

[insert organisation name/logo]

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## DRAFT Reasonable Adjustment Policy

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**Document Status:** Draft or Final

**Date Issued:** [date]

**Lead Author:** [name and position]

**Approved by:** [insert organisation name] Board of Directors on [date]

**Scheduled Review Date:** [date]

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### Record of Policy Review

Review Date	Person Initiating/Leading Review	Other People Consulted

### Triggers for Policy Review (tick all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Standard review is timetabled.   | <input type="checkbox"/> Internal / organisational factors   |
| <input type="checkbox"/> A gap has been identified  | <input type="checkbox"/> A stakeholder has identified a need, eg by email, telephone etc                                   |
| <input type="checkbox"/> Additional knowledge or information has become available to supplement the policy.     | <input type="checkbox"/> A serious or critical incident has occurred, requiring an urgent review.                          |
| <input type="checkbox"/> External factors   | <input type="checkbox"/> Need for consistency in service delivery across programs and organisations.                       |
| <input type="checkbox"/> Policy is no longer relevant/current due to changes in external operating environment. | <input type="checkbox"/> Separate, stand-alone policy is now warranted   |
| <input type="checkbox"/> There are changes to laws, regulations, terminology and/or government policy.          | <input type="checkbox"/> A near miss has occurred, requiring a review to prevent a serious/critical incident in the future |
| <input type="checkbox"/> Changes to funding environment, including requirements of funding bod(y)ies            |  |
| <input type="checkbox"/> Other (please specify).  |  |

Additional Comments

[for example, policy now covers details related to new legislation].

# Reasonable Adjustment Policy

## 1. Purpose and Scope

**[insert organisation name]** values an accessible, inclusive work environment. We apply the principles of reasonable adjustment so that people with disability, injury and/or illness are supported to participate at work.

This Policy applies to, but is not limited to all staff, and the following areas:

- recruitment, selection, appointment, induction and orientation
- Professional development, including training, conferences, supervision and performance management
- Promotion, transfer, and higher duties
- Participation in projects, committees, workgroups
- Performance management
- Injury management, including “return-to-work”
- **[insert organisation name]** events and activities

## 2. Definitions

**Discrimination** – includes Direct and Indirect types.

- Direct Discrimination: someone with disability receives less favourable treatment, in the same circumstances, than a person without disability.
- Indirect Discrimination: a policy, practice or requirement has a discriminatory effect on people with disability even though it is applied equally.

**Unjustifiable Hardship** - **[insert organisation name]** is obligated to provide reasonable adjustments to employees with disability, illness and/or injury unless such an adjustment would result in unjustifiable hardship to **[insert organisation name]**. Unjustifiable hardship will be determined by considering:

- cost of the adjustment required in light of **[insert organisation name]**'s financial situation, and
- the degree to which the adjustment will result in substantial benefits or detriments to other employees, including those who do not have disability, illness and/or injury.

**Reasonable Adjustment** – workplace alterations (eg administrative, environmental, procedural) required to enable a person with disability, injury and/or illness to:

- perform the inherent or essential requirements of their job safely
- have equal employment opportunities such as recruitment processes, promotion and training opportunities
- enjoy equal terms and conditions of employment.

Reasonable adjustment may include one or more of the following types of adjustment:

- adjustments to workplace or work related premises, equipment or facilities, including provision of additional equipment or facilities
  - *eg more privacy for employees who experience anxiety due to being in an open office*
- adjustments to work related communications or information provision, including the form or format in which information is available
  - *eg easy-read dot point policy and procedure summaries for employees with memory problems*
- adjustments to work methods
  - *eg voice to text software for employees unable to use a keyboard*
- adjustments to work arrangements, including in relation to hours of work and use of leave entitlements
  - *eg adjustments to work arrangements to accommodate an employee who needs breaks because of pain or fatigue issues*
- adjustments to methods used for testing, assessment or selection
- adjustments to work related rules or other adjustments to enable a person to comply with rules as they exist
- access to training, transfer, acting, trial or higher duties positions, traineeships, or other forms of opportunity to demonstrate or develop capacity in a position
- provision of interpreters, readers, attendants or other work related assistance
- permitting or facilitating a person to use equipment or assistance provided by the person with a disability or by another person or organisation
- providing training to co-workers or supervisors
- other work-related adjustments

