

Affirmative measure for recruiting people with disability: guide for agencies

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Identify a vacancy as open only to people with disability

The disability affirmative measure lets agencies identify a vacancy as open only to people with disability, or a particular type of disability.

The aim is to improve representation of people with disability in the Australian Public Service (APS) by:

- promoting the right to equality and non-discrimination in employment for people with disability

- acknowledging that everyone has the right to employment, while recognising it's sometimes necessary to provide extra support to some groups for them to enjoy their right to employment on an equal basis
- increasing the number of people with disability employed in the APS
- helping agencies meet the objectives of the [APS Disability Employment Strategy 2020-25](https://www.apsc.gov.au/publication/australian-public-service-disability-employment-strategy-2020-25) (<https://www.apsc.gov.au/publication/australian-public-service-disability-employment-strategy-2020-25>).

The affirmative measure is in Section 27 of the [Australian Public Service Commissioner's Directions 2016](https://www.legislation.gov.au/Details/F2016L01430) (<https://www.legislation.gov.au/Details/F2016L01430>).

Eligible vacancies

You can apply the disability employment affirmative measure to any ongoing, non-ongoing or casual APS vacancy, including Senior Executive Service (SES) jobs, regardless of the duties. It can be used for individual vacancies as well as bulk rounds, such as graduate recruitment rounds.

You can use the affirmative measure if:

- the vacancy is ongoing or non-ongoing for more than 18 months and needs a full merit-based selection process, including notifying the vacancy in the Public Service Gazette
- the vacancy is short-term (18 months or less) or for irregular or intermittent duties, and doesn't need to be notified in the Gazette
- your agency is engaging a Disability Employment Services (DES) participant who has been assessed as likely unable to compete successfully on merit in a competitive selection process.

Vacancies only for people with a particular type of disability

Vacancies only for people with a particular type of disability are usually because there is a connection with the job requirements. An example is recruiting a person with vision impairment to test software accessibility.

Where appropriate, you may also restrict vacancies to a particular group of people with disability, who experience disproportionate employment disadvantage. For example, people with intellectual disability.

Eligible applicants

Only people with disability or a particular type of disability are eligible for vacancies under the affirmative measure.

Definition of disability

People are considered to have a disability if they have any limitation, restriction or impairment, which restricts everyday activities and has lasted, or is likely to last, for at least six months.

Full details are at [Definition of disability \(https://www.apsc.gov.au/working-aps/diversity-and-inclusion/disability/definition-disability\)](https://www.apsc.gov.au/working-aps/diversity-and-inclusion/disability/definition-disability).

Evidence of disability

Agencies need to make sure applicants are people with disability. But rather than asking all applicants to provide evidence unnecessarily, you can ask only shortlisted applicants.

Suitable evidence of a disability may be a:

- certificate or letter from a registered medical practitioner
- letter from a Disability Employment Service or jobactive provider
- letter from a secondary or tertiary institution disability services unit in relation to a recent student.

If these documents are not available, consider accepting a statutory declaration from the applicant.

Evidence of disability is not to include information about the type of disability – unless the vacancy has been restricted to people with a particular type of disability.

Having evidence for shortlisted applicants also allows you to form merit lists for future vacancies, which may be shared between agencies. Remember, privacy provisions apply to [sharing merit lists \(https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/creating-using-and-sharing-merit-lists\)](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/creating-using-and-sharing-merit-lists).

How it works

Process for ongoing or non-ongoing vacancies for more than 18 months

Ongoing and non-ongoing vacancies for more than 18 months require a merit-based selection process, including notifying the vacancy in the Gazette.

Make sure your online application and assessment processes are fully accessible and offer potential applicants alternative formats if required.

Your selection panel members should be trained in disability awareness. Consider also having a representative from your agency's diversity team and/or a person with disability on the panel. You may need specialist training for panel members for vacancies restricted to applicants with particular types of disability.

Step 1 – Job description

- Identify the key skills required to do the job.
- Revise or develop the job description and make sure it reflects only the inherent (essential) requirements of the job.

EXAMPLE

How to improve job descriptions based on inherent requirements and write them in an inclusive way

Instead of this:

- Must have a driver's licence
- Ability to scribe shorthand
- Must have knowledge of the department's quality control strategies

Write this:

- Must have access to reliable transport
- Ability to record meeting minutes
- Have an understanding of quality assurance frameworks

Note: Inherent requirements are the core activities, tasks or skills that are essential to a workplace and to a specific job. Inherent requirements are those that cannot be allocated elsewhere, are a major part of the job and result in significant consequences if they are not

performed. Inherent requirements for particular positions are very contextual and agencies to seek their own legal advice if they have specific questions on whether something is an inherent requirement.

Step 2 – Classification level

- Evaluate the role using the APS or SES work level standards to confirm the classification level.

Step 3 – Notify vacancy

- Notify the vacancy in the Public Service Gazette (APSjobs) and on other websites as desired.
- Clearly identify the vacancy as being notified under the 'Affirmative measure – disability employment' in the job title and under the 'Eligibility' heading.
- When lodging the vacancy on APSjobs, tick the 'Affirmative measure vacancy – disability employment' box.
- Provide contact details for applicants who require alternative application formats.

