



The peak body for arts & disability

# Arts Access Australia

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## Working safely and inclusively through Covid-19 and beyond Best practice inclusivity principles for arts & cultural organisations

Arts Access Australia (**AAA**) offers this set of clear Principles as an aid for, and to support, the industry to make decisions inclusively, to go beyond compliance and celebrate diversity as the Australian arts and cultural sector re-opens in a post-COVID-19 environment, specifically through the lens of disability. We believe this will have wide-ranging social, economic and ethical implications for Australian arts and culture, artists, arts workers and audiences.

The Principles and the examples of good practice offered are an essential resource for all staff across arts and cultural institutions. They contain practical guidance for artistic, technical, management, and public-facing teams. Arts Access Australia believes that implementation of the Principles will assist all arts organisations to provide better support of and more meaningful participation by their audiences and visitors, artists, and their creative, technical, and support workforces who identify as D/deaf or disabled.

The Seven Inclusive Principles were originally developed and published in the UK in September 2020 by campaigning arts and cultural organisations, We Shall Not Be Removed, Attitude is Everything, Paraorchestra, Ramps on the Moon & What Next?. Arts Access Australia is indebted to their great work and is grateful for their kind permission to use those principles as the basis for this document.

## #7 Inclusive Principles

## for the arts in COVID-19



WHAT NEXT?

# WE SHALL NOT BE REMOVED

attitude  
is everything



[www.artsaccessaustralia.org](http://www.artsaccessaustralia.org)

[www.meetingplaceforum.org](http://www.meetingplaceforum.org)

AAA acknowledges Aboriginal people as the traditional custodians of Australia and we pay our respects to elders past and present.



## **Working safely and inclusively through Covid-19 and beyond Best practice inclusivity principles for arts & cultural organisations**

### **Australian seven best practice inclusivity Principles**

1. All organisations and their activities must comply with and all applicable Disability Discrimination Legislation, and must make reasonable adjustments to operating practice that ensure no Disabled person is subject to unlawful discrimination.
2. All actions taken in respect of or relating to Disabled people must be undertaken in accordance with the social model of disability and aim to combat and eliminate ableism, embed anti-ableist principles and celebrate diversity to support and protect Disabled people.
3. Disabled people must be consulted when an organisation develops, and before an organisation implements, any operating or re-opening plans in a COVID-19 or post-COVID-19 environment, and the organisation must undertake a comprehensive and effective review and update any existing Disability Action Plan, in light of and taking into account the results of that consultation, and ensure that any revised or new operating or re-opening plans ensure the organisation's goods, services, workplace, premise and facilities remain accessible and inclusive to people with Disability.
4. An organisation must provide clear, accurate, comprehensive information about COVID-19 measures in a manner and form that is appropriate and that is able to be readily understood to enable Disabled artists, practitioners, employees, visitors, audiences and participants to assess their own levels of risk. An organisation must be prepared to adapt to specific, reasonable enquiries or requests.
5. An organisation must fully map the customer journey for, and assess its likely effect on, a Disabled audience member, participant or visitor. An organisation must make that map available in multiple formats so that it is that is readily available to, and able to be readily understood by, the public.
6. Disabled artists, practitioners and arts workers are an important cultural asset in Australia and their engagement in all new creative projects must be prioritised.
7. An organisation must exercise due care for Disabled members of its workforce when making decisions about redundancy, restructuring and new ways of working in light of COVID-19 restrictions or re-opening plans or requirements.



## Defined terms used in these Principles

“**Disabled**” and “**Disability**” covers people who self-define as D/deaf, neurodiverse, disabled or learning disabled.

“**Disability Action Plan**” means a Disability Action Plan, Disability Inclusion Action Plan, or other similar document that outlines the intention and actions that an organisation is required to have or has adopted or published outlining the organisation's commitment to go beyond compliance and break down attitudinal, physical, communication and social barriers, and the steps that the organisation will take to ensure its goods, services, workplace, premise and facilities are accessible and inclusive to people with Disability.

“**Disability Discrimination Legislation**” means each of the following:

- a) Commonwealth [Disability Discrimination Act 1992](#)
- b) Australian Capital Territory [Discrimination Act 1991](#)
- c) New South Wales [Anti-Discrimination Act 1977](#)
- d) Northern Territory [Anti-Discrimination Act 1996](#)
- e) Queensland [Anti-Discrimination Act 1991](#)
- f) South Australia [Equal Opportunity Act 1984](#)
- g) Tasmania [Anti-Discrimination Act 1998](#)
- h) Victoria [Equal Opportunity Act 2010](#)
- i) Western Australia [Equal Opportunity Act 1984](#)
- j) in relation to discrimination in employment, the Commonwealth [Fair Work Act 2009](#).



