

Employer obligation fact sheet

Employers must offer equal opportunities to all prospective employees – which means that if a person with disability can complete the inherent requirements of a job, they should have just as much of a chance to secure that job as anyone else.

Inherent requirements are different to just “job requirements”. Inherent requirements are the essential activities of the job: the core duties that must be carried out in order to fulfil the purpose of a position.

The Disability Discrimination Act 1992 makes it unlawful for employers to discriminate against people due to their disability.

The main obligations for employers are:

- not to discriminate directly by less favourable treatment
- not to discriminate indirectly by treatment which is less favourable in its impact, i.e. having rules or practices that are the same for everyone but are less favourable for a person with disability
- to make reasonable adjustments where required
- to avoid and prevent disability harassment.

These obligations apply in relation to:

- arrangements for determining who should be offered employment, including advertising, the provision of job information, application forms, interview arrangements, selection tests and other enquiries in accessible formats
- determining who should be offered employment
- the terms and conditions on which employment is offered, including matters such as wages, salary or other payments; duties performed, performance requirements, Occupational Health and Safety (OH&S) protections, equipment and facilities provided, information and communication on work-related issues, work environment, supervisory and management requirements; leave, superannuation and workers' compensation entitlements
- opportunities for promotion, transfer or training, including training provided outside the workplace on behalf of the employer
- any other benefits associated with employment
- dismissal of an employee, or other termination of employment
- any other detriment.

