

Reasonable adjustment policy template

Introduction

The introduction should state the purpose and principles of the policy as well as the legislative and organisational policy framework.

For example:

[Employer name] is committed to providing an accessible and inclusive workplace to enable people with disability to participate fully in all aspects of employment, including job design, recruitment and selection, the work environment, staff training and development, performance management and departure.

In keeping with the Disability Discrimination Act, 1992 (DDA) and the relevant state legislation (e.g. Victorian Equal Opportunity Act, 2010), as well as our organisational disability action plan and diversity policy, [Employer name] will commit to apply the principle of reasonable adjustment to remove barriers to employment participation by people with disability. Reasonable adjustments will be made to enable appropriately skilled people with disability to perform the inherent requirements of their positions unless this is determined to cause undue hardship to our organisation.

The purpose of this policy is to outline the principles and procedures of making reasonable adjustments in the workplace to meet the needs of current and potential staff with disability.

Definitions

This section is to define relevant terminology and concepts; and could include definitions of disability, disclosure, discrimination, inherent requirements, merit principle, reasonable adjustment and unjustifiable hardship.

The number of definitions included may also depend on whether other broader policy documents already exist (e.g. disability action plan, diversity and inclusion policy).



Disability

This policy adopts the broad-ranging definition of 'disability' set out in the DDA 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 DDA 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.

Sharing information about disability

Sharing information about disability (previously referred to as disclosure) refers to a personal decision to tell a person or institution about one's disability. There is no legal obligation for a job applicant or employee to share information about their disability to an employer, unless it is likely to affect their job performance or ability to work safely.

Non-sharing information about disability is not an option for those with visible disability. But for those with non-visible disability, there are many reasons a person might choose not to share, such as fear of discrimination, concern about differential treatment, or a belief that their disability will not affect work performance.

Having a well-publicised reasonable adjustment policy can be one factor that may persuade someone to share. Often sharing information about disability might just be partial, for example a symptom that may impact an inherent requirement of a role. Some people will feel comfortable sharing information prior to employment, others might prefer to wait till the probation period is over, their performance is affected, or they become unwell.

Inherent requirements

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.



Reasonable adjustment

Reasonable adjustment refers to administrative, environmental or procedural alterations that enable a person with disability to have equal employment opportunity and work effectively. It may include; changes to selection procedures, job redesign (including offering flexible working arrangements), alternative methods of information provision, additional training and specialist assistance and workplace modifications (including the purchase or modifying of equipment).

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 DDA places the onus on the employer to prove that the adjustment is unreasonable.

Entitlement/coverage

This section should clarify who qualifies for consideration of reasonable adjustments.

For example:

All employees, 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, permanent and casual, temporary contractors or seasonal staff, probationary employees).

Confidentiality

This section should summarise the organisation's policy with regard to the disclosure of disability and the handling of private disability-related information.

For example:



[Employer name] will abide by federal and state privacy laws in the handling of the personal information (including health/disability information) of employees by:

- only collecting information that is necessary and relevant to their role
- informing them that their information is being collected and what it will be used for
- telling them who will have access to their information, how it will be stored and when it will be destroyed.

[Employer name] will abide by the legal duty of confidentiality that obliges employers to protect their employees against the inappropriate disclosure of personal and health information.

[Employer name] recognises that as an employer we can only breach prospective and current employees' confidentiality if we have 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.

[Employer name] understands that our duty to ensure the privacy of our employees is not lessened by disclosure and we commit to only sharing any information received during disclosure in a lawful manner. Information about agreed reasonable adjustments should only be communicated to those organisational representatives (e.g. HR manager or direct supervisor) who need to know. The sharing of any other disclosed disability-related information shall only be disclosed to others with the written consent of the employee concerned.

Communication and responsibilities

This section should outline how the availability of reasonable adjustments will be publicised in the organisation and summarise which staff have responsibilities in the reasonable adjustment approval and implementation process.

It could also include information on organisation and staff liabilities for failing to meet their DDA obligations in regard to reasonable adjustment.

For example:

[Employer name] will ensure all job applicants and employees are notified of the availability of reasonable adjustments.

The CEO has overall responsibility of ensuring that this policy is implemented and regularly reviewed.



