

Workplace Adjustment Guidelines



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AT A GLANCE: REQUESTING WORKPLACE ADJUSTMENTS PROCESS



Discuss

Employee or principal/manager can initiate the discussion regarding what adjustments are required. Further advice and support can be explored during the initial stage where some additional information may be required to decide on the most suitable approach.

Seek advice

There are a range of policies, resources and services that may be able to give advice on a workplace adjustment, including but not limited to:

- an [ergonomic assessment](#)
- a [flexible work agreement](#)
- an assessment from [JobAccess](#) to understand the adjustments required and access to funding through the employee assistance fund
- medical advice from the [Medical Advisory Service](#)
- informal advice from the [Enables Network](#)

If further advice is needed, the principal/manager obtains employee's permission to seek support from People Division which may require meeting with employee directly to clarify specific needs and seek any additional information.

Make a plan

Principal/manager and employee make a plan, outlining the type of adjustment(s) they need to enable them to undertake the inherent requirements of the job safely and effectively.

Get approval (if needed)

A decision to approve (or not) the workplace adjustment must be made within 21 days of the request. If denied, an explanation is to be provided in writing to the requesting employee. Some approvals will require the delegated authority to approve, for example if a flexible work arrangement or requiring financial approvals.

Review

The workplace adjustment once fully implemented should be reviewed regularly and/or when things change. For example, a change in the nature of the disability or carer's arrangements, a change in work duties, a change in work location and/or health. Feedback may be requested on effectiveness of adjustment, for example, at the end of a trial period.

1. Introduction

The purpose of this document is to provide guidelines to employees and principals/managers on how to request, apply for and arrange workplace adjustments in corporate and school settings.

The Department of Education and Training (the Department) is committed to building diverse and inclusive workplaces and developing workplace cultures that are safe and accessible, build respect, foster inclusiveness, promote diversity and embrace the unique skills and qualities of all our employees.

Employees may require workplace adjustments for many reasons and at different times of their lives. This could be due to work and non-work-related injuries, disability and various health conditions, which may prevent them from performing the inherent duties of their role.

WHAT IS DISABILITY?

There are many different kinds of disability and they can result from accidents, illness or genetic disorders. A disability may affect mobility, ability to learn things, or ability to communicate easily, and some people may have more than one disability. A disability may be visible or hidden, may be permanent or temporary, and may have minimal or substantial impact on a person's abilities.

The [Disability Discrimination Act 1992](#) (Cth) (DDA) defines disability broadly as:

- total or partial loss of the person's bodily or mental functions; or
- total or partial loss of a part of the body; or
- the presence in the body of organisms causing disease or illness; or
- the presence in the body of organisms capable of causing disease or illness; or
- the malfunction, malformation or disfigurement of a part of the person's body; or
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour

The DDA includes a disability that:

- presently exists; or
- previously existed but no longer exists; or
- may exist in the future (including because of a genetic predisposition to that disability); or
- is imputed to a person.

To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

Employees with disability are valued members of the Departments workforce. Often, they do not require any workplace adjustments, but if they do the Department will provide adjustments whenever it is needed, possible and reasonable to do so. When adjustments are needed, the process of identifying the adjustments required and gaining approval for these where reasonable, should be straightforward.

All employees and principals/managers should be aware of their rights and responsibilities to ensure that employees have what they need to work safely, effectively and comply with legislation and Department policy.

2. What are workplace adjustments?

Also referred to as 'reasonable adjustments', a workplace adjustment is a modification to a work process, practice, procedure or setting that enables an employee with disability to perform their job in a way that minimises the impact of their disability. It also applies for a recognised carer for a person with disability (within the meaning of the [Carers Recognition Act 2012](#) (Vic)). The particular circumstances of each case need to be considered.

Adjustments can be administrative, environmental or procedural and could include:

- Adjustments to work premises, equipment or facilities
- Adjustments to work related communications including making available information in an accessible format
- Adjustments to work methods
- Adjustments to work arrangements, including in relation to hours of work and use of leave entitlements
- Adjustments to methods used for testing, assessment or selection, including in recruitment processes
- Adjustments to work related rules or other adjustments to enable a person to comply with rules as they exist
- Providing training to co-workers or supervisors.

Under the [Disability Discrimination Act 1992](#) (Cth) and the [Equal Opportunity Act 2010](#) (Vic) the Department is obligated to make workplace adjustments to accommodate an individual's disability, unless that adjustment would result in unjustifiable hardship.

Workplace adjustments allow a person to:

- have equal opportunity in recruitment processes, promotion and ongoing development
- perform the inherent or essential requirements of their job safely in the workplace
- experience equitable terms and conditions of employment
- maximise productivity.

The rights of people with disability and carers are upheld and protected by the [Equal Opportunity Act 2010](#) (Vic). Refer to Section 4 for further information on the legal context.