## Further information on the Principles and examples of best practice

### 1. Recognising the supremacy of Australia's Disability Discrimination Legislation

Any arrangements made to minimise risk of COVID-19 transmission must be consistent with your legal duties under the relevant Disability Discrimination Legislation in Australia that applies to your organisation. This includes each of the following:

- a) Commonwealth [Disability Discrimination Act 1992](#)
- b) Australian Capital Territory [Discrimination Act 1991](#)
- c) New South Wales [Anti-Discrimination Act 1977](#)
- d) Northern Territory [Anti-Discrimination Act 1996](#)
- e) Queensland [Anti-Discrimination Act 1991](#)
- f) South Australia [Equal Opportunity Act 1984](#)
- g) Tasmania [Anti-Discrimination Act 1998](#)
- h) Victoria [Equal Opportunity Act 2010](#)
- i) Western Australia [Equal Opportunity Act 1984](#)

In relation to employment matters, you must also comply with the provisions in the Commonwealth [Fair Work Act 2009](#) that prohibit discrimination in relation to employment.

This means that in designing and delivering your policy and practice around Covid-19, you need to:

- a) ensure you do not discriminate against anyone on the grounds of their protected characteristics
- b) make reasonable adjustments for disabled people so that they do not face disadvantage in relation to those arrangements (for example access to information or services) or to your buildings, facilities, and events as a result of your COVID-19 measures.

As both State and Territory laws and Commonwealth laws apply, you must comply with both. The laws apply in different ways and there are some gaps in the protection that is offered between different States and Territories and at a Commonwealth level. To work out your obligations you will need to check the Commonwealth legislation and the relevant legislation in each State or Territory in which you operate. Broad guidance on the Commonwealth [Disability Discrimination Act 1992](#) is available from the [Australian Human Rights Commission](#). Guidance on the Commonwealth legislation and the coverage of the different legislation applying in each State and Territory is also [available from the Commission](#). Information relevant to each State and Territory is available from the following State and Territory human rights and equal opportunity agencies that deal with disability discrimination under the legislation they administer:

- [ACT Human Rights Commission](#)
- [Anti-Discrimination Commission Queensland](#)



- [NSW Anti-Discrimination Board](#)
- [Northern Territory Anti-Discrimination Commission](#)
- [South Australia Equal Opportunity Commission](#)
- [Tasmania Equal Opportunity Commission](#)
- [Victorian Equal Opportunity and Human Rights Commission](#)
- [Western Australia Equal Opportunity Commission](#)

COVID-19 does not absolve organisations from the duties required by the relevant Disability Discrimination Legislation. In fact COVID-19 brings more actions into the sphere of what might be considered reasonable or essential to maintaining accessible facilities. For example, a rigorous hygiene regime around accessible toilets (and who has access to them) is almost certainly easier to characterise as a reasonable adjustment because of the dangers to disabled people of exposure to the virus.

It is important to bear in mind that practices will need to be actively reviewed and adjusted as time goes on and the health and safety guidance changes. This will ensure that all measures remain appropriate and fit for purpose.

## 2. Understanding the Social Model of Disability

The Social Model of Disability should be central to your approach and action to working safely through COVID-19. Essential to understanding the Social Model is accepting that people with impairments are 'disabled' by the barriers operating in society that exclude and which discriminate against them. The Social Model identifies these barriers and recommends ways that these barriers can be removed, minimised or countered by other forms of support. [People with Disability Australia](#) provides useful information on the Social Model, including access to audio captioned and Auslan interpreted versions.

Organisations need to develop an understanding of the concept of ableism and aim to eliminate it from their organisational culture. Ableism is behaviour which unintentionally excludes or actively discriminates against disabled people and is most commonly manifested in poor physical access or not putting in place sufficient support mechanisms to enable disabled people to succeed. Assuredly as racism, sexism, ageism and homophobia, ableism wrecks opportunities for disabled people. The behaviour is increasingly called out and challenged.

Different forms of inequality often operate together and exacerbate each other. So it is important that intersectionality is recognised alongside ableism and acknowledged.

## 3. Consulting with disabled people to inform your decision making

Through their lived experiences, disabled people themselves are the experts in this field and can assist all your decision making and processes around working safely through COVID-19. The maxim of the Disability Movement, "Nothing about us without us" is a useful guide for your actions. AAA recommends that best practice requires adoption of a co-production



model when making any operating or re-opening plans in a COVID-19 or post-COVID-19 environment. Experienced, professional disability consultants should be engaged as well as seeking input from your disabled users and audience members. It is imperative that all disabled people are properly paid for their work. If you consult with disability organisations, ensure they are organisations of, and led by, disabled people (like AAA), not organisations for disabled people.

