

PARLIAMENTARY COUNSEL

Policy 5.8 Workplace Adjustments

Document release 1.0

Date of issue: August 2022

Next review: August 2025

Contents

Introduction	1
Policy	2
In practice	2
Informal arrangements	2
Formal arrangements	3
Record keeping and privacy	3
JobAccess	4
Portability and ownership of workplace adjustments	5
Resolving concerns	5
Legislative requirements	5
Definitions	5
Related documents	6
Review	7

Introduction

1 A workplace adjustment is a change to a work process, practice, procedure or environment to reduce or eliminate barriers to enable full participation in all aspects of work and to enable workers with disability to perform their duties safely and with dignity. Workplace adjustments may be temporary, or long term, and enable a person to:

- (a) perform the inherent or essential requirements of their job safely;
- (b) have equal opportunity in recruitment processes, promotion and ongoing development; and
- (c) experience equitable terms and conditions of employment.

2 A workplace adjustment can include:

- (a) access to equipment or assistance for job applicants, to ensure there is no barrier in the selection process;
- (b) access to assistive technology software;
- (c) modifications to equipment;
- (d) access to specialised equipment, furniture or work-related aids;
- (e) accessible information and systems;

- (f) alterations to premises or work areas;
- (g) job redesign;
- (h) training or retraining; or
- (i) flexible work arrangements.

Policy

3 Because OPC values a diverse workforce and is committed to providing an accessible and inclusive work environment, we will provide reasonable adjustments to eliminate barriers in the workplace for people with disability.

4 OPC understands that our duty to ensure the privacy of workers is not lessened by disclosure and we commit to only sharing any information received during disclosure in a lawful manner. Information about agreed workplace adjustments should only be communicated to those who need to know, or consistent with the consent provided by the worker. The sharing of any other disclosed disability-related information shall only be disclosed to others with the written consent of the worker.

In practice

5 All workers, both prospective and current, who have disclosed disability at any stage of the employment process and in all forms of employment (full-time, part-time, ongoing and non-ongoing, on probation or past probation), are entitled to request workplace adjustments.

6 A workplace adjustment may be an informal or formal arrangement. Any arrangements which require substantial changes, will be ongoing, will incur a cost to the organisation or will potentially impact on the organisation's operations should be considered through a request for a formal arrangement.

7 Workers are to discuss their request for workplace adjustment(s) with their supervisor in the first instance. OPC acknowledges that workers are best placed to understand their own needs and preferences.

8 Requests for workplace adjustment(s) will be managed in a timely, sensitive and confidential way, taking into consideration relevant work health and safety requirements.

Informal arrangements

9 An informal workplace adjustment may be put in place following a conversation between a supervisor and worker if it can be easily accommodated within the team and the work requirements of that team.

10 Informal arrangements are unlikely to require a formal review, however, the supervisor should check in with the worker regularly to ensure the informal workplace adjustment continues to meet the worker's needs.

Formal arrangements

10 To make a request for a formal workplace adjustment, a worker should complete the Workplace Adjustment Formal Request form, and provide it to their supervisor. Support to make a request for a workplace adjustment is available from People Services team.

11 The supervisor should seek support from People Services team, and discuss the request with the worker, reaching agreement on the most appropriate adjustments to meet the worker's needs and preferences.

12 Approval for procurement or expenditure should be sought using OPC's usual processes.

13 Workers who require a workplace adjustment to assist them to enter and exit the organisation's buildings must also liaise with the Emergency Warden and advise of their location so appropriate plans can be developed and implemented in the event of an evacuation. The worker should develop a Personal Emergency Evacuation Plan (PEEP). The PEEP should be provided to their supervisor and the Emergency Warden.

14 If a worker is not an employee, the supervisor and People Services team must also liaise with the worker's employer in respect of their request for a workplace adjustment.

15 Monitoring and review of a workplace adjustment should be an ongoing process for both the worker and the supervisor.

Record keeping and privacy

16 The record of the workplace adjustment will be retained on the worker's personnel file and a copy provided to the worker, and if relevant, their supervisor, consistent with the consent provided by the worker. Any amendment to the workplace adjustment, including the conclusion of an ongoing workplace adjustment, should also be documented.

17 Any area with responsibility for implementing or maintaining the workplace adjustment will keep relevant records, for example:

- (a) hardware or software assigned to a user, such as assistive technology, will be recorded and maintained by the Systems Operations team;
- (b) office equipment would be recorded and maintained through the Business Operations team.

18 OPC, including supervisors and People Services team, will maintain confidentiality and privacy requirements in respect of personal information provided in connection with a workplace adjustment in accordance with the *Privacy Act 1988* (Cth) by:

- (a) only collecting information that is necessary and relevant;
- (b) informing workers and applicants that their information is being collected and what it will be used for;

- (c) telling workers and applicants who will have access to their information, how it will be stored and when it will be destroyed;
- (d) protecting their employees against the inappropriate disclosure of personal and health information; and
- (e) disclosing personal information without the employee's consent only if there is a legitimate reason to believe that there is serious and imminent threat to the health, safety or property of any other persons in the workplace or the public generally.

19 Personal information regarding a workplace adjustment will only be shared within the organisation on a need-to-know basis, and with external parties with the consent of the worker or as permitted by Office Procedural Circular No. 2.13 *Privacy Management Framework*, the *Privacy Act 1988* (Cth) and the [Australian Privacy Principles](#). People Services team members who are directly involved with a request for a workplace adjustment and the approver will have a need to know the detailed reasons for a workplace adjustment, including medical evidence.

