

Workplace Adjustments for Staff with Disability Procedure

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Table of Contents

Purpose	1
Scope	1
Legislative context	1
Definitions	2
Requirements and Adjustments	3
Requirement for Reasonable Workplace Adjustments	3
What types of workplace adjustments may be required?	4
How are adjustments paid for?	4
Actions	4
1. Requests for Workplace Adjustments - in staff recruitment processes	4
2. Requests for Workplace Adjustments - during employment	5
3. Consideration of Requests for Workplace Adjustments - during employment	5
Supporting documents	8
Responsibility	8
Promulgation	8
Implementation	8

Purpose

This Procedure aims to assist the University to meet its commitment to providing equal opportunity and freedom from discrimination for its staff with disability, as articulated through the University's [Equal Opportunity and Valuing Diversity Guidelines](#), by outlining a process to assist in the development and implementation of reasonable workplace adjustments for staff with disability.

Scope

This Procedure applies to all staff and prospective staff in all situations and activities related to their employment at the University. Such situations and activities may extend beyond University campuses and day-to-day activities e.g. field trips, conferences, events and functions.

Legislative context

- Commonwealth [Disability Discrimination Act 1992](#)
- Commonwealth [Fair Work Act 2009](#)
- Victorian [Equal Opportunity Act 2010](#)
- *Disability Act 2006* (Vic)
- *Anti-Discrimination Act 1977* (NSW)
- *Disability Services Act 2006* (QLD)
- *Equal Opportunity Act 1984* (SA)

Definitions

Term	Definition
Disability	<p>Refers to:</p> <ul style="list-style-type: none"> • a partial or total loss of a bodily or mental function (which can be permanent or temporary, visible or invisible) e.g. quadriplegia, brain injury, vision or hearing impairment, epilepsy, limited range of movement, localised weakness • a total or partial loss of a part of the body • the presence in the body of organisms causing or capable of causing disease or illness e.g. hepatitis, HIV/AIDS, hepatitis, allergies • the malfunction, malformation or disfigurement of part of the body e.g. diabetes, asthma, birthmark, scar • mental or psychological disease or disorder • a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction e.g. autism, dyslexia, attention deficit disorder, intellectual disability • a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour e.g. psychiatric condition, neurosis, personality disorder. <p>Included is a disability (as defined above) that presently exists, previously existed but no longer exists, may exist in the future (including because of a genetic predisposition to that disability), is imputed to a person, and behaviour that is a symptom or manifestation of a disability.</p>
Discrimination	Refers to unfavourable treatment based on a person's disability as defined above. In determining whether or not a person discriminates, the person's motive is irrelevant. Discrimination includes Direct and Indirect Discrimination.
Direct Discrimination	Occurs if a person treats or proposes to treat, a person with disability unfavourably, because of that disability.
Indirect Discrimination	Occurs if there is an unreasonable requirement, condition or practice that purports to treat everyone the same, but actually disadvantages someone with disability.
Reasonable Workplace Adjustment	Is the term used to describe actions or changes which may be required to enable staff with disability participation on an equitable basis to other staff. Lack of provision of an adjustment might constitute discrimination. An

	<p>adjustment is deemed to be a reasonable adjustment unless making the adjustment would impose an unjustifiable hardship on the University.</p> <p>Adjustments may be necessary where the interaction between the working environment and certain staff personal characteristics or circumstances relevant to their disability have a negative impact on staff participation or achievement.</p> <p>Reasonable adjustments for people with a disability are required under the <i>Disability Discrimination Act 1992</i>. There is no set definition of what is a 'reasonable' adjustment. Each situation needs to be considered in its own circumstances and on its own merits.</p>
Flexible working arrangements	Are forms of reasonable workplace adjustments that can be requested by staff who have a disability, as covered by the Commonwealth Fair Work Act 2009 .
Unjustifiable hardship	<p>Is determined by having regard to all relevant circumstances of a case, including:</p> <ul style="list-style-type: none"> • the benefit or detriment of making or not making the adjustment on the staff member with disability or any other person concerned • the nature of the staff member's disability • the cost or impact on the University, given the University's size and overall economic position.
Staff member	Is any person who is an employee of the University. This includes full-time, part-time, sessional or casual staff.
Inherent requirements	Are the genuine and reasonable requirements of a position, being the essential components of the job which must be performed.
Disclosure	Refers to a personal decision to tell a person about one's disability.