The human resources team will be responsible for:

1. Ensuring that all application forms and job interview correspondence outline the existence of a reasonable adjustment policy and advise who to contact in HR for further information or assistance
2. Notifying all job applicants invited to interview how they can make a reasonable adjustment request and participate in the interview process equitably
3. Organising the financing of all reasonable adjustments and related workplace assessments through internal budgets or through application to the Australian Government's Employment Assistance Fund which can be accessed through the [JobAccess Service \(www.jobaccess.gov.au\)](http://www.jobaccess.gov.au)
4. Publishing this policy on the organisation's website.

Line managers will be responsible for:

1. Advising employees of the reasonable adjustment policy and procedure upon job commencement and during performance appraisals
2. Ensuring that information about the reasonable adjustment policy is readily available in the work areas of employees supervised
3. Approving or rejecting all requests for reasonable adjustments
4. Implementing and reviewing all reasonable adjustments in conjunction, if necessary, with HR staff and direct supervisors.

It is important that HR staff and managers understand that they can be held responsible under federal and state law for an act of disability discrimination by failing to make available a reasonable adjustment and could be joined as co-defendants in the event of a disability discrimination complaint with a consequent personal liability.

Or more simply:

The Director Corporate has overall responsibility for ensuring this policy is implemented and regularly reviewed.

The personnel section, in consultation with divisional managers and immediate supervisors, has day-to-day responsibility for ensuring that all reasonable adjustment applications are considered and implemented where reasonable/possible in accordance with this policy and that all employees and potential employees are made aware of this policy.

The Director Corporate has the authority to approve all expenses relating to the purchase of equipment and/or software, alteration to accommodation arrangements such as refitting of office space and other



reasonable adjustment related expenditures and processes. The head of each division has the authority to approve redesign requests relating to reasonable adjustments under this policy.

Reasonable adjustment procedure

This section should describe the internal procedures regarding how reasonable adjustments are requested, assessed and approved/ rejected, financed, implemented and evaluated. It should also detail an appeals process for individuals who wish to challenge any rejection decisions.

Naturally the information in this section will vary from organisation to organisation, depending on size and structure. It would need also to more fully outline which staff members are responsible for managing the various parts of the process, and the timelines involved.

Some organisations may prefer to have this actual procedure separated out from the policy as a guidelines document for operational staff with a final sentence in the opening principles section to the effect: this policy is supplemented by the 'reasonable adjustment guidelines' that provides detailed information and a guide to assist relevant staff administer this policy.

For example – outline only:

The following procedures shall be used by designated staff for all reasonable adjustment requests by employees who have disclosed disability:

1. Request
2. Assess and reach a decision
3. Appeal process
4. Funding adjustments
5. Implementing adjustments
6. Monitoring and evaluation

For an example of a full, very detailed reasonable adjustment procedure, go to the [Department of Social Services Reasonable Adjustment Policy](#)



A simpler version could read:

All managers when faced with a reasonable adjustment request will contact the Director, Human Resources (or nominee), who will arrange as a high priority for the Workers Compensation and Rehabilitation Unit to assess the nature, degree and cost of the adjustment required.

Each type of adjustment will be considered on its merits and be related to the specific disability and the inherent requirements of the job. The nature of the adjustment will be assessed on-site in the workplace and will involve the prospective or current employee as one of the main sources of information on the adjustment sought.

The Workers Compensation and Rehabilitation Unit will be responsible for organising, if necessary, external workplace assessments through the Australian Government's Employment Assistance Fund (EAF) which can be accessed through the JobAccess Services (www.jobaccess.gov.au), as well as initiating and progressing any applications under the EAF for funding to cover any approved adjustments requiring an outlay of over \$500.

A final decision on whether an adjustment is reasonable will be made by the Director, Human Resources for adjustments up to \$20,000, and by the CEO (or nominee) for adjustments in excess of \$20,000.

Where no costs are involved, for example for job redesign initiatives or office space reorganisation, then a decision can be made by the immediate manager.

Any appeals about reasonable adjustments decisions should go through existing employee grievance procedures.

Case study

An organisation may wish to include one or more case studies from its own experience.

