

Accessibility FACT SHEET FOR BUSINESS OWNERS



Under the *Equal Opportunity Act 2010*, it is against the law to discriminate against people based on a personal characteristic (protected attribute under the Act), including disability.

As a business owner, this means you need to provide accessible premises and services and ensure you do not discriminate against people with disabilities.

Preventing discrimination is not just required by law – it makes good business sense. Failing to provide accessible premises and services could mean some customers avoid your business or make a complaint of discrimination to the Commission. You could also put your business's reputation at risk because of poor customer reviews.

Providing an accessible environment can also benefit other people who are protected from discrimination under the Equal Opportunity Act – including older people, parents and carers.

This fact sheet provides you with information about your legal obligations as a business owner and how you can meet them by making your premises more accessible. While this information focuses on retail and hospitality – the same laws

apply to all businesses and the same principles may assist them to grow their customer base.

What is discrimination?

Discrimination may be direct or indirect.

Direct discrimination is treating someone unfavourably because of an actual or assumed personal characteristic (protected attribute under the Act). For example, this could include refusing to provide a service or providing a poor service on the basis of a person's disability. It can also cover threatening to treat someone unfavourably, such as saying they will be asked to leave if they bring their assistance dog onto your premises.

Indirect discrimination can happen if an unreasonable policy or practice is applied that can, or does, disadvantage someone because of their disability. This can happen when a blanket policy or approach is applied to everyone but it has the effect of disadvantaging someone with a disability.



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ACCESSIBLE

Improving accessibility in retail & hospitality



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The Following attributes are protected under the Equal Opportunity Act:

- age
- carer and parental status
- disability (including physical, sensory and intellectual disability, work related injury, medical conditions, and mental, psychological and learning disabilities)
- employment activity
- gender identity, lawful sexual activity and sexual orientation
- industrial activity
- marital status
- physical features
- political belief or activity
- pregnancy and breastfeeding
- race (including colour, nationality, ethnicity and ethnic origin)
- religious belief or activity
- sex
- personal association with someone who has, or is assumed to have, one of these personal characteristics.

Discrimination is unlawful if it occurs in any of the following areas of public life:

- accommodation
- clubs
- education
- employment
- goods and services
- land sales and transfers
- local government
- sport.

The positive duty – eliminating discrimination before it occurs

The Equal Opportunity Act requires that businesses take reasonable and proportionate steps to prevent discrimination against customers. This 'positive duty' focuses on eliminating the causes of discrimination, not just responding to complaints that arise.

Part of the positive duty is ensuring that you and other staff take time to conduct a scan of your current premises and services to assess if they are accessible to all customers and to put in place improvements.

To find out more detailed information about the positive duty visit humanrightscommission.vic.gov.au/positiveduty.

Making reasonable adjustments

In addition to the general protection against discrimination, the law says that service providers must make reasonable adjustments so that people with disabilities can access their services. This is a stand-alone provision, meaning a person does not have to prove they have been discriminated against – they only need to show that reasonable adjustments were not made for them.

Reasonable adjustments are changes you can make to improve accessibility for people with disabilities and to ensure all customers can access your premises and services.

Making reasonable adjustments requires balancing the need for change with the expense or effort involved in making this change. If an adjustment results in a disproportionately high expenditure or disruption, it is not likely to be reasonable.

Examples of reasonable adjustments could include:

- clearing aisles to make it easier for people to move around
- installing rails where necessary
- adjusting the height of service counters
- providing chairs in waiting areas to assist people with physical disabilities
- providing spacious fitting rooms at ground level
- providing accessible toilets
- using communication aids, such as communication boards, tablet computers or large print menus
- ensuring lights are made brighter upon request.
- making your entrance wider to accommodate people using a wheelchair or mobility aid.

Assistance dogs

It is against the law to deny a person with disability access to your premises because they have an assistance dog, or to treat them unfavourably because they have one.

People with a wide range of disabilities - including sensory, physical, mental health and other disabilities including epilepsy and autism spectrum disorder - use assistance dogs. The rule is – if the dog is trained to alleviate the affects of the person's disability, it is an assistance dog and must be let into the premises.

Assistance dogs are working animals that are specifically trained to behave in a non-aggressive manner and are kept clean. Never pat or distract an assistance dog or offer it food while it is working.

Federal law

It is also against the law to discriminate against people with disabilities under the *Disability Discrimination Act 1992* and people with disabilities who experience discrimination can also make a complaint of discrimination to the Australian Human Rights Commission.

