Workplace Adjustments Procedure for Staff with Disability

Version | Approved by | Approval date | Effective date
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1.0     | Deputy Vice-Chancellor, Equity Diversity and Inclusion | ## Month Year | ## Month Year

Procedure Statement

**Purpose**
To ensure that workplace adjustments required by UNSW employees are effectively implemented, monitored and reviewed.

This procedure sets out the process for requesting a workplace adjustment for:
- a candidate undergoing selection process
- a newly recruited employee
- an existing employee.

**Scope**
All staff, including casuals and those based at UNSW Canberra.

Are Local Documents on this subject permitted? □ Yes, however Local Documents must be consistent with this University-wide Document ☒ No

Procedure Processes and Actions

1. **Introduction**

UNSW is committed to creating an inclusive workplace environment for all staff employed at the University. This includes supporting staff members who may require workplace adjustments as part of their employment by making sure that an optimal environment and/or equipment is provided to carry out their duties.