

Disability - Workplace Adjustment Procedure

Section 1 - Purpose

(1) This Procedure describes how to request and implement a workplace adjustment to accommodate a disability.

Scope

(2) This Procedure applies to prospective and existing staff members who have a temporary or permanent disability which impacts on their ability to perform in their job. It does not apply to compensable work related injury or illness, which is managed under the the University's injury management program.

Section 2 - Glossary

(3) For the purpose of this Procedure:

- a. Disability - the definition of disability is that used by relevant anti-discrimination legislation. Disability is very broadly defined in the legislation as any physical, sensory, intellectual, psychiatric, neurological or learning disability and includes physical disfigurement and the presence in the body of disease causing organisms. A disability may be temporary or permanent, total or partial, lifelong or acquired.
- b. Inherent requirements - are the core and essential components of a position, determined in relation to the purpose of the position and its intended outcomes. In identifying inherent requirements it is helpful to focus on what outcomes must be accomplished rather than on how they will be accomplished. It may be possible to achieve the same outcome in a range of different ways.
- c. Reasonable adjustment - refers to the administrative, environmental or procedural alterations that are required to enable a person with disability to work effectively and enjoy equal employment opportunities with others. An adjustment is considered reasonable if it takes into account the requirements of the person with disability and balances the interests of all parties affected. An organisation may refuse to introduce an adjustment if it can demonstrate that to do so would cause it "unjustifiable hardship".
- d. Unjustifiable hardship - refers to a defence in law that permits an organisation to refuse a particular adjustment if it will cause major difficulties or the cost is unreasonable. Whether or not a defence of unjustifiable hardship can be sustained is determined on a case by case basis, taking into account all the relevant circumstances, including:
 - i. the effect of the disability on the student or staff member;
 - ii. the benefits or disadvantages likely to be experienced by any persons concerned as a result of the adjustment being made; and
 - iii. the cost of making the required adjustment in the context of the organisation's financial circumstances.
 - Detailed evidence is required to support a claim of unjustifiable hardship.

Section 3 - Policy

(4) Refer to the [Disability and Work or Study Adjustment Policy](#).

Section 4 - Procedures

Part A - The Application of Workplace Adjustment

(5) Workplace adjustments are changes introduced into the workplace that take account of a person's disability so that they can use their skills effectively to meet the inherent requirements of their position and access the same benefits, terms or conditions of employment as other employees.

(6) Workplace adjustments may be required when a person has:

- a. an established condition or disability;
- b. an acquired condition or disability, whether temporary or permanent; and
- c. a non-work related injury or illness of a temporary or permanent nature.

(7) A workplace adjustment may be permanent or temporary, depending on the nature of the disability and the needs of the individual. The level and nature of the adjustment required may also change over time.

(8) The statutory responsibility to provide adjustment applies to all areas of employment, including:

- a. recruitment, selection and appointment;
- b. training and career development;
- c. performance management; and
- d. promotion, transfer or any other employment benefit.

(9) Adjustments may include:

- a. assistance to ensure there is no barrier in the selection process;
- b. changes to job design, work schedules or other work practices in ways that do not compromise performance of the inherent requirements of the position;
- c. flexible work arrangements;
- d. modifications to equipment or the supply of specialised equipment, furniture or work related aids;
- e. provision of training or other assistance; or
- f. alterations to premises or work areas.

(10) Work place adjustments do not include:

- a. changing the inherent requirements of the job (except temporarily as part of a return to work program);
- b. maintaining a job which would otherwise be altered or abolished;
- c. the creation of a different job altogether; or
- d. promotion or transfer to a different job.

(11) Where an adjustment includes the necessity for changing the inherent requirements of a job temporarily (for example, a transition to full duties following absence due to a non-work related injury or illness) the relevant section of the the University's Return to Work Program Policy will apply.

Part B - Making a Request for Workplace Adjustment

(12) Opportunities for enquiring about and/or requesting adjustments most commonly arise:

- a. during the selection/interview process;
- b. as part of the offer of appointment;
- c. at induction;
- d. when planning for organisational change;
- e. in developing workload agreements; or
- f. at any stage of the performance management cycle.

(13) A request for workplace adjustment may be made by a staff member, a potential staff member or their supervisor (with the consent of the staff member concerned).

(14) A request from an existing member of staff would normally be made through his/her supervisor. Alternatively, a staff member may prefer to seek advice or discuss workplace adjustment issues initially with a staff member from the Division of Human Resources (HR representative).

(15) The need for workplace adjustment for a potential staff member would normally be identified during offer of appointment and followed up by the relevant HR representative in consultation with the appointee's supervisor.

(16) A request by an applicant for adjustment related to interview for a vacant position would normally be managed as part of the recruitment process.

(17) In most instances, requests for workplace adjustment will be referred to an appropriate HR representative for assessment and recommended action.

Part C - Disclosure of Disability

(18) A staff member or potential staff member has no obligation to disclose a disability unless it is likely to affect their ability to fulfil the inherent requirements of their position.

(19) If a staff member or potential staff member with disability needs workplace adjustment, there is a requirement to disclose their disability to their supervisor and/or to an HR representative.