*Except as part of a program of training or rehabilitation reasonably likely to enable the employee to perform the requirements of the job within a reasonable period, reasonable adjustment does not include:*

- changing the inherent requirements of the job
- maintaining a job which would otherwise be altered or abolished
- assigning performance of some inherent requirements to another employee
- creation of a different job or
- promotion or transfer to a different job

### **3. Principles**

**[insert organisation name]** recognises that the assistance provided by one or more reasonable adjustments can empower our employees with disability, illness or injury to contribute to their maximum potential. This will benefit our employees, our teams, and our organisational outcomes.

The Disability Discrimination Act 1992 (Cth) and associated legislation places an obligation on employers to apply the concept of reasonable adjustment to assist employees with disability to achieve workplace participation.

#### 4. Outcomes

**[insert organisation name]** employees with disability, injury and/or illness fully participate in the workplace to the best of their ability.

#### 5. Functions and Delegations

Position	Delegation/Task
Board of Directors	<ul style="list-style-type: none"> <li>• Champion a work environment that is free from discrimination and stigma</li> <li>• Develop, Endorse, Review Reasonable Adjustment Policy</li> </ul>
Management	<ul style="list-style-type: none"> <li>• <b>[Insert Specific Position(s)]</b> Approve expenditure for Reasonable Adjustments within financial delegation.</li> <li>• Work with employees to develop and implement reasonable adjustment solutions that are fair and equitable</li> <li>• Promote a work environment that is free from discrimination and stigma</li> <li>• Focus on an employee's ability (rather than their limitations) when reviewing or developing the duties/responsibilities of a role</li> <li>• Ensure that information regarding employees' reasonable adjustments is secure and confidentiality is maintained</li> </ul> <p><u>Recruitment</u></p> <ul style="list-style-type: none"> <li>• Ensure that applicants for <b>[insert organisation name]</b> positions are given the opportunity to request reasonable adjustment to participate in all recruitment/selection activities</li> <li>• Consult with [eg Occupational Therapist, Return-to-Work Coordinator] when implementing reasonable adjustments for applicants</li> </ul> <p><u>Eg [Return-to-Work] OR [Disability] OR [Reasonable Adjustment] Coordinator</u></p> <ul style="list-style-type: none"> <li>• Provide advice and support to managers and employees in relation to reasonable adjustment</li> <li>• Ensure that information about reasonable adjustment is readily available to managers/supervisors and employees</li> <li>• Examine and address physical, organisational and psychosocial barriers that may unreasonably prevent employment or employment opportunities for people with disability</li> <li>• Ensure that information regarding an employee's reasonable adjustments is secure and confidentiality is maintained</li> <li>• Ensure that the reasonable adjustment policy is brought to the attention of <b>[insert organisation name]</b> employees throughout the selection and induction process</li> </ul>
All Staff	<ul style="list-style-type: none"> <li>• As early as possible, inform your manager/supervisor that reasonable adjustment assistance is needed</li> <li>• Seek and develop reasonable adjustment solutions collaboratively with your manager/supervisor</li> <li>• Comply with Reasonable Adjustment Policy</li> </ul>

## 6. Risk Management

### Confidentiality

Implementation of an adjustment will necessitate the applicant / employee to provide some information about the likely impact (if any) of their disability or condition on their work performance to their manager.

Unless legally compelled to do otherwise, information about the applicant or employee's illness, injury or disability will only be disclosed to a third party with the consent of the applicant or employee.

### Specialist Advice for Reasonable Adjustment

Specialist advice for adjustments will be sought – from within and outside the organisation – when decisions require consideration of factors beyond the expertise of the individual(s) responsible for determining the adjustment.

## 7. Policy Implementation

All **[insert organisation name]** employees are made aware of this policy during induction.

This policy is implemented and reviewed in conjunction with our WHS policy and quality improvement processes.

## 8. Policy Detail

All **[insert organisation name]** employees with a disability, injury or illness are eligible - on a permanent and/ or temporary basis - for reasonable adjustment assistance and support.