EXAMPLE

How to identify the vacancy as being under the affirmative measure

The screenshot shows a web interface titled "Position Initiatives and Programs". Under the heading "Position Initiatives", there are two columns: "Available" and "Chosen". The "Available" column contains a list of initiatives: "APS Employees Only", "Identified Indigenous Position", "Aboriginal and Torres Strait Islander applicants (Affi...", "Disability Employment (Affirmative Measure vacancy)", and "Graduate Program". The "Chosen" column is currently empty. Arrows indicate that items can be moved from the "Available" list to the "Chosen" box.

When you select Disability Employment (Affirmative Measure vacancy), this text will appear in the vacancy notification:

Disability Employment (Affirmative measure vacancy)

The filling of this vacancy is intended to constitute an affirmative measure under Section 27 of the Australian Public Service Commissioner's Directions 2016. This vacancy is open only to people with disability.

Note: The affirmative measure—disability is not compatible with the RecruitAbility scheme and should not be used in the same recruitment process. A vacancy advertised under RecruitAbility offers an applicant with disability an opportunity to progress to the next stage in the assessment process if they opt into RecruitAbility and meet the minimum requirements of the role. Affirmative affirmative measure—disability already provides the opportunity to be considered by the recruitment panel.

Step 4 – Optional extra notification

You are also encouraged to send a copy of the vacancy notification to:

- National Disability Recruitment Coordinator (JobAccess), who can also distribute to DES providers
- Jobactive providers
- Other recruitment companies that specialise in placing employees with disability.

This will provide access to a wider talent pool of people with disability.

More information is at contact details below.

Step 5 – Adjustments

- Make sure the application form asks applicants if they are a person with disability and whether they need any adjustments to the recruitment process.
- Reasonable adjustments could include:
 - An Auslan interpreter for an applicant who is hearing impaired,
 - Extra reading time during assessment activities for a person with learning difficulties, or
 - Accessible software for a person with vision impairment.

Step 6 – Shortlist

- Shortlist applicants for further assessment.
- Contact shortlisted applicants to explain the selection process, including the requirement to provide evidence of disability, and arrange reasonable adjustments if needed.

Step 7 – Assessment

- Conduct your assessment process and obtain references.

Step 8 – Decision

- Make your selection decision.

Step 9 – Gazettal

- WHY – up to individual to disclose disability
- You don't have to Gazettal outcomes for engagement decisions.
- If the outcome is a promotion, withhold name of the successful applicant in Gazette.

More details are at *Public Service Gazette requirements* (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/public-service-gazette-requirements>).

Step 10 – Feedback

- Contact all applicants and provide feedback.
- This is an important step in helping applicants achieve success in future applications.

Process for short-term vacancies or irregular or intermittent duties

For non-ongoing vacancies for a specified term or task for up to 18 months, or for irregular or intermittent duties, you need to notify the community so eligible members have a reasonable opportunity to apply.

You can meet this 'reasonable opportunity to apply' requirement by advertising the vacancy or establishing non-ongoing employment registers.

You don't have to notify the vacancy in the Public Service Gazette, but you may choose to.

If you are using non-ongoing employment register, contact all applicants on the register to advise them of the affirmative measure, ask if they wish to identify as a person with disability, and explain the evidence requirements. You can also do this when the register is being renewed.

Include information about the affirmative measure on any existing notifications of registers on APSjobs and on your own agency website.

Make sure the online application and assessment processes are fully accessible and offer potential applicants alternative formats if required.

Step 1 – Job description

- Identify the key skills required to do the job.
- Revise or develop the job description and make sure it reflects only the inherent (essential) requirements of the job.

EXAMPLE

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Step 2 – Shortlist

- Shortlist applicants for further assessment.
- Contact shortlisted applicants to explain the selection process and arrange reasonable adjustments if needed.

Step 3 – Assessment

- Conduct the assessment process and obtain references.

Step 4 – Decision

- Make your selection decision.
- As a minimum requirement, your agency head (or delegate) must be satisfied that the person to be engaged has the work-related qualities genuinely required to perform the relevant duties.

Step 5 – Feedback

- Contact all shortlisted applicants and provide feedback.
- This is an important step in helping applicants achieve success in future applications.

Process for agency engaging a DES participant who has been assessed as likely unable to compete successfully on merit in a competitive selection process

DES providers source eligible candidates for jobs and offer a range of services to employers.

They can also advise on marketing job vacancies, shortlisting candidates and interviewing people with disability.

In addition, they can provide guidance on disability awareness in the workplace, available financial support, flexible workplace arrangements and disability legislation.

To find a DES provider near you:

- visit the *Australian Government jobactive website* (<https://jobsearch.gov.au/serviceproviders/search?jsk=1>).
- phone 1800 464 800
- use the *JobAccess online enquiry form* (<https://www.jobaccess.gov.au/contacts/online-enquiry-form>).