(20) Depending on the disability and the nature of the adjustment requested, the staff member may be required to provide documentation of assessment by a medical practitioner, psychologist or other recognised professional specialist confirming the disability/health condition and the functional limitations it involves and making recommendations on appropriate workplace adjustments. The University may also refer the staff member to a medical specialist, psychologist or other relevant professional of its choosing if it determines that additional information is needed for accurate assessment of a request for workplace adjustment.

(21) At all times the HR representative responsible for assessing the adjustment will respect the privacy of the staff member.

(22) Information about the staff member's disability will only be sought in so far as it relates to the request for adjustment.

(23) Information about the disability will only be disclosed to a third party with the consent of the staff member. However, implementation of a workplace adjustment will require information about the work related impacts which the adjustment is intended to address to be disclosed to the appropriate supervisor. Limited disclosure may also be necessary for occupational health and safety reasons in some circumstances - for example evacuation procedures where the staff member may require assistance.

Part D - Assessment

(24) On receipt of a referral, the HR representative will consult with the staff member on the following matters:

- a. the nature, severity and duration of the disability or condition;
- b. the functional limitations placed on the staff member by the disability or condition;
- c. whether the disability or condition is likely to change over time and may require review;
- d. what specific adjustments, if any, have been suggested by the staff member; and
- e. whether further specialist evaluation is required to identify and implement appropriate adjustments.

(25) The HR representative will open a confidential workplace adjustment file to record the information outlined above. The workplace adjustment file will be kept separate from the staff member's personnel records and will only be accessible to the staff member and relevant HR personnel.

(26) Where further evaluation is required, additional information may be sourced from the following (as appropriate, and with the consent of the staff member):

- a. a medical practitioner;
- b. an occupational therapist or other allied health provider;
- c. a relevant Government support agency;
- d. a disability service provider.

(27) In establishing the suitability of an adjustment, the HR representative will also consult with the staff member's supervisor and may seek advice from the Manager, Diversity and Equity.

Part E - Administration of Work Related Adjustments

(28) Once an assessment has been made, the HR representative will discuss the recommended adjustment(s) with the supervisor and the staff member and complete a Workplace Adjustment Plan, documenting the agreed adjustments and the functional limitations they are intended to address. The supervisor will be responsible for overseeing the implementation of the adjustment in the workplace.

(29) In the absence of external funding, the HR representative will endorse requests for reimbursement of any costs on the Reimbursement for Costs of Workplace Adjustment form (as detailed in the section below). The form will be included on the workplace adjustment file.

(30) Where the adjustment involves rehabilitation due to injury or an extended absence from work, an appropriate return to work plan will be designed, in conjunction with the supervisor, to be administered under normal case management guidelines Charles Sturt University's Injury Management Program Policy).

(31) Where alterations are required to buildings or facilities, the relevant Faculty, School or Division will contact the Division of Facilities Management. A record of alterations or plans in progress should be forwarded to the Division of Human Resources to be held on the workplace adjustment file.

(32) Concerns about the reasonableness of an adjustment should be referred to the Manager, Diversity and Equity, who will make a recommendation to the Director, Workplace Relations and Policy.

Part F - Funding of Adjustments

(33) Where possible, funding for workplace adjustments will be sought through available external funding sources. Otherwise, the costs of implementing workplace adjustment (e.g. further specialist medical or other allied health

evaluation/advice sourced by the the University, provision of assistive equipment or individual workplace modifications) will be funded as follows:

- a. costs for specialised equipment; assessment or other support services, will be reimbursed from central the University funds through the Finance Committee, provided a claim is endorsed by the Division of Human Resources (a Reimbursement for Costs of Workplace Adjustment form must be completed);
- b. claims or adjustments involving alterations to buildings or facilities will be funded by the Division of Facilities Management.

(34) The University will not fund the cost of personal aids that are required by the staff member for private purposes, nor will it pay the cost of treatment for a temporary or permanent condition or disability, except in the context of a compensable injury.

Part G - Monitoring

(35) Adjustments will be monitored according to an agreed schedule (if applicable). In all cases the HR representative will conduct a follow-up review with the employee and supervisor within one month from the date when the adjustment process was concluded. The results of this action should be documented in the Workplace Adjustment Plan.

(36) The Workplace Adjustment Plan will be placed on the staff member's personnel file and used to inform future management decisions that may impact on the staff member.

(37) Workplace Adjustment Plans should be reviewed annually by the staff member and their supervisor during the performance planning process.

(38) The Manager, Diversity and Equity has responsibility for evaluating, monitoring and reporting on workplace adjustment procedures and associated funding, and consulting with relevant parties on any recommended changes.

Part H - Appeals

(39) Staff members who believe that they have been treated unfairly under this procedure should refer to the the University's [Complaints Policy](#) and the [Complaints Procedure - Workplace](#) to seek resolution of their complaint.

(40) Complaints may also be made externally to the NSW Anti-Discrimination Board, the Australian Human Rights Commission or the Fair Work Ombudsman .

Section 5 - Guidelines

(41) Nil.

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