WHAT IS 'REASONABLE' WHEN MAKING WORKPLACE ADJUSTMENTS?

Some examples of reasonable workplace adjustments across the employee lifecycle include:

- Offer flexibility in the recruitment process and be prepared to modify or waive some aspects of the recruitment process if there are alternative ways to obtain the required information
- Be flexible in the presentation of selection criteria, for instance written versus spoken, and/or provide information in alternative formats such as in electronic format for a candidate with low vision
- Accommodate requests for a support person to attend an interview
- Allowing a person with disability to have flexibility in their working hours, such as working part-time or starting and finishing later, or working remotely from alternate office settings
- Redistributing minor duties (i.e. not inherent requirements of a job) that a person with disability finds difficult to do
- Office furniture and equipment such as height-adjustable desks, ergonomic computer hardware
- Adaptive software and technologies including speech recognition software for people with vision impairment, an amplified phone for a person with hearing impairment, or a digital recorder for someone who finds it difficult to take written notes due to physical impairment
- Providing additional training, mentoring, supervision and support
- Providing an Auslan interpreter or live captioning at meetings for an employee with a hearing impairment
- Providing agendas in electronic formats for people who find it difficult to manipulate pages.

Requests for workplace adjustments can be made at any time in a recruitment process, or whilst an employee with the Department. Refer to Section 4 for further information.

A workplace adjustment is considered reasonable unless it causes “unjustifiable hardship” to the employer or organisation. Limitations on the obligation to provide reasonable adjustments include:

- Adjustments which impose an unjustifiable hardship on the employer, i.e. financial cost, an amendment to the physical building that is not possible due to council or other restrictions
- Changing the inherent requirements of the job (or maintaining a job that would otherwise be altered or abolished)
- Assigning performance of some inherent requirements of the job to another employee
- Adjustment that would disadvantage other employees
- Creating a new or different job, or
- Promotion or transfer to a different job.

3. Legal considerations

WHAT IS A CARER?

The [Carers Recognition Act 2012](#) (Vic) [defines a carer](#) as an individual who provides personal care, support and assistance to another individual who needs it because that other individual:

- has a disability; or
- has a medical condition (including a terminal or chronic illness); or
- has a mental illness; or
- is frail and aged.

SHARING OF DISABILITY INFORMATION (DISCLOSURE)

There are many reasons why a person may or may not choose to share information about their disability and access requirements. Legally, a person with disability is not obligated to share information about their disability unless:

- an adjustment is required to complete the main tasks of their job
- there is a risk to workplace safety.

Any information shared should be treated as private and confidential, and is subject to applicable in accordance with the Information and Health Privacy Principles contained within the [Privacy and Data Protection Act 2014](#) (Vic) and the [Health Records Act 2001](#) (Vic).

LEGAL PROTECTIONS

Equal opportunity legislation covers all Department employees (including contractors), volunteers and candidates applying for a job.

Equal opportunity legislation contains a positive duty which requires employers to make workplace adjustments for employees and prospective employees with disability (subject to the exceptions outlined below).

There are certain circumstances where discrimination is not unlawful under the [Disability Discrimination Act 1992](#) (Cth) and [Equal Opportunity Act 2010](#) (Vic). These include:

- where an unjustifiable hardship would be imposed by the provision of special services or facilities which are necessary for the person with the disability to do the work;
- where the person, because of their disability, would be unable to carry out the inherent requirements of the role, even with the provision of workplace adjustments by an employer; and
- general exceptions such as if the discrimination is necessary to protect the health or safety of any person or property, or where the discrimination is authorised by another piece of legislation.

4. Implementing Workplace Adjustments

It is the responsibility of principals/managers to ensure that workplace adjustments are in place where they are needed to support employees to perform their duties.



STEP 1 – DISCUSS

Employee or principal/manager can initiate the discussion regarding what adjustments are required to meet the employee's particular situation and their needs. Further advice and support can be explored during the initial stage where some additional information may be required to decide on the most suitable approach. The goal of this discussion is to ensure that everyone is comfortable with, and in agreement with the next steps in the process.

In some cases, the initial discussion will provide clarity about what is needed, and the principal/manager and employee can agree on what adjustments, and what steps to take to put these in place. This may include some funding and approvals that can be quickly and easily managed within the school or program area (see following sections on approvals and funding).

STEP 2 – SEEK ADVICE

In some cases, help from others may be needed. This could be because the job role is new to the employee, or the employee requires time to adjust to their changed abilities and understand more fully what will work best for them. New environments may also make it difficult to predict exactly what is needed until a person commences working in them. People Division can provide support to both principals/managers and employees on the implementation of workplace adjustment.