You also have legal obligations under the *Disability (Access to Premises-Buildings) Standards 2010* (known as the Premises Standards).

You can find information about these obligations by contacting the Australian Human Rights Commission. Website: humanrights.gov.au Phone (02) 9284 9600.



What do I need to do to improve accessibility?

Making changes doesn't have to be expensive. You may find you can make a few simple improvements to score some 'quick wins' and make a real difference for customers with disabilities.

You can start by taking the Commission's self-assessment to examine the accessibility of your environment and identify the improvements you need to make. Visit www.accessiblebusiness.com.au to take the test.

A combination of providing easy entry to your shop or building and staff training will help you make your business more accessible and meet your legal obligations. You can also improve access to premises, goods and services by contacting your

landlord or local council where necessary about building changes and alterations.

The type of language you use in your business in terms of signage plays an important role in making customers feel welcome. For example, words such as 'accessible' toilet, parking or entry instead of 'disabled' toilet, parking or entry should be used.

You may also need technical advice to make some changes. The Commission's Come in, We're Accessible web page provides links to a range of organisations that can assist you. Visit www.accessiblebusiness.com.au for more information.



TIPS

To improve ACCESSIBILITY

Following the tips below may help you to improve accessibility:

Make it easy for people to find you:

- put up clear external signs to help people find your premises
- paint the entrance in a colour that contrasts with the surroundings
- put safety markings on the glass so that people do not walk into it.

Make it easy for people to get in

- provide better doors and doorways by placing door handles at a lower height, making the door easier to open for people using a wheelchair or mobility aid
- welcome people with assistance dogs and ensure they can access your premises and services on an equal footing with other customers
- provide non slip surfaces at entrances
- ensure there is level access by removing steps, if possible, or by installing a ramp if you cannot provide level entry
- remove obstacles from walkways and entrances.

Make it easy for people to get around

- make sure there are clear lines of sight between the entry and the counter
- consider providing anti-glare lighting
- make sure your aisles provide a clear path of travel so it is easy for customers to move around
- try to provide goods and services within reach of someone using a wheelchair or mobility aid.

Make information easy to access

- for people who are deaf or hard of hearing, try to reduce background noise and install a hearing loop at counters to help people using a hearing aid
- organisations such as Scope, Deaf Victoria and Vicdeaf can help you to source providers of hearing loops
- have a pen and paper ready to assist with communication
- think about the position and colour used on your signs and labels and make menus or product information easy to read
- include captions on any television screens
- train your staff to read information to customers if necessary and for people who are visually impaired, provide information such as menus in Braille and large font. Make sure specials are also written on the menu or a board
- train your staff to use electronic (for example, tablets) and non- electronic communication aids (for example, communication books, boards or cards with pictures of your goods) to help customers access your services.

Make it easy for people to use amenities

- provide an accessible storage area for mobility aids
- provide seating with backs and arm rests
- design or modify fitting rooms so they are large enough to accommodate wheelchairs or mobility aids
- have your fitting rooms on the ground floor so that everyone can use them
- provide accessible toilets.

You can download the Commission's fact sheets about accessible toilets and changing places at www.accessiblebusiness.com.au for more information.

Provide good customer service:

- train your staff on how to communicate effectively with customers with a range of disabilities
- guide your staff to focus on the person and not on the disability and to treat each person as an individual
- guide your staff on how to give appropriate assistance when needed - for example, being clear, allowing time and reducing background noise
- train your staff on how to use interpreters and communication aids when communicating with customers and to address the customer directly rather than speaking to a person accompanying them
- train your staff to offer alternative ways of delivering your goods and services for customers with disabilities where there are barriers to equal access.

You can download the Commission's fact sheet on communicating with customers with disabilities at www.accessiblebusiness.com.au for more information.

Scope Victoria offers a range of services to support people with disabilities to be part of their communities, and to support businesses and services to be more inclusive.

Scope provides an accessible written information service to create easy-to-read documents such as brochures, menus and other important information.

Scope offers a communication access accreditation process and will award the Communication Access Symbol (below) to businesses and services that meet the minimum standards for communication access. These standards contribute to great customer service and successful communication for everyone.



For more information, visit the website: scopevic.org.au or phone (03) 9843 3000.

Where can I get more advice and information?

To find out more about protected attributes, your legal obligations, other agencies that work with and for people with disability, and how to improve communication accessibility, visit www.accessiblebusiness.com.au

