

Why disability is not an 'issue'

Towards an inclusive workplace

Queensland Anti-Discrimination Commissioner Kevin Cocks AM, noted for his advocacy on human rights and disabilities, explains to **Julie Ball** how a devastating injury changed his career and his life, and provides a forward-thinking perspective on disability in today's workplace.

Promising league player Kevin Cocks was just 21 when a scrum dislocated his neck and left him permanently paralysed.

Before that, he had left school in Year 10 and worked in labouring and semi-skilled jobs, but the incident led to profound changes in his life which saw him rise to his current position as Queensland Anti-Discrimination Commissioner. This is his story.

"I left school in 1975 and completed year 10 at St George High School, working in labouring and semi-skilled positions such as in the shearing industry as a rouseabout, at the St George Cotton Ginners as a general hand and as a barman.

"I worked for an earthmoving company driving scrapers, which included road building and building dams for farmers, and worked for the State Wheat Board as a silo operator. I acquired my impairment in 1981 when I had just turned 21.

"I dislocated my neck in a rugby league scrum, resulting in permanent paralysis. I was no longer able to carry out manual labour and needed to take a very different direction career-wise. I went to the QUT Carseldine campus in 1987-89 to study social science; I then completed a master's degree in social welfare and policy at the University of Queensland in 1998.

"Yes, disability has impacted on my career in a significantly positive manner, in that the acquisition of my impairment certainly changed my career pathway.

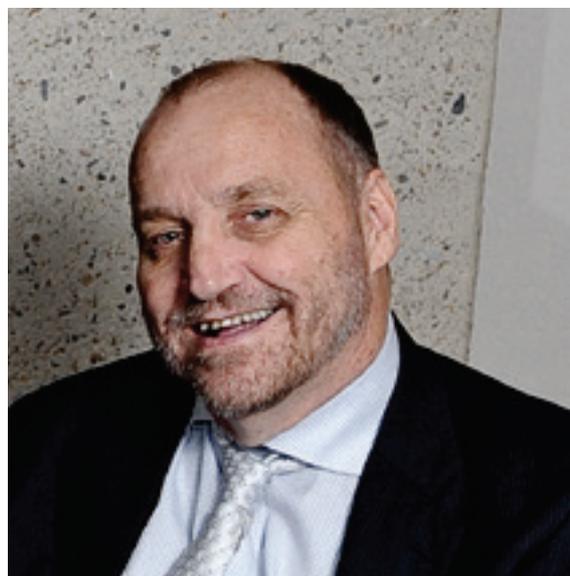
"Perhaps I would never have gone back to study, but because of my impairment I had no alternative if I wanted to continue to work. My career direction was influenced by my starting to live life with impairment and systematically having my rights as a citizen eroded.

"Before I acquired my impairment I would have described my life as a person who worked hard, contributed to my community through my involvement in sport and that I had a rightful place in my community – I was a valued citizen. After my injury I was no longer perceived as, nor felt, a valued citizen.

"The identity I had built as a young man of 21 years was eradicated and replaced by a medical diagnosis – I was a C5/C6 quadriplegic who relied on others to be functional, portrayed as a burden and as an object of pity. This was my new identity. I was no longer a citizen with rights; I was a citizen only deserving of conditional rights and they were delivered through the paradigms of charity and pity.

"My career path was then destined; I realised that I needed to reclaim my identity as a valued citizen and a rights bearer, and in doing so work with others to dismantle the structural barriers that systematically deny people with disabilities living life with dignity and free from discrimination.

"The way that disability is communicated and understood predominantly in our society is as a 'personal tragedy'. In relation to language, 'suffering/sufferer' and 'burden/burdensome' are perhaps the most widely used terms in tragedy discourses to characterise the experience of disability. This belief that disability/impairment is a personal tragedy is so prevalent and so infused throughout media representation, language, cultural beliefs, politics, research, policy and professional practice that it results in the most intrusive, violating and invalidating experiences for people with disability and their families and friends.



Queensland Anti-Discrimination Commissioner Kevin Cocks AM

"The 'personal tragedy' view of disability and impairment allows society to justify and rationalise policies, practices and interventions that emanate from the belief that tragedy is to be avoided, eradicated or 'normalised' by all possible means.