There are a range of policies, resources and services that may be able to give advice on a workplace adjustment, including but not limited to:

- an [ergonomic assessment](#)
- a [flexible work agreement](#)
- support from the Commonwealth Government through [JobAccess](#)
- medical advice from the [Medical Advisory Service](#)
- informal advice and support from the employee led [Enables Network](#)

If further advice is needed, the principal/manager obtains employee's permission to seek support from People Division which may require meeting with employee directly to clarify specific needs and seek any additional information.

JobAccess

JobAccess is a Commonwealth Government organisation which provides information and advice to assist with the employment of people with disability. The service is free and can assist with all aspects of disability employment including workplace assessments to determine what changes need to be made, coordination of any work required and financial assistance. JobAccess Advisors can be contacted on 1800 464 800.

Job access can also assist with finding a professional such as an Occupational Therapist to provide an assessment on any of the following:

- Job Task Analysis
- Clinical Psych Assessment
- Workplace/Workstation Assessment
- Activities of Daily Living Assessment
- Vocational/Job Capability Assessment
- Cognitive/Neuro-Psych Assessment
- Fitness for Duties Examination
- Exercise Physiology/Dietician Assessment
- Functional Capacity Evaluation

A workplace modification assessment may assist the principal/manager and the employee to work out what workplace adjustments will best meet the needs of the employee. The assessment is undertaken by a qualified professional. The Assessor will look at the workplace and any barriers that may exist; and talk with the employee and to their principals/managers to find solutions to make their workplace more flexible, accessible and suitable to their requirements.

The workplace modification assessment will usually result in the preparation of a report which may include one or more recommendations. JobAccess will work with principals/managers to implement the recommendations and arrange for Commonwealth funding to reimburse the costs of the modifications in most cases.

STEP 3 – MAKE A PLAN

At this stage the principal/manager and employee make a plan, outlining the type of adjustment(s) they need to enable them to undertake the inherent requirements of the job safely and effectively. People Services consultants, [Return to Work Coordinators](#) (if applicable), and/or the DET Enablers Network can assist with the development of a plan. You can also contact the Workforce Diversity and Inclusion team diversity@education.vic.gov.au.

STEP 4 – GET APPROVAL (IF REQUIRED)

A decision to approve (or not) the workplace adjustment must be made within 21 days of the request. If denied, an explanation is to be provided in writing to the requesting employee. Some approvals will require the delegated authority to approve, for example if a flexible work arrangement or requiring financial approvals.

In most cases workplace adjustments have minimal or no cost. The most common type of adjustment is flexible work arrangements that allows a person to manage their health and be productive and happy employees. Where an

adjustment does have a cost involved, the cost is usually small, and as such schools and program areas should consider if they can fund this from their internal budgets. Where this is not possible there are a number of options:

- The individual or the principal/manager can apply for financial assistance from the Commonwealth Government's [Employment Assistance Fund](#), which has been established to provide financial assistance to undertake workplace modifications, purchase equipment and provide other support and services where required. Some eligibility criteria apply.
- Schools seeking funding for reasonable adjustments (which cannot be met by the school's budget) should write to the Regional Director outlining a case for financial assistance. This request must be supported by appropriate documentation from the professional who performed the workplace assessment and any quotations.
- Corporate office managers seeking funding for reasonable adjustments should seek assistance from their Executive Director or Regional Director and if necessary, the relevant Deputy Secretary. This request must be supported by appropriate documentation from the professional who performed the workplace assessment and any quotations.

Corporate Workspace adjustments

Workspace adjustments are available to support the work environment for new employees as well as existing employees. To learn more about the support available for accommodation and facilities adjustment for corporate employees visit [Working places, strategy and design](#). Request for accommodation adjustment can be raised by submitting a [Facilities and Maintenance Request Form](#) or emailing Working.Places@education.vic.gov.au.

Request for change of hours

Where an adjustment includes a change of hours or working remotely a [Flexible Work](#) agreement may be required. This requires approval from the appropriate delegate.

Where an adjustment includes a change in fraction (e.g. 0.8), see [Part time employment](#) for guidance.

STEP 5 – REVIEW

The workplace adjustment once fully implemented should be reviewed regularly and/or when things change. For example, a change in the nature of the disability or carer's arrangements, a change in work duties, a change in work location and/or health. Feedback may be requested on effectiveness of adjustment, for example, at the end of a trial period. One way to do this is to embed conversations with the person at regular catch up meetings. These are good opportunities to ask how the arrangements are working and to check in to see if requirements have changed and any workplace adjustments should be modified.

5. Workplace Adjustments Across the Employee Lifecycle



The employee lifecycle refers to the natural stages an employee goes through during their time at the Department. The employee lifecycle is a continuous cycle, with engagement at each stage ultimately influencing the next.

Resources are available to support both principals/managers and employees to implement workplace adjustments across the employee lifecycle.