Further details can be found on the *Services Australia Disability Employment Services page* (<https://www.servicesaustralia.gov.au/disability-employment-services?context=51411>).

Privacy

Usually employees are not obliged to share information about disability with an employer unless it affects their ability to do the tasks needed to get the job done.

However, for the affirmative measure, applicants do need to disclose that they have a disability to demonstrate they meet the eligibility requirements.

Health information about an employee, including information about a disability, is 'sensitive information' under the *Privacy Act 1988*. This sensitive information has a higher level of protection, and you need the person's consent to collect the information.

The Australian Privacy Principles require agencies to only use or disclose sensitive information for the purpose it was collected. Managers and HR practitioners need consent from an individual to share information about their disability with other people in the agency.

The Public Service Regulations 1999 (Regulation 9.2) allow agency heads to use or disclose personal information in circumstances where this is necessary to perform or exercise employer powers.

More information is at *APSC Privacy Policy (Part A)* (<https://www.apsc.gov.au/apsc-privacy-policy-part>).

Contact details

Affirmative measure

For more information on the affirmative measure in Section 27 of the Australian Public Service Commissioner's Directions 2016:

- email the APSC Inclusion Group at diversity@apsc.gov.au (<mailto:diversity@apsc.gov.au>).

DES providers

The Australian Government funds a national network of private and not-for-profit organisations to support people with disability to prepare for, find and keep a job. These organisations are known as Disability Employment Services (DES) providers.

For more information:

- visit the *Australian Government jobactive website* (<https://jobsearch.gov.au/serviceproviders/search?jsk=1>).
- phone 1800 464 800
- use the *JobAccess online enquiry form* (<https://www.jobaccess.gov.au/contacts/online-enquiry-form>).

National Disability Recruitment Coordinator

The Australian Government funds the National Disability Recruitment Coordinator (NDRC) as a program of JobAccess. The NDRC works with employers across Australia to develop job opportunities for job seekers with disability.

It provides a job vacancy service to help agencies design jobs and write clear position descriptions focusing on the fundamental requirements of the job. The NDRC can broadcast your vacancies to a network of DES providers who can put forward candidates with the best match of qualifications, skills and experience.

The NDRC can also advise you on how to involve DES providers in shortlisting and interviewing as well as on-the-job support for your new staff members.

In addition, it can advise you on developing workplace policies and practices that accommodate people with disability. It also runs workplace training and employer seminars on disability awareness.

For more information:

- visit the [JobAccess job vacancy service \(https://www.jobaccess.gov.au/employers/national-disability-recruitment-coordinator-job-vacancy\)](https://www.jobaccess.gov.au/employers/national-disability-recruitment-coordinator-job-vacancy).
- phone a JobAccess Adviser on 1800 464 800
- email [jobs.ndrc@workfocus.com \(mailto:jobs.ndrc@workfocus.com\)](mailto:jobs.ndrc@workfocus.com).
- notifying JobAccess (NDRC) for vacancy distribution service to DES providers via [www.workfocus.com/employer-vacancy.aspx \(http://www.workfocus.com/employer-vacancy.aspx\)](http://www.workfocus.com/employer-vacancy.aspx).

Jobactive

A network of jobactive providers connect job seekers with employers. Employers can use a local jobactive provider for tailored recruitment services, at no cost. jobactive providers work closely with employers to understand their recruitment needs.

To find your local provider:

- visit the *jobactive* website.

RecruitAbility

The RecruitAbility scheme is an affirmative measure that enables applicants with disability to progress to the next stage in a selection process if they have been assessed as meeting the minimum requirements of the job. Agencies are encouraged to use RecruitAbility for all recruitment activities that are not advertised as affirmative measure–disability.

For more information:

- *[RecruitAbility scheme: A guide for agencies](https://www.apsc.gov.au/working-aps/diversity-and-inclusion/disability/recruitability/recruitability-scheme-guide-agencies)* (<https://www.apsc.gov.au/working-aps/diversity-and-inclusion/disability/recruitability/recruitability-scheme-guide-agencies>).

Other relevant advice

If you are using the affirmative measure, other relevant advice includes:

- *[Classifications and work level standards](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/work-level-standards-aps-level-and-executive-level-classifications)* (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/work-level-standards-aps-level-and-executive-level-classifications>).
- *[Merit](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/aps-merit-principle)* (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/aps-merit-principle>).
- *[Non-ongoing employment](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/non-ongoing-temporary-employment)* (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/non-ongoing-temporary-employment>).
- *[Promotions](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/movement/promotions)* (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/movement/promotions>).
- *[Guidance and information on recruitment](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment)* (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment>).
- *[Senior Executive Service \(SES\)](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/senior-executive-service-ses)* (<https://www.apsc.gov.au/working-aps/aps-employees-and-managers/senior-executive-service-ses>).

Downloads

[Affirmative measure-disability-A guide for agencies.pdf](#)

(<https://www.apsc.gov.au/sites/default/files/2022-02/Affirmative%20measure-disability-A%20guide%20for%20agencies.pdf>) (PDF - 840.5 KB)