20 The worker's supervisor will only need to be aware of the reasons for a workplace adjustment to the extent that this information is required to support the worker and to ensure their safety in the workplace. Workers are encouraged to provide their supervisor with any information that may have a bearing on their ability to perform their role. The worker can make contact with People Services team to discuss any concerns they have requiring disclosing information.

21 The worker may or may not choose to provide any further information to their supervisor or colleagues about the nature of their personal circumstances requiring the workplace adjustment.

JobAccess

22 Further information in relation to workplace modifications, creating flexible work environments, financial support and a range of other tools for supporting people with disability is available through [JobAccess](#).

23 Funding assistance for workplace adjustments may be available through the [Employment Assistance Fund \(EAF\)](#) as part of JobAccess. The EAF can cover more than just physical changes to the workplace. Funding could include buying equipment and accessing services for people with disability, communication technology, Auslan (Australian Sign Language) interpreting, disability awareness training and specialist support for people with mental health conditions or learning disorders.

24 People Services coordinate and submit all applications for EAF on behalf of the worker. The applications are assessed by JobAccess and the worker will be advised of the relevant actions required.

25 Information regarding JobAccess can be found at www.jobaccess.gov.au or by contacting JobAccess on 1800 464 800.

Portability and ownership of workplace adjustments

26 Any equipment provided as part of a workplace adjustment is considered an APS resource and is portable across the APS. If a worker changes jobs within the APS, workplace adjustment equipment which continues to be appropriate and meets their needs can move with them.

27 On leaving the APS, the worker must return any workplace adjustment equipment provided by the APS in the same condition as it was provided to the worker, with the exception of reasonable wear and tear. An exception to this is any workplace adjustment equipment:

- (a) sourced and funded through JobAccess Employment Assistance Fund (EAF);
- (b) funded by Comcare as part of a workers' compensation claim; or
- (c) that is the property of the worker.

28 Workplace adjustments that are not equipment-related, such as access to flexible working arrangements, are not automatically transferrable from one role to another. The worker should ensure the new work area/supervisor is aware of the arrangements in place. The new supervisor can elect to review the adjustments with the worker. People Services team can support these discussions to consider the adjustment and its suitability in the new work area.

Resolving concerns

29 If a worker is concerned about any aspect of the workplace adjustment process, the employee should raise the concerns as set out below and seek resolution. The employee may, if they wish, to be accompanied by a support person or employee representative when taking any steps to resolve concerns.

30 In the first instance, the employee should discuss the issue and possible resolutions with their supervisor, and/or with People Services.

31 Where a concern cannot be resolved, the steps to resolve the matter will be in accordance with Office Procedural Circular No. 5.10 *Resolution of disputes and grievances*.

Legislative requirements

32 The *Disability Discrimination Act 1992* (Cth) requires employers to make reasonable adjustments so a person with a disability is able to perform the inherent requirements of the job, unless this would cause 'unjustifiable hardship'.

Definitions

33 **Disability:** This policy adopts the broad-ranging definition of 'disability' set out in the *Disability Discrimination Act 1992* (Cth) which, in the context of employment, can be summarised as a condition either caused by accident, trauma, injury, genetics or disease that may restrict a person's mental, emotional, sensory or mobility functions to undertake a job in the same way as a person without disability. This covers physical, sensory, intellectual,

learning, neurological and psychiatric disability. Disability may be temporary or permanent, total or partial, lifelong or acquired. The *Disability Discrimination Act 1992* (Cth) definition also includes disability that presently exists, or previously existed but no longer exists, or may exist in the future, or is imputed to a person.

34 **Disclosure** refers to a personal decision to tell a person or institution (or partially tell) about one's disability. There is no legal obligation for a job applicant or employee to disclose disability to their employer, unless it is likely to affect their job performance or ability to work safely. There is no obligation for a worker to disclose prior to employment, or at any particular time. Non-disclosure is not an option for those with visible disability. But for those with hidden disability, there are many reasons they might choose not to disclose, such as fear of discrimination, concern about differential treatment, or a belief that their disability will not affect work performance.

35 **Inherent requirements** are the essential activities and tasks that must be carried out in order to get the job done. They relate to results or what must be accomplished, rather than the means or how it is accomplished. Inherent requirements are different to "job requirements". Inherent requirements are the essential activities of the job: the core duties that must be performed in order to achieve the purpose of a position. Inherent requirements do not refer to all of parts of a job, for example non-essential tasks or tasks that may be negotiable and flexible.

36 **Unjustifiable hardship**: The requirement for employers to make adjustments to the workplace is measured against the concept of 'reasonableness'. If the implementation of an adjustment would cause unjustifiable hardship to an organisation, the employer is not obliged to implement it. Relevant factors might include practicality, complexity, the degree of disruption or benefit to the business or other people and cost. However, any assessment as to whether any of these factors would be judged as unreasonable will vary according to the size and nature of the business. The *Disability Discrimination Act 1992* (Cth) places the onus on the employer to prove that the adjustment is unreasonable.

37 **Worker** includes employees engaged under the *Public Service Act 1999* as well as contractor who undertake work for OPC under a contract either directly between the individual and OPC or through a contracting company (such as a labour hire provider).

Related documents

38 The following document is related to this policy:

- (a) Policy No. 7.7 - Work Health and Safety Framework

Review

39 This document will be reviewed at least every three years.

Meredith Leigh
First Parliamentary Counsel
August 2022

Document History

Release	Release date	Document number
1.0		S22TP264.V04.DOCX

Note: Before August 2022, information in this policy was included in Office Procedural Circular No. 5.8 Disability Awareness.