Requirements and Adjustments

Requirement for Reasonable Workplace Adjustments

Managers and Supervisors are required to implement reasonable workplace adjustments to:

- enable prospective staff with disability to have equal opportunity to be considered for selection and appointment;
- enable staff with disability to perform the inherent requirements of their positions;
- enable staff with disability to enjoy equitable terms and conditions of employment with other staff, including promotion, transfer and training; and
- enable staff with disability to participate in and benefit from work related facilities, development, programs or benefits on equitable terms with other staff.

The requirement to make a reasonable workplace adjustment applies irrespective of whether a person's disability was pre-existing, arose during employment or was caused at work and irrespective of whether it is temporary or permanent.

In the case of disability caused at work with Federation University, Federation University's [Injury Management Procedure](#) will apply.

For all other cases, adjustments need to be assessed and determined in consultation with the staff member, in accordance with this Procedure.

What types of workplace adjustments may be required?

The requirement to provide adjustments to staff (and potential) staff members applies to all areas of employment.

Adjustments may include:

- **Changes in the physical work environment;** such as ensuring access to a building or moving to an accessible location (e.g. office/lecture theatre), installation of auto-opening doors, lowering the height of a work bench, office re-arrangements (e.g. to accommodate wheelchair), provision of a sit/stand workstation, appropriate chair, alternative lighting, installation of visual alarms.
- **Organisational changes;** such as changes to job design, work schedules or other work practices, for example allocating some aspects of the job to another employee or swapping duties amongst staff, changes to work practices e.g. to allow for medication breaks/rest breaks/flexible working arrangements.
- **Technological provisions;** such as communication technology devices or screen reading/braille recognition software, magnifiers, large screen monitors.
- **Other responses;** such as Auslan interpreter/captioning for meetings, changes to travel/professional development arrangements to accommodate health/care/mobility needs.

More information and useful resources are available through the [Commonwealth's JobAccess website](#).

How are adjustments paid for?

In general, the School/Directorate/management unit is responsible for funding workplace adjustments.

Most adjustments will require little or no expenditure.

In many cases external funding may be available, through the [Commonwealth Employment Assistance Fund](#).

Federation University acknowledges that some adjustments will require more significant expenditure and hence has implemented a centralised fund to support areas in funding adjustments. This fund is administered through Equity and Equal Opportunity, and assistance will be determined on a case-by-case basis.

For assistance in sourcing funding (either external or from Federation University's centralised fund), contact equity@federation.edu.au.

Actions

1. Requests for Workplace Adjustments - in staff recruitment processes

	Activity	Responsibility	Steps
A.	Request adjustments in and application and selection process	Prospective/existing staff member applying for position.	1. Email request for adjustments in the application and/or selection process to hr@federation.edu.au .

B.	Treatment of disclosure	People and Culture and area responsible for recruitment of the position	1. Any disclosure of disability should be treated as personal health information in accordance with the University's Information Privacy Procedure .
C.	Arrange required adjustments	People and Culture and/or area responsible for recruitment of the position	1. People and Culture will either arrange the required adjustments or liaise with the area responsible for the position to arrange the required adjustments. 2. If assistance is needed in determining how to arrange an adjustment and/or to determine if the requested adjustment is reasonable, advice should be sought from Equity and Equal Opportunity and/or the Disability and Learning Access Unit (DLAU).