Best practice also requires an organisation properly assess the affect of the decisions they propose to make in relation to disability, in the same way that any well-run and prudent organisation conducts appropriate risk assessments of plans or proposed decisions, carried out with professional experts, shared widely and clearly, and cover changes to all aspects of your operations as a consequence of COVID-19.

Many disabled people are continuing to shield and work from home during the pandemic. [Disability Advocacy Resource Unit](#) has produced a guide to hosting accessible online meetings. Accessible Arts also has a very useful "[Top 10 Tips For Running Accessible Online Events](#)".

#### 4. Providing clear and comprehensive information

Disabled people in Australia are suffering exceptional effects of COVID -19. The pandemic threats to health, livelihoods, social care and creativity are all significantly magnified for disabled people, including increased risk of infection, higher number of co-morbidities and because of underlying health conditions such as chronic diseases and respiratory illnesses. In August 2020, the [Disability Royal Commission](#) held a public hearing on the experiences of people with disability during the ongoing COVID-19 Pandemic, which revealed the terrible toll the pandemic has taken.

The hearing took evidence from 36 witnesses, many of whom are people with severe disability. Witnesses spoke of: the sudden loss of support services essential to daily life; lack of access to basic necessities such as food and medications; and uncertainty about the prospects for survival in the face of prolonged disruptions to essential care and support.

Witnesses told of other harrowing experiences: including enforced isolation from family, friends and social networks; and the absence of clear, consistent and accessible information about the pandemic and the changing rules in place, particularly for people with cognitive disability.

However, it is important to remember that, as Baroness Jane Campbell in the UK says in [Meet The 'Vulnerables'](#):

**'We are not vulnerable people. We are people in vulnerable situations'.**

Consequently, the cultural sector needs to operate on the basis that assessing risk around COVID-19 is a personal decision disabled people will make for themselves. The role of any organisation is to work to enable that individual make the right decision. This makes the provision of clear, accurate, comprehensive, timely and honest information essential. You



need to be as clear and as detailed as possible about the processes and procedures you have in place and any alterations to traditional ways of working.

## 5. Mapping the customer journey

According to the [Meeting of Cultural Ministers 2018, Research Overview: Arts and Disability in Australia](#) there were 4.3 million Australians with disability in 2015, or 18% of the population. According to recent research by the [Australia Council for the Arts](#) 64% of people with disability attend arts and cultural events, attending to have fun and be entertained (55%) to improve their wellbeing (30%) and to express themselves (19%).

Alongside the moral case these Principles make to support inclusion of disabled people in culture through and after COVID-19, there is also a compelling business argument.

To enable disabled audiences and visitors undertake their own assessment of personal risk, the customer journey needs to be thoroughly mapped, assessed (as noted above) and clearly communicated.

Bearing in mind the impact that adjustments will have on disabled people with a range of different needs and requirements, cultural organisations are encouraged to reconsider existing practice in a range of operations including (but not limited to):

- New accessible options for booking tickets
- Provision of free access companion tickets (see 5.1 below)
- Content descriptions and warnings
- Upgrade existing access guides
- Ensure staff are empowered by up to date knowledge to support disabled customers
- Provision of nearby blue badge car parking or drop-off arrangements
- Priority for disabled customers: if queue management is in operation, ensure there is a clear policy on who should queue and consider resting points
- Whilst social distancing remains in place, provision of accessible seating with suitable positioning and lighting, use of clearly laid out one way systems and suitably sized gaps for wheelchair users
- Provision and cleaning of accessible toilets (ensuring these are prioritised for disabled customers)
- Provision of 1-2-1 customer support and how this is managed with the requirements of social distancing
- Accessible evacuation procedures

### 5.1 Access ticketing

Free access companion tickets should be made available wherever tickets for physical events are bookable to maintain essential access provision during this period. The reasons for this are:

- Disabled people are more likely to require physical or emotional support when venturing into a busy building. A free companion ticket may make the difference between someone being able to attend or not
- There are many circumstances in which a disabled person may find it difficult



to ensure that others are social distancing. Having a companion who understands their requirements will mitigate the risks of other people's behaviour.

## 5.2 Understanding the audience data

We are not aware of any current research or data in Australia on audience attitudes to returning to event attendance as COVID-19 restrictions ease. However, guidance can be taken from research in the UK. Indigo Consulting, through its [After the Interval and Act 2 national audience survey](#) has been documenting audiences' responses to returning to event attendance in the UK throughout lockdown. The July 2020 Act 2 survey is the first to provide insight into the thinking of disabled audiences and takes account of the views of 4,000 disabled respondents. There is no reason to think that disabled audiences in Australia have markedly different views.

