

WORKING TOWARDS INCLUSION: ALUMNI MATTERS 2019

08 January 2020 | Alumni Matters 2019

The path to advocacy is often informed and inspired by personal experience. Emily Cukalevski's certainly was. Her younger sister has a disability and Emily witnessed first-hand the realities of discrimination. "From an early age I saw the barriers she faced and I wanted to do something about it. I wanted to change it for her and for others," she says.

One of the most essential places to effect change is in the workforce and Emily's career path has brought her to a point where she can see transformation on the horizon. "I think an organisation can't be successful if it is based purely on a culture of competition. The best companies have a strong set of values and a clear purpose, and their workforce is key to achieving that. They bring everyone along and you can only do that through collaboration and cohesion."

Emily's passion for social justice has taken her all the way from Wollongong to Geneva, working with the United Nations, and then back to Sydney, via the policy advisor role in the disability rights team at the Australian Human Rights Commission to her brand new role as assistant director at the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. She began her career as a dispute resolution lawyer at Herbert Smith Freehills, working in both Sydney and London, and gaining invaluable skills along the way. She says the law firm taught her the importance of "clear and crisp writing" and starting from a foundation of "robust and critical legal analysis".

"Herbert Smith Freehills equipped me with the skills to be the professional that I am," she says, and it's that rigorous approach that led to her securing a prestigious internship at the UN, after completing an LLM in Disability Law and Policy. At the UN she worked with Catalina Devandas Aguilar, the UN Special Rapporteur on the Rights of Persons with Disabilities.

This role was created in 2014, “as there was recognition by the UN Human Rights Council that people with disabilities face a number of barriers in being recognised and treated as equal members of society,” says Emily, who joined one other intern and a handful of staff members in the Special Rapporteur’s office.

“That was a real shock to me, to get there and realise she has such a small team yet is doing such amazing work.” The main project during this period was contributing to a UN Global Study on children deprived of liberty. The final report will cover five areas, including children in the justice system, refugees and also those who have been institutionalised, which disproportionately affects children with disabilities – tapping into Emily’s specific expertise.

After being away from home for over three years, she was keen to return to Australia, and work to promote the rights of people with disability domestically. So when the policy advisor role in the disability rights team at the Human Rights Commission became available it was a natural fit.

Her work there was diverse, she says, advising the Disability Discrimination Commissioner.

It involved leading and developing projects to advance the rights of people with disabilities, recommending law and policy reforms, reporting to UN bodies and delivering disability rights training, including to law students and professors.

One of her principal tasks was to encourage government and businesses to be more inclusive of people with disabilities in the workplace. She says this is not about compassion and goodwill; it simply makes good business sense. “A number of studies have shown that businesses benefit from a more diverse workforce, and the inclusion of people with disabilities is one aspect of ensuring diversity,” she says.

She references Accenture’s 2018 report, ‘Getting to Equal: The Disability Inclusion Advantage’, which examined 140 companies in the US and showed that the ones leading the way in terms of disability inclusion have higher profits.

There are several core building blocks for companies looking to improve in this area, she says. “The first one is the culture of the company... tackling prejudices and misunderstandings. People have unfounded low expectations of what people with disabilities can do in the workplace.”

On a practical level, other core needs include ensuring accessibility and adjustments in the workplace. “It’s not just the physical accessibility of the building,” she says, “but also information and technology – making sure that, for example, people with a visual impairment can use screen readers on their device. And also providing reasonable adjustments to support people through recruitment and to perform their role effectively.”

It’s the way of the future, she says. “If businesses want to employ the best talent, from the widest pool, they must strive to be fully inclusive of people with disability.”

Her current role is also aiming to make improvements. “A few months ago the Disability Royal Commission was announced,” she says. “It was an opportunity I couldn’t turn down. A Royal Commission has the standing and powers to shine a spotlight on the issues, to examine the root causes of the prevalence of violence, abuse, neglect and exploitation of people with disability, and act as a catalyst for wider social change.”

While her role is with the Policy, Research and Reporting branch, she says she’ll be working closely with the legal team and is looking forward to once again drawing on the legal skills she acquired during those early days at Herbert Smith Freehills.

Emily notes another sign of progress in Australia – the country’s adoption of the National Disability Insurance Scheme (NDIS), instigated by the Julia Gillard Labor government via the National Disability Insurance Scheme Act 2013 and rolled out from July 2016.

According to Emily, “The NDIS is leading the way in the world. A lot of countries are looking to Australia for advice in how to provide support to people with disability in a way that empowers people, that respects their autonomy and independence.” She describes the scheme as the “biggest piece of social reform since Medicare” and notes the NDIS is increasingly focused on supporting people with disability to achieve their employment goals.

She hopes Australia can similarly lead the way in creating more inclusive workplaces to improve the employment rates of people with disability across Australia.