

EED Unit

Workplace Adjustment Procedures for Staff Members with a Disability

Date approved:		Date Procedure will take effect:		Date of Next Review:	
Approved by:					
Custodian title & e-mail address:	Director, EED lwright@uow.edu.au				
Author:	Lynne Wright				
Responsible Faculty/ Division & Unit:	EED Committee				
Supporting documents, procedures & forms of this policy:	<p>Agreement between UOW and Essential Personnel</p> <p>Disability Policy - Staff</p> <p>Enterprise Agreements- Academic and General staff</p> <p>Grievance Policy</p> <p>Injury Management Program</p> <p>Privacy Policy</p> <p>Procedures for Investigating Grievances</p> <p>Recruitment Policy</p> <p>Request for Workplace Adjustment</p> <p>Workplace Management Plan</p> <p>Workplace Injury Management and Workers Compensation Act (1998)</p> <p>Health Records and Information Privacy Act (2002)</p>				
References & Legislation:	<p>Anti-Discrimination Act 1977 (NSW)</p> <p>Building Code of Australia 1996 (BCA)</p> <p>Department of Employment and Workplace Relations – Job Access</p> <p>Disability Discrimination Act 1992 (Comm)</p> <p>Disability Services Act 1993 (NSW)</p> <p>Occupational Health and Safety Act 2000 (NSW)</p> <p>Occupational Health and Safety Regulation 2001 (NSW)</p> <p>Standards AS 1428 – 2001 Design for Access and Mobility</p>				

Audience:	Public
Expiry Date of Procedure:	October 2011

Contents...

1	Introduction / Background	3
2	Scope / Purpose	3
3	Definitions	4
4	Disclosure of Disability	5
5	Making a Request for Adjustment in the Recruitment Process.....	5
6	Making a request for Workplace Adjustment	6
7	Assessment.....	6
8	Recommendations.....	7
9	Approval.....	7
10	Implementation.....	8
11	Monitoring.....	8
12	Roles & Responsibilities.....	8

1 Background – Workplace Adjustment

- 1.1 The University is committed to fostering and supporting a diverse workforce and to integrating equal opportunity for people with disabilities into University policies, procedures, decisions and operations. This commitment is outlined in the [Disability Policy - Staff](#).
- 1.2 Workplace adjustments are changes introduced into the workplace that take account of a person's disability, which may be due to a work-related injury or illness (permanent or temporary), an acquired disability or an established condition. Workplace adjustments enable employees to use their skills effectively and access the same benefits, terms or conditions of employment as other employees.
- 1.3 The requirement to provide adjustment for people with a disability applies to each stage of employment:
 - a. recruitment, selection and appointment;
 - b. training and career development;
 - c. probation and promotion;
 - d. performance management; and
 - e. any other employment benefit.
- 1.4 Adjustments may be permanent or temporary depending on the nature of the disability and the needs of the individual. Adjustments may include:
 - a. assistance to ensure there is no barrier in the selection process;
 - b. provision of specialised equipment, facilities or work related aids;
 - c. job redesign;
 - d. changes to work practices or arrangements;
 - e. training or retraining;
 - f. provision of information in suitable formats;
 - g. modification to work areas.

2 Scope

- 2.1 This procedure applies to potential staff members in relation to adjustments required to ensure equal opportunity in the recruitment process and to staff members who have a temporary or permanent disability which impacts on their ability to perform their job.
- 2.2 Where the adjustment involves rehabilitation from a work-related injury, the OH&S Injury Management Coordinator, in conjunction with the supervisor, will design an appropriate Return to Work Program, separate to this process.

3 Definitions

Word/Term	Definition
disability	<p><i>As defined in the Disability Discrimination Act 1992 (Comm) and Anti Discrimination Act (NSW 1977)</i></p> <p>a. total or partial loss of a person's bodily or mental functions; or</p> <p>b. total or partial loss of a part of the body; or</p> <p>c. the presence of a body of organisms causing disease or illness; or</p> <p>d. the presence of a body of organisms capable of causing disease or illness; or</p> <p>e. the malfunction, malformation, or disfigurement of a part of a person's body; or</p> <p>f. a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or</p> <p>g. a disorder or illness that affects a person's thought processes, perception of reality, emotions, or judgment or that results in disturbed behaviour;</p> <p>and includes a disability that:</p> <ul style="list-style-type: none"> i. presently exists; or ii. previously existed but no longer exists; or iii. may exist in the future; or iv. is imputed to a person. <p>To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.</p>
potential staff member	A person who applies for a position at the University and is short-listed for an interview.
reasonable adjustment	Special facilities or equipment employers must provide to enable a person with a disability to do their job. Reasonable adjustment does not include changing the inherent requirements of the job. An exception to reasonable adjustment is when 'unjustifiable hardship' can be proven by the University.
staff	An employee, honorary or visiting appointee or the holder of a University office or a member of a University committee.

temporary disability	A condition that exists for a short period of time and is not lasting or permanent. In some cases, temporary disability may also be treated as a past disability if adverse treatment was to continue after the disability case.
unjustifiable hardship	<p><i>As defined in the Disability Discrimination Act 1992 (Comm)</i></p> <p>all relevant circumstances of the particular case are to be taken into account including:</p> <ul style="list-style-type: none"> a. the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned; and b. the effect of the disability of a person concerned; and c. the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship; and d. in the case of the provision of services, or the making available of facilities—an action plan given to the Commission under section 64.

4. Disclosure of Disability

- 4.1 A staff member or potential staff member has no obligation to disclose a disability unless it is likely to affect their ability to perform the inherent requirements of the position.
- 4.2 If a staff member or potential staff member with a disability requires workplace adjustment, there is a responsibility to disclose their disability to the officer responsible for administering the adjustment.
- 4.3 Depending on the disability and the nature of the adjustment requested, the staff member or potential staff member may also be required to provide documentary evidence about the disability and requirement for adjustment. This evidence may be obtained from a medical practitioner, psychologist or other relevant professional, with the consent of the staff member.
- 4.4 At all times the officer(s) responsible for administering the adjustment will respect the privacy of the staff member or potential staff member in accordance with the [Privacy Policy](#).

5. Making a Request for Adjustment in the Recruitment Process

- 5.1 The potential staff member should complete a Request for Workplace Adjustment form and send it to the Recruiter or contact officer for the position.
- 5.2 The Recruiter assigned to the recruitment process for that position will liaise with the applicant.
- 5.3 Where adjustments are required for the interview process, the Recruiter will liaise with the interview panel and/or the Director Employment Equity and Diversity to arrange suitable adjustments for the applicant.
- 5.4 If the applicant is successful in gaining the position at the University of Wollongong, and workplace adjustments are required, the procedures for a workplace adjustment for new employees will apply.

6. Making a Request for Workplace Adjustment

- 6.1 A request for adjustment from a new employee may come through their supervisor, their Human Resource Advisor, Occupational Health and Safety personnel or the Director Employment Equity and Diversity as part of their entry on duty.
- 6.2 A request for adjustment from an existing member of staff would normally be made by completing a Request for Workplace Adjustment form and discussing it with their supervisor. Alternatively, a staff member may prefer to seek advice or discuss workplace adjustment issues with their Human Resource Advisor, Occupational Health and Safety personnel, their staff or union representative or the Director Employment Equity and Diversity.
- 6.3 The direct supervisor may assume the role of case manager for workplace adjustment, or refer to the most appropriate unit to assign a case manager, whose role it is to coordinate activities related to the workplace adjustments.
- 6.4 Where the staff member prefers not to liaise with their supervisor, the staff member will send their Request for Workplace Adjustment form to the most appropriate work unit where a case manager will be assigned to respond within five working days of receipt.

Alternative case managers may be the:

- a. Director, Employment Equity and Diversity
- b. Injury Management Coordinator, OH&S or Manager, OH&S
- c. Another manager in the staff member's work unit
- d. Human Resource Advisor

7. Assessment

- 7.1 On receipt of a referral, the case manager will consult with the staff member on the following matters:
- a. the nature, severity and duration of the disability, injury or illness;
 - b. the functional limitations placed on the staff member by the disability or condition;
 - c. whether the disability or condition is likely to change over time;
 - d. what specific adjustments, if any, have been suggested by the staff member;
 - e. whether further specialist evaluation is required to identify and implement appropriate adjustments.
- 7.2 The assessor will open a confidential *Workplace Adjustment Management Plan* to record information.
- 7.3 Where further evaluation is required, the case manager will source additional information from, and liaise with, the following (as appropriate, and with the consent of the staff member):
- a. a medical practitioner; occupational therapist or other allied health provider;

- b. Job Access;
- c. Director EED;
- d. a disability service provider;
- e. OH&S;
- f. ITS;
- g. Buildings and Grounds;
- h. Union or staff representative.

8. Recommendations

- 8.1 Once an assessment has been made, the case manager, (where this person is not the direct supervisor) will discuss the recommendations for adjustment(s) with the supervisor and the staff member.
- 8.2 If Job Access has been involved in the assessment process, the assessor from Job Access will make recommendations on aspects that will attract Government funding and those the University is expected to fund.
- 8.3 Where alterations are required to buildings or facilities, Buildings and Grounds will be contacted by the case manager.
- 8.4 Where a concern is raised about the reasonableness of an adjustment, the matter should be referred to the Director, Employment Equity and Diversity. The matter will be assessed against the criteria for unjustifiable hardship.

9. Approval

- 9.1 Approval of recommendations will take into account:
 - a. University standard equipment requirements
 - b. Suitability
 - c. Cost
 - d. Sustainability
 - e. Impact on other work practices
- 9.2 The costs of implementing workplace adjustment will be funded as follows:
 - a. Job Access
 - b. Faculty or unit budgets
 - c. Building and Grounds major or minor works program
 - d. Other, as determined by the Director EED
- 9.3 The University will not fund the cost of personal aids that are required by the staff member for private purposes, nor will it pay the cost of treatment for a temporary or permanent condition or disability.

10. Implementation

- 10.1 The case manager will be responsible for implementing the adjustment in the workplace in consultation with the staff member, supervisor and relevant agencies and units.

11. Monitoring

- 11.1 The case manager will conduct a follow up review with the employee and supervisor approximately three months from the date the adjustment process was concluded. The results of this action should be documented in the Workplace Adjustment Management Plan.
- 11.2 If no further follow-up or monitoring is required, the Workplace Adjustment Management Plan will be filed with Personnel Services on the Personal file. In exceptional circumstances, a staff member may request that their file is located with the Director, EED.
- 11.3 The adjustments will be monitored according to an agreed schedule.
- 11.4 Where the workplace adjustment is temporary, the case manager may be called upon to oversee the changes. This includes surplus materials and equipment being returned to the most appropriate unit.

12. Roles & Responsibilities

12.1 Supervisor

- a. may act as the case manager
- b. liaise with relevant agencies and units
- c. assist with implementation process
- d. conduct the three month and ongoing monitoring of adjustments

12.2 Director Employment Equity and Diversity

- a. may act as the case manager
- b. liaise with Job Access
- c. liaise with relevant agencies and units
- d. provide guidance of disability support and issues surrounding disability discrimination

12.3 Injury Management Coordinator, OH&S Unit

- a. may act as the case manager
- b. conduct assessments in area of expertise
- c. liaise with relevant agencies and units
- d. consult with medical practitioners

- e. assist with implementation process

12.4 Assistant Director, Buildings and Grounds

- a. provide advice in areas of expertise
- b. assist with implementation process

12.5 Recruiter

- a. make suitable adjustments for the interview process
- b. liaise with the members of the interview panel
- c. liaise with relevant agencies and units

12.6 Union or Staff representative

- a. liaise with relevant units to initiate workplace adjustments
- b. provide support to the staff member where required

12.7 Human Resource Advisor

- a. may act as case managers
- b. liaise with the relevant agencies or units
- c. assist with job re-definition
- d. provide support for supervisors in managing workplace changes

13. Version Control Table

Version Control	Date Effective	Approved By	Amendment
Start from 1	YYMMDD (the date the procedure takes effect)	Contact person – full name & title.	Include any superseded procedures and what the amendment is to the document.