The survey headlines are:

- 77% of disabled audiences consider themselves to be “vulnerable to COVID-19” whilst only 28% of non-disabled audiences do. This conveys vastly different priorities and concerns between disabled and non-disabled audiences.
- 25% of disabled audiences will not consider returning to venues at all until a vaccine is in place
- But a majority (41%) will return if social distancing and appropriate hygiene measures are in place, such as availability of accessible toilets and priority access in queue management

But taken as a whole, the survey suggests there is a slump in disabled people's confidence that may significantly reduce their public event attendance. This makes it all the more vital for organisations to communicate clearly their strategies for keeping their venues and audiences COVID-19 secure, together with keeping up to date with the latest audience research.

## 5.3 EMBED Reopening and Recommendations Service

Another useful resource from the UK to assist you as you plan to re-open is the free EMBED Reopening Recommendations Support Service created in collaboration by the [Disability Collaborative Network](#) and the [School of Health Sciences University of East Anglia](#). It considers potential barriers faced by disabled visitors and customers across the built environment, the digital environment, delivery of services and the workplace, and offers solution-based guidance for organisations of all types, with the ultimate aim of keeping stakeholders, staff and volunteers, visitors, students, or customers as safe as possible.

## 6. Supporting Disabled artists

Flexibility is key to ensure that disabled artists have the working conditions they need, including provision of appropriate Personal Protective Equipment and face coverings (always





taking into account the effect of a mask obstructing their hearing, sight or induces anxiety). Conversations with individual artists are encouraged to gain better understanding of specific circumstances, which will assist organisations make the correct adjustments, tailored to individual circumstances.

The [“Making Art Work” report](#) released by the Australia Council for the Arts reveals that artists with disability are less likely to find a professional career in the arts than artists without disability. Further, when they do find employment they can expect to earn 42% less than the income of other artists. In summary, artists with disability are under-represented, earn less than their counterparts without disability, experience unemployment at higher rates, and are more likely to identify a lack of access to funding as a barrier to their professional development.

In May 2020, Arts Access Australia surveyed its members, identifying the key challenges facing the arts and disability sector moving forward as follows:

- maintaining paid employment (79% of respondents);
- funding for artists with disability (80%); and
- maintaining visibility for artists with disability in cultural spaces (78%).

Artists with disability are calling for ‘real money’ and ‘real jobs’. Above all must be a priority for investment to resolve wage disparity and opportunities for people with disability working in the arts. These calls are now even more urgent, in light of the significant adverse effects that COVID-19 has wrought on artists and arts workers with disability.

We strongly encourage the Office of the Arts to require all organisations that are funded under the Australian Government’s [Restart Investment to Sustain and Expand \(RISE\) Fund](#) or the [Live Music Australia program](#) to adopt and implement these best practice principles. Not only with this signal strongly to the sector, and the community as a whole, the importance of planning inclusivity and accessibility, but it is a very practical means of ensuring that job creation, and support for Australian artists or performers and their work includes in real ways, artists and arts workers with disability, and supports those organisations that are accessible to audiences with disability, as arts and entertainment sector organisations restart, re-imagine or create new activities.

However, it is equally important for all organisations, irrespective of whether or not they are able, or seek, to obtain RISE funding to recognise to important contribution of disabled artists, and take active, effective steps to support disabled artists, as much as possible.

## 7. Protecting your Disabled workforce

There is evidence that suggests that carers, disabled people and those who have been shielding who are currently in work are at higher risk of redundancy as every business grapples with the challenges of COVID-19 and the economic and other effects of health and safety measures. Through its public funding, the cultural sector has a duty to ensure that equality and diversity is protected and championed when any redundancy process or



reorganisation takes place.

It is important to remember that, under the Fair Work Act, an employee is protected from being dismissed because of a temporary absence due to illness or injury. The Fair Work Act also includes protections against being dismissed because of:

- discrimination
- a reason that is harsh, unjust or unreasonable, or in a way that is harsh, unjust or unreasonable
- another protected right.

Discrimination occurs in the workplace when an employer takes “adverse action” against an employee or prospective employee because of a protected attribute, including physical or mental disability. “Adverse action” includes doing, threatening or organising any of the following:

- firing an employee
- injuring the employee in their employment, e.g. not giving an employee legal entitlements such as pay or leave
- changing an employee's job to their disadvantage
- treating an employee differently than others

These protections continue to apply to employees whose employment is impacted by COVID-19. For example, employees have protections at work if they need to quarantine or self-isolate under a workplace health and safety law.

Another useful resource is available from Arts Council England: [Caring for your workforce and making fair decisions in a time of rapid change](#) which aims to support organisations make equitable decisions.