"Such are the negative presumptions held about impairment and disability that they often lead to the erroneous idea that people with disability cannot be happy, or enjoy an adequate quality of life, are incompetent or dysfunctional. It is perceived that a person with disability has 'problems' that result from their impairment rather than the failure of society to meet that person's needs in terms of appropriate human help, accessibility and inclusion."

Have you faced any barriers in your career and how did you overcome these?

"Before and after my impairment, I encountered people who I have identified as 'enablers' and 'blockers'. Enablers are those people who share your vision to be simply treated with dignity and live life free from discrimination. People who are enablers will work with you to eliminate all the barriers that you encounter because of structural discrimination based on mythology and stereotypes.

"Blockers are those who actively see their role in life as reinforcing every stereotype and mythology that is out there about people who are perceived as different or undeserving, thus upholding systems that reject and exclude people based on their race, impairment, etc.

"As a boy growing up in the bush where it could take two to three days to get spare parts for your car delivered, you quickly become acquainted with developing adaptive strategies to ensure continuous use of your vehicle. For example, if your fan belt busted, a pair of women's stockings was a good temporary replacement.

"Reflecting on my and others' life experience, living remotely by necessity required one to be adaptive/creative, flexible and cooperative to get through life. One of the things I learnt which has carried me in good stead is that to overcome challenges, barriers and adversity it is critical to build strong relationships within the many networks that exist in your life. These relationships are based on the Australian idiom of 'a fair go' irrespective of your race, gender, age, impairment or economic status."

As Queensland Anti-Discrimination Commissioner and a passionate advocate for disability rights, what are your experiences in regard to the legal profession and disability?

"In general I have to say my personal experience with the legal profession has been a positive one, particularly in the context of pro bono work. When I made a complaint against the Queensland Government to the Anti-Discrimination Commission in 1994, regarding the Brisbane Convention Centre, I was supported by the Welfare Rights Centre, Disability Discrimination Legal Services and Dan O'Gorman who provided his services as a barrister pro bono. Without access to free legal advocacy, this case would not have proceeded."

"While I was director of Queensland Advocacy Inc. (QAI) from 1998 to 2011, I worked with a number of law firms and individual barristers who contributed a significant amount of pro bono services and gave their valuable time advancing the human rights issues of people with disability in Queensland and Australia."

"There is a significant alignment, I believe, between the legal profession and NGOs that advocate on the behalf of vulnerable population groups such as disability. The alignment is the pursuit of justice, and the promotion and protection of human rights of vulnerable population groups and people having equal access to the law."

Do you have any thoughts on employment opportunities for lawyers with disabilities? What can law firms and the broader legal profession do to assist with the needs of lawyers with disabilities?

"From an employer's point of view, one must first look beyond a person's disability and establish that the person is bringing the right fit to their practice, in other words the principle for employing a person is on their credentials and values primarily."

"Secondly, there are structural barriers in place for people with disabilities when trying to access the employment arena. To overcome these barriers one only needs to initially look at the strategies/principles that were employed for women in the '70s and '80s to break through the glass ceiling. However, work and personal life is much more complex and demanding today than it was then, so a question employers need to address today – which is applicable universally to the workforce – is:

"How do you create

- a. good work-life balance for employees?
- b. a diverse workforce?
- c. an inclusive work place?

"An employer seeking to create a workplace that gets the work-life balance right commences with an understanding of employees' different needs, and works with employees to accommodate both the employee and employer needs. I believe that, when developing reasonable accommodations and flexible working arrangements for a person with disability, you are creating a more inclusive and desirable workplace for all employees."

"Employers within the legal profession should be considering how you create an inclusive and desirable place to work so that when a potential employee with a disability comes along the disability is not an issue."

What advice would you give to law students and lawyers with disabilities?

"As a person entering university for the first time or the workplace for the first time you are venturing into a world that provides you with a great opportunity to build new relationships, acquire new knowledge and to define your identity and how you will contribute to building a better world."

"I draw on Martin Luther King for inspiration and adapt a line from his famous 'I have a dream' speech to guide me: 'Judge me by the content of my character and what I can do, and not by what you think I can't do ...'"

This article is presented by the QLS Equalising Opportunity in the Law Committee. For more information please email r.dacruz@qls.com.au. Julie Ball is principal lawyer at the Anti-Discrimination Commission Queensland and a member of the committee.

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