy and will be a focus of this work, but we also consider other people with disabilities that experience barriers in accessing legal help. [↑](#footnote-ref-15)
15. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Employment Issues Paper*, 2020, pp 2-3. [↑](#footnote-ref-16)
16. This was one of the key drivers for the review undertaken by Victorian Equal Opportunity and Human Rights Commission regarding our complaints system. The recommendations of this review will inform further work to address barriers and encourage reporting. Implementing the full suite of recommendations of this review will occur as part of our work in our Gender Equality Action Plan (GEAP).   [↑](#footnote-ref-17)
17. Note that the G,D &I survey did not put a time limit on the question about when a person may have experienced a mental issue or a disability (so it could have been any time in their lifetime). This is a limitation that will be addressed in future surveys. [↑](#footnote-ref-18)
18. Out of 899 staff at VLA at the time of the survey, 519 people responded and 149 identified as experiencing a mental health issue or a disability. This is representative of approximately 17% of the total VLA workforce. (149 of 899 people) [↑](#footnote-ref-19)
19. Specifically the *Occupational Health and Safety Act (VIC) 2004* and the *Occupational Health and Safety Regulations (VIC) 2017*. [↑](#footnote-ref-20)
20. VLA’s Health, Safety and Wellbeing Policy from November 2020 aims to ‘provide workplace environments that prevent psychological and physical injury, illness and harm to our employees and stakeholders who work, do business in, visit us, or who may be impacted by our work activities where we operate.’ [↑](#footnote-ref-21)
21. United Nations *Convention on the Rights of Persons with Disabilities* article 3. [↑](#footnote-ref-22)
22. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Issues Paper: Promoting Inclusion*,December 2020, p 3.  [↑](#footnote-ref-23)
23. Undertaking Gender Impact Assessments as part of our obligations under the *Gender Equality Act 2020* (Vic) gives us the opportunity to apply an intersectional lens, including for disability, in reviewing or developing new policies, programs and services that are client facing. This highlights the interconnectedness between this DAP and the gender equality work being undertaken in VLA, and will ‘future proof’ VLA in the event that the *Disability Act 2006* (Vic) reforms require us to undertake disability impact assessments. [↑](#footnote-ref-24)