RECRUITMENT AND SELECTION

Workplace adjustment during the recruitment phase ensures that all applicants have a fair chance to demonstrate they have the skills required for the position. Not every applicant needs to be assessed in an identical manner. This provides flexibility when assessing applicants with a disability. All applicants should be encouraged to ask if they require any workplace adjustments through the recruitment process.

When reading the applicable Recruitment Guide, hiring principals/managers should understand the balancing of substantive equality and merit, that is, equal treatment does not achieve equity for applicants with disability.

The onus is on the panel chair to ask any applicant if any workplace adjustments are required, such as an accessible room or parking for an applicant in a wheelchair. For applicants with disability, hiring principal/managers and panel members should consider what information is appropriate for the situation. It is best practice for the panel chair to take an active approach and not to assume that a person's health information will be offered voluntarily.

Available resources:

- [Recruitment in the Public Service](#)
- [Recruitment in Schools](#)
- [Principal Selection](#)
- [Recruiting People with Disability](#) (VPSC)
- [Recruiting people with disability](#) (JobAccess)

INDUCTION AND ON-BOARDING

Where disability information has been shared at the recruitment stage, all effort should be taken to determine any workplace adjustments and where possible that these are arranged to be in place prior to commencement.

PERFORMANCE AND CAREER DEVELOPMENT

The Department is committed to building performance and developing capabilities of all employees. Tools and resources are available to support principals/managers and employees to support every career journey.

Workplace adjustment should be considered when required to enable employee performance and career development. For example, how a Performance and Development Plan (PDP) is approached, its timing, and what is considered suitable progression.

RETENTION

Promoting a healthy work-life balance will help to retain skilled employees and boost productivity. [Flexible work arrangements](#) can be an example of workplace adjustments. Flexible work requests may include arrangements around working time, work organisation or the work environment. A change to work arrangements may occur just once or be ongoing (for a fixed or indefinite time).

6. Personal Emergency Evacuation Plan

The latest Australian Standards for Planning for Emergencies in Facilities recommends that occupants requiring assistance to evacuate in an emergency should have a Personal Emergency Evacuation Plan (PEEP).

A PEEP is a practical measure to ensure appropriate actions are taken for the individual in an emergency, where an employee requires additional or specific assistance to evacuate the building. The customised document provides the framework for the planning and provision of emergency evacuation of a person with a disability requiring assistance.

The plan will outline a specific procedure to be followed in the event of an evacuation and will also state the designated person(s) to assist in the evacuation. Employee and the principal/manager in consultation with the area Warden (where applicable), will prepare the PEEP.

If employee has a temporary condition that may impede evacuation it is important to inform the principal/manager that the assistance is required. If there is a condition/disability that does not normally affect employees work but might be a problem in an evacuation situation, the principal/manager needs to be informed so that a suitable arrangement can be made.

7. Grievances

Where an applicant or employee considers they have been treated unfairly or unreasonably in any matter related to their employment, they have access to review, grievance or dispute resolution processes to seek to resolve the issue.

For information about this process including the steps to be undertaken and avenues of appeal see [Complaints](#) or [Grievances](#).

[Workplace Contact officers](#) can also be contacted for a confidential discussion.

While the Department encourages its employees to use the internal complaints processes to resolve any complaints, employees may also lodge a complaints with external bodies such as the [Merit Protection Boards](#), [Victorian Human Rights Commission](#) and the [Australian Human Rights Commission](#).

8. Further support

- [DET Enablers Network](#): The Enablers Network provides peer-support to Department employees with lived experience of disability, impairments, and long-term health conditions.
- [JobAccess: Disability and Adjustment](#)
- [Australian Network on Disability: Workplace Adjustments](#)
- [Employee Health, Safety and Wellbeing services](#)

9. Legislation and related policies

COPROPRATE POLICIES

- [Disability and Reasonable Adjustment](#)
- [Equal Opportunity](#)
- [Flexible Work](#)
- [Workplace Contact Officers](#)
- [Recruitment in the Public Service](#)
- [Corporate Accommodation and Facilities](#)
- [Diversity and Inclusion](#)
- [Privacy policy](#)

SCHOOL POLICIES

- [Disability and Reasonable Adjustment](#)
- [Equal Opportunity](#)
- [Flexible Work](#)
- [Workplace Contact Officers](#)
- [Recruitment in Schools](#)
- [Inclusive Workplaces](#)
- [Privacy and Information Sharing](#)

LEGISLATION

- [Disability Discrimination Act 1992](#) (Cth)
- [Carers Recognition Act 2012](#) (Vic)
- [Equal Opportunity Act 2010](#) (Vic)
- [Privacy and Data Protection Act 2014](#) (Vic)
- [Health Records Act 2001](#) (Vic)