2. Requests for Workplace Adjustments - during employment

	Activity	Responsibility	Steps
A.	Request adjustment	Staff member	1. Staff should make requests for workplace adjustments directly with their supervisor or, in the case of an activity arranged outside the local work unit, to the area responsible for the activity (e.g. in the case of a professional development activity) 2. Any disclosure of disability should be treated as personal health information in accordance with the University's Information Privacy Procedure .

3. Consideration of Requests for Workplace Adjustments - during employment

	Activity	Responsibility	Steps
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A.	Consider and determine adjustments that are required and reasonable	Relevant supervisor or responsible area, in consultation with the staff member making the request for adjustment	<ol style="list-style-type: none"> 1. To consider and determine adjustments that are required and reasonable, the relevant supervisor or responsible area, in consultation with the staff member making the request for adjustment, will consider (as appropriate): <ul style="list-style-type: none"> • the staff member's description of their disability and their suggested required adjustments; • if relevant, current documentation from the staff member's relevant health care professional about their disability, the impact of that disability in the workplace and any recommendations for adjustments; • the inherent requirements of the staff member's position; • the effect of adjustments, including the effect on the staff member's ability to meet the inherent requirements of their position and to participate fully in the University environment; • any implications of the proposed adjustment on anyone else; • the cost, if any, and the benefits of making the adjustment • whether refusal of an adjustment could constitute discrimination, noting that this is considered from a whole of University perspective, not the work unit. 2. The supervisor/responsible area must deal with requests in a timely manner.
B	Consult with other areas within the University	Relevant supervisor or responsible area,	<ol style="list-style-type: none"> 1. If assistance is needed in determining how to arrange an adjustment and/or to

			<p>determine if the requested adjustment is reasonable, advice should be sought from Equity and Equal Opportunity and/or the Disability and Learning Access Unit (DLAU) and/or People and Culture and/or Health, Safety and Wellbeing.</p> <ol style="list-style-type: none"> 2. If a request for adjustment is likely to be refused, advice must be sought from Equity and Equal Opportunity to canvas any issues relating to potential discrimination. 3. If the workplace adjustment requires ICT resources, consultation may be required with Information Technology Services. 4. If the workplace adjustment requires purchase of equipment, consultation may be required, as appropriate, with Facilities Services and/or Health, Safety and Wellbeing. 5. Where adjustments are beyond the delegated authority of the area concerned, then the relevant area must be included in the process, e.g. Facilities Services in the case of provision of ramps or auto doors.
C	Advice and complaint processes	Staff member	<ol style="list-style-type: none"> 1. If the staff member does not consider the process or outcome fair, they can seek assistance from Equity and Equal Opportunity and/or People and Culture. 2. If, after this assistance, the staff member is still not satisfied with the outcome, they can access the relevant internal complaint process as outlined in the Equal Opportunity and Valuing Diversity Guidelines.

Supporting documents

- [Equal Opportunity and Valuing Diversity Guidelines](#)
- [Information Privacy Procedure](#)
- [Injury Management Procedure](#)

Responsibility

- The Chief Operating Officer has overall responsibility for the implementation of this Procedure.
- The Director, People and Culture is responsible for the provision of advice and promulgation of this Procedure.
- All staff with responsibility for other staff and/or for specific staff related activities have responsibility to implement this Procedure with reference to the [Equal Opportunity and Valuing Diversity Guidelines](#).

Promulgation

The [Workplace Adjustments for Staff with Disability Procedure](#) will be communicated throughout the University via:

1. an Announcement Notice via FedNews website and on the 'Recently Approved Documents' page on the 'Policies, Procedures and Forms @ the University' website to alert the University-wide community of the approved Procedure;
2. distribution of e-mails to University managers

Implementation

The [Workplace Adjustments for Staff with Disability Procedure](#) will be implemented throughout the University via:

1. an Announcement Notice via FedNews website and on the 'Recently Approved Documents' page on the 'Policies, Procedures and Forms @ the University' website to alert the University-wide community of the approved Procedure;
2. Staff information sessions