### 8.1 Requesting and considering reasonable adjustments

**[insert organisation name]** employees, will initially discuss their need for reasonable adjustments with their manager/ supervisor.

Consideration will be given to any information provided by or on behalf of the employee in determining what reasonable adjustments may be required.

The employee's preferred form of adjustment will be seriously considered.

However, that particular form of adjustment may not be provided if:

- another adjustment would be effective in achieving the purpose of the adjustment, or
- making the preferred adjustment would impose unjustifiable hardship.

A reasonable adjustment for an employee should also be made if **[insert organisation name]**:

- is aware (or should reasonably be aware) that an adjustment is required, and
- can reasonably identify an effective adjustment

If only a minor adjustment is needed, the manager/supervisor may arrange for action to be taken in consultation with the employee.

If further assistance is required, the manager/supervisor will contact the **[insert position]** for advice and assistance in assessing the need for - and implementing – the reasonable adjustment(s).

**[insert organisation name]** will provide reasonable adjustments whenever it is necessary, reasonable, and possible to do so (providing it does not constitute an unjustifiable hardship for **[insert organisation name]**).

## 8.2 Unjustifiable Hardship

**[insert organisation name]**'s consideration of unjustifiable hardship will include factors such as:

- the nature of likely benefits and/or detriments to any people concerned
- the effect of the employee's disability
- the financial circumstances of, and the estimated amount of expenditure required to be made by, **[insert organisation name]** in order to achieve the proposed reasonable adjustment.

## 8.3 Financial Responsibility

The **[insert position(s)]** will make final approval of expenditure for reasonable adjustments.

Responsibility for meeting the cost of an approved reasonable adjustment will depend on the nature of adjustment. Funding may be sought via Job Access through the The Employment Assistance Fund, **[insert organisation name]**'s central administration, from specific organisational programs or other areas.

In some circumstances reimbursement may be sought (for example via the workers compensation insurer if the adjustment needs to be made in response to a workplace illness / injury).

The likely cost of the adjustment is a factor in **[insert organisation name]**'s consideration of potential unjustifiable hardship.

## 8.4 Monitoring / Support

Ongoing support of reasonable adjustments is facilitated by the manager/supervisor, the **[eg Return-to-Work Coordinator]**, and the **[eg Rehabilitation Provider]** (where applicable).

## 8.5 Appeals

Applicants / employees who are dissatisfied with a decision in relation to a request for an adjustment may request a review of that decision at any time.

Consistent with the **[insert organisation name]** Complaints and Feedback Policy, it is expected that employees will make every reasonable attempt to resolve any dispute informally with management.

## 9. References + Resources

### 9.1 Internal

Diversity Policy  
Human Resources Policy  
Information Management Policy  
Privacy Policy  
Professional Development Policy  
Work Health and Safety Policy

### 9.2 External

Disability Discrimination Act (Cth) 1992

DEEWR (2011) *Reasonable Adjustment Policy*.

<http://www.deewr.gov.au/Department/DEEWRJobs/Documents/ReasonableAdjustmentPolicy.pdf>

Australian Human Rights Commission. *Employment and the Disability Discrimination Act*

[http://www.humanrights.gov.au/disability\\_rights/faq/Employment/employment\\_faq\\_1.html#adjustment](http://www.humanrights.gov.au/disability_rights/faq/Employment/employment_faq_1.html#adjustment) Accessed May 2012.

Job Access (2010). *Reasonable adjustment*.

[http://jobaccess.gov.au/Employers/Before\\_you\\_start/Frequently\\_Asked\\_Questions/pages/Reasonable\\_adjustments.aspx](http://jobaccess.gov.au/Employers/Before_you_start/Frequently_Asked_Questions/pages/Reasonable_adjustments.aspx)

### 9.3 Quality and Accreditation Standards

#### EQulP4

N/A

#### EQulP5

N/A

#### Health and Community Service Standards (6<sup>th</sup> edition)

N/A

### 9.4 National Mental Health Standards

N/A

### 9.5 Recovery Oriented Service Self-Assessment Tool (ROSSAT)

N/A

## **9.6 NSW Disability Services Standards (DSS)**

N/A