

Workplace Adjustment Procedures for Staff Members with Disability

1. Purpose

This document outlines the process for staff, prospective staff and supervisors/managers in the provision of appropriate workplace adjustments for staff and potential staff with disabilities. Workplace adjustments are designed to assist staff members meet the inherent requirements of their position. More importantly, they assist staff with disability to use their skills effectively and access the same benefits, terms or conditions of employment as other staff.

1 Background – Workplace Adjustment

- 1.1 UTS is committed to fostering and supporting a diverse workforce and to integrating equal opportunity for people with disability into University policies, procedures, decisions and operations. This commitment is outlined in the [UTS Equal Opportunity Policy](#) and is part of the University's compliance with requirements under the Disability Discrimination Act, 1992.
- 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 or non- work related injury or illness (permanent or temporary), an acquired disability or an established condition.
- 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, progression 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; and/or
 - (g) modification to UTS work areas, including University common areas.

They will not include personal aids for private purposes and treatments for a temporary or permanent condition or disability.

3 Scope

3.1 This procedure applies to the following:

- (a) potential staff members in relation to adjustments required to ensure equal opportunity in the recruitment and selection process; and
- (b) current staff members who have, or acquire, a temporary or permanent disability which impacts on their ability to perform their job.

3.2 Where the adjustment involves rehabilitation from a work-related injury, the Return to Work Coordinator or Health and Wellbeing Partner, in conjunction with the staff member and their supervisor, will design an appropriate Return to Work Program, separate to this process (refer to Workplace injury Management and Return to Work Program Directive)

4 Definitions

WORD/TERM	DEFINITION
Disability	<p><i>As defined in the Disability Discrimination Act 1992 (Comm) and Anti Discrimination Act (NSW 1977)</i></p> <ul style="list-style-type: none"> (a) total or partial loss of a person's bodily or mental functions; or (b) total or partial loss of a part of the body; or (c) the presence of a body of organisms causing disease or illness; or (d) the presence of a body of organisms capable of causing disease or illness; or (e) the malfunction, malformation, or disfigurement of a part of a person's body; or (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or (g) a disorder or illness that affects a person's thought processes, perception of reality, emotions, or judgment or that results in disturbed behaviour; (h) and includes a disability that: <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>

JobAccess	The Australian Government's JobAccess initiative provides advice and workplace solutions for employees and prospective employees with disabilities, their co-workers, and employers and managers. Website: http://www.jobaccess.gov.au
Potential staff member	A person who applies for a position at the University
Workplace adjustment	Special facilities, equipment or conditions employers must provide to enable a person with a disability to do their job. Workplace adjustment does not include changing the inherent requirements of the position. An exception to workplace adjustment is when 'unjustifiable hardship' can be proven by the University.
Unjustifiable Hardship	Unjustifiable hardship may occur if the workplace adjustments cause undue cost, disruption or difficulties which are out of proportion to the benefits. In determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case must be taken into before any decision is made
Staff Member	An employee of UTS. This includes staff employed on a full time, part time, sessional or part year basis, casual staff and agency's or agencies' staff placements at UTS. It also includes Honorary appointees.
Temporary disability	A condition that exists for a limited 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.
Workplace Disability Fund	The workplace disability fund provides funding for workplace adjustments and equipment to assist staff and prospective staff with disabilities. http://www.equity.uts.edu.au/disability/funds/workplace/index.html
Inherent Requirements	Inherent requirements are those genuine occupational activities, conditions and practices that are essential to performing successfully in the position.

Disclosure of Disability

- 4.1 A staff member or potential staff member has no obligation to disclose a disability unless they require some adjustment to enable them to fulfil the inherent requirements of their position, or to perform the job more efficiently.
- 4.2 If a staff member or potential staff member with disability requires workplace adjustment, there is a responsibility to disclose their disability to their supervisor, as the officer responsible for administering the adjustment.
- 4.3 The staff member or potential staff member will also be required to provide documentary evidence about the disability and the requirement for adjustment. This evidence may be obtained from a medical specialist, psychologist or other relevant health professional.

4.4 As part of its duty of care, UTS may require a staff member to undertake a medical assessment, paid for by UTS, if the University determines that further information is required in order to make an accurate assessment of the application.

4.5 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 and Protection of Personal Information Vice-Chancellor's Directive](#)

5. Handling a Request for Adjustment in the Recruitment Process – Potential Staff

5.1 Potential staff members may apply for workplace adjustments in the recruitment and selection process to afford them an equal opportunity in the process.

5.2 Applicants will receive information about workplace adjustments during the recruitment process via the following:

(a) If an application is made through the [Careers@UTS](#) portal the information will be provided via an automated response from the website.

(b) If an application is made through other recruitment mechanisms information will be provided from the hiring manager

5.3 The potential staff member seeking workplace adjustments should complete a Request for Workplace Adjustment form and send it to the hiring manager or contact officer for the position.

5.4 The hiring manager will liaise with the applicant to agree what adjustments need to be provided.

5.5 Where adjustments are required for the interview process, the hiring manager will liaise with the HR partner and/or the Equity and Diversity Unit to arrange suitable adjustments for the applicant.

6. Handling a Request for Workplace Adjustment for Current Staff

6.1 A request for adjustment from a current staff member would normally be made by completing a Request for Workplace Adjustment form and lodging it with their supervisor.

6.2 In circumstances where a staff member does not wish to lodge the request with their supervisor, the request may be lodged with the supervisor's manager or the Director, Human Resources or the Equity & Diversity Unit. The supervisor's manager or the HR staff member will liaise with the staff member and supervisor regarding the management of the arrangements for workplace adjustments.

6.3 Supervisors/managers can seek advice from their HR Partners, who will, where relevant, consult with specialist advisors, eg. Safety & Wellbeing staff; Equity &

Diversity staff

- 6.4 Staff members can seek advice from Staff services, who will, where relevant, consult with specialist advisors, e.g. Safety & Wellbeing staff; Equity & Diversity staff.

7. Assessment

- 7.1 On receipt of a request, the supervisor will consult with the staff member on the following matters:

- (a) the nature, and the functional limitations placed on the staff member by the disability or condition
- (b) the duration of the disability or condition and whether it is likely to change over time;
- (c) what specific adjustments are being suggested by the staff member;
- (d) whether further specialist evaluation is required to identify and implement appropriate adjustments.

Such consultations may be conducted in the presence of a staff or union representative at the discretion of the staff member.

- 7.2 The supervisor will create a confidential *Workplace Adjustment Management Plan* to record information.

- 7.3 Where further evaluation is required, the supervisor will consult with their HR Partner about sourcing additional information. Further information may be sought from the following (as appropriate, and with the consent of the staff member):

- (a) Job Access;
- (b) Equity and Diversity Unit;
- (c) A disability service provider;
- (d) Safety and Wellbeing;
- (e) Medical professionals

- 7.4 Applications must be assessed in a timely manner so that applicants are able to perform their duties to their full potential as soon as possible.

8. Recommendations and Approval

- 8.1 Once an assessment has been made, the supervisor will discuss the recommendations for adjustment(s) with the staff member.

- 8.2 If Job Access has been involved in the assessment process, the assessor from Job Access will make recommendations on adjustments that will attract Government funding and those the University is expected to fund.

- 8.3 Where alterations are required to buildings or facilities, Facilities Management Unit

will be contacted by the supervisor.

- 8.4 Where a concern is raised about the reasonableness of an adjustment by either party, the matter should be referred to the HR Partner, who will consult with relevant specialist advisors. The matter may also be assessed against the criteria for unjustifiable hardship.
- 8.5 Approval of recommendations will take into account:
- (a) Impact or benefits for University standard equipment requirements or systems
 - (b) Suitability
 - (c) Feasibility and cost
 - (d) Sustainability
 - (e) Impact on other work practices/colleagues
- 8.6 Any costs of implementing workplace adjustment, depending on the nature of the adjustment, will usually be funded as follows:
- (a) JobAccess Employment Assistance Fund
 - (b) Faculty or unit budgets, within an agreed budget limit
 - (c) UTS Workplace Disability Fund
 - (d) Facilities Management Unit minor works program
- 8.7 UTS 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.
- 8.8 UTS supplies its staff with a workstation on UTS premises. Adjustments for use at home are not normally funded by UTS. They may be funded in exceptional circumstances only where it can be demonstrated that the staff member's disability prevents them from being able to work on campus and they can meet the inherent requirements of their position while working from home.
- 8.9 A request for workplace adjustments may be declined where:
- (a) the adjustment does not enable the staff member to meet the inherent requirements of the position;
 - (b) the University can demonstrate unjustifiable hardship in the provision of the adjustments; or
 - (c) the adjustment may impact on the health and safety of the staff member or their colleagues.
- 8.10 Before declining a request, the supervisor must seek specialist advice via the HR partner and document the reasons for the decline.
- 8.11 If the staff member is not satisfied that the reasons for declining the request are reasonable he/she may lodge a grievance in accordance with UTS staff grievance

handling directive.

9. Implementation

- 9.1 The supervisor will be responsible for overseeing the implementation of the adjustment in the workplace in consultation with the staff member, their HR Partner and relevant specialist advisors.

10. Monitoring/Review

- 10.1 The supervisor will conduct a follow up review with the employee on an agreed date, but no longer than three months from the date the adjustment process was concluded. The results of this action should be documented in the Workplace Adjustment Management Plan.
- 10.2 The Workplace Adjustment Management Plan and any associated documents will be filed with Human Resources on the staff member's personnel file. The plan will be noted in the staff member's annual workplan, to enable new supervisor(s) to be aware of the agreed adjustments.
- 10.3 The adjustments will be monitored according to an agreed schedule. If the agreement is breached, then a review may be initiated earlier than the agreed date.
- 10.4 Where the workplace adjustment is temporary, the supervisor may be called upon to oversee the changes, when they are no longer required. This includes surplus materials and equipment being returned to the most appropriate unit.

11. Roles & Responsibilities

11.1 Supervisor

- (a) Will be responsible for receiving & administering the request
- (b) Consult with HR Partner as required
- (c) Oversee the implementation process
- (d) Conduct the review(s) and ongoing monitoring of adjustments

11.2 Human Resource Partners

- (a) Provide advice to supervisors when requested
- (b) Consult with the specialist advisors or units, eg E&DU ,Safety and Wellbeing
- (c) Continue to provide support for supervisors in managing workplace adjustments

11.3 Safety & Wellbeing, Human Resources Unit

- (a) Conduct assessments in area of expertise
- (b) Consult with relevant agencies and units
- (c) Consult with medical practitioners

- (d) Assist with implementation process

11.4 Equity and Diversity Unit

- (a) provide specialist advice regarding disability support and issues surrounding disability discrimination, to both supervisors and staff
- (b) consult with relevant agencies and units, eg. JobAccess, HRU
- (c) may attend job interviews as observer to provide advice if requested by an applicant or interview panel

11.5 Facilities Management Unit

- (a) provide advice in areas of expertise
- (b) assist with implementation process where relevant

11.6 Hiring Manager

- (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 Related UTS and other relevant documentation

12.1 UTS documentation

[UTS Equal Opportunity Policy](#)

[UTS Disability Action Plan](#)

[UTS Sick Leave Guidelines](#)

[UTS Workplace Injury Management & Return to Work Program – Vice Chancellors Directive](#)

[UTS Academic and Support Staff Agreements 2010 \(Sections 43.4 and 49.4 Access and Equity for staff with disabilities\)](#)

12.2 Legislation

Federal Disability Discrimination Act, 1992

NSW Anti-Discrimination Law 1977

13. Approval and Revisions Tables

13.1 Approval

EFFECTIVE DATE	15 February 2017
REVIEW DATE	July 2018
ACCOUNTABLE OFFICER	Director, Human Resources

CURRENT INCUMBENT	Jennifer Lacon		
IMPLEMENTATION OFFICER	Manager, Culture and Partnerships		
CURRENT INCUMBENT	Frank Young	CONTACT NO	1078

13.2 Revision/Modification History

Date	Version	Current title	Summary of changes	Approved/rejected	Approval authority	Resolution or file number
07/2011	1	Workplace adjustment procedures for staff with a disability	New procedures.	Approved July 2011	Director, Human Resources	UR11/803