

Synod of Victoria & Tasmania

# Disability Action Plan 2015-2018

## Disability and Discrimination



Uniting Church in Australia  
SYNOD OF VICTORIA AND TASMANIA

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The *Disability Discrimination Act 1992* (DDA) Section 4(1), defines disability in fairly broad terms, as follows:

- \* the total or partial loss of a person's physical or mental functions (such as a person who has quadriplegia, brain damage, epilepsy, or who has vision, hearing or speech impairment);
- \* the total or partial loss of a part of the body (such as a person who has lost a limb, or a woman who has had a hysterectomy);
- \* the presence in the body of organisms capable of causing disease or illness (such as infectious and non-infectious diseases and illnesses. For example, a person with AIDS, hepatitis, or TB, a person with allergies or who carries the typhoid bacteria);
- \* the malfunction, malformation, or disfigurement of a part of a person's body (such as a person suffering from asthma or diabetes, one who carries a birthmark or scar);
- \* a disorder or malfunction that results in the person learning differently from others (such as autism, dyslexia, attention deficit disorder or intellectual disability);
- \* any condition which affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour (such as a person with a mental illness, neurosis or personality disorder).

The Australian Bureau of Statistics (2009) indicates at least 18.5% of Australians identify as having a disability. For some people, disability has been there since birth, for others it is acquired. As people get older they are more likely to develop a disability of some kind. Some disabilities are not always 'obvious'. For example, a person with a hearing impairment may pass unnoticed in a church service or meeting, raising the question of whether our buildings, procedures and forms of worship are automatically friendly and universally accessible.

There are forms of disability which have not always been linked with discussions of disability. For instance the person who is extremely obese will find accessibility to buildings, vehicles, theatres very difficult. An extremely tall person, or person of short stature may experience disadvantage. Also to be considered are the needs of carers, family and friends who are in various ways involved in the circle of disability.

As Elizabeth Hastings suggests;

*It could be said that disability is one of the most commonplace occurrences in human living. It is certainly central to the experience of being human, both in its presence, and in the reaction of other human beings to its presence.<sup>1</sup>*

## Discrimination

The DDA makes it unlawful to discriminate against people on the basis that they have or might have a disability. It is also unlawful to discriminate against a person on the basis that one of their associates (partner, carer, friend or family member), has or may have a disability. This applies to any activity in our society, from the provision of goods and services to the provision of facilities.

It means that people with disabilities must be given equal opportunity to participate in and contribute

to the full range of social, political, cultural and religious activities. The Act is not simply asking that society provide limited or parallel access as an extra, but insists that 'equality of access' be integrated into the general provision of goods and services. This also applies to employment. When the church uses volunteers in its congregations and agencies, does equality of opportunity exist?

**Direct discrimination** refers to those situations where less favourable treatment is given to either a person or their associates. For example, a person with a wheelchair may be given the worst seat in the restaurant, because their chair might get in the way of other patrons. People with disabilities have a right to the same level and quality of service as anyone else. Similarly, people with disabilities must have an equal right to participate in and offer leadership within the church and its agencies.

***“Bill liked going to church. Since his new medication allowed him to feel more alive he wanted to be with people. He was exploring faith and felt that he had God in his heart. An hour is too long for Bill to sit still, so he would wander out and have an early coffee, maybe a cigarette, and sometimes he would help himself to some milk if he was running short at home.***

***Because he was seeking companionship he wanted to join a men’s group. The host for the evening made him welcome, but none of the other men spoke to him. Something about Bill’s louder than usual voice in worship, or his restlessness must have made them think that he doesn’t have needs for company like the rest of them, or that his feelings are somehow less likely to be hurt when he is treated with contempt. Now Bill says he won’t go back to church. He doesn’t want to risk being hurt again”.***

-Anon

The DDA also speaks of **indirect discrimination**. This is where a person or institution requires a person to comply with certain conditions, which they simply cannot comply with, or which are unreasonable given the circumstances. This may involve having to comply with certain procedures or practices. Examples include a requirement to complete a form when the person cannot write or, in the case of education, it could be argued that a curriculum that demands a lot of physical mobility is discriminatory.

But discrimination occurs in more subtle ways. It is often difficult for the person with the disability to articulate how it occurs. As Elizabeth Hastings says, “one just ‘knows’ there’s something fishy going on”. Much discrimination comes through personal interactions, such as a patronising demeanour, the tone of voice, embarrassment or through simple avoidance. We have witnessed of late the struggle of people with disabilities in claiming their rights in respect of human and intimate relationships, particularly in the area of sexuality. This is an issue over which many in the church and the community are acutely embarrassed. Some people find it difficult to accept the fact that people with disabilities also have sexual needs. The church’s struggle with gay and lesbian sexuality, the awkwardness with which it acknowledges sexual desire among ageing people, has its parallel in its attitude towards some people with disabilities. Too often the sexuality of people with disabilities is denied.

It is easy to make assumptions about people with disabilities. A person who has lived with a disability from birth will experience life differently to a person who has no such disability. For one thing, their disability may have involved considerable dependence, which would affect their perception and experience of autonomy.

# Universal Access

Universal access means more than physical access. It encompasses how people with disabilities will feel included and involved in the life and programs of the church.

***Whilst access to a church may be seen as gaining entry into it, the concept of accessibility embraces not only entry to, but also enjoyment of, the use of all the building's services and facilities.***

It is no longer sufficient to provide alternative access to buildings. True accessibility occurs when people with disabilities have access *in the same way as everyone else*, for example, the need to have access through the same door. We need to avoid the situation of people being made into 'spectacles' before the crowd.

When a church building is accessible, when the worship and activities are truly accessible, then a great number of other people are also enabled: elderly people, people who are unwell, children, parents with prams. Once, we would have asked, how can we help the person with a disability? Today the question needs to be reframed. People with disabilities are not the problem. The problem comes from outside. Disability is what happens when decision-makers build buildings, form policies, organise worship, arrange meetings, and plan social activities for the mainstream majority.

<sup>1</sup> Elizabeth Hastings Hidden Disability Discrimination, Published in "*Challenging Disabled Practices: Talking about Issues of Disability*", 1997 Dulwich Centre, Adelaide p 8-11.

<sup>2</sup> Elizabeth Hastings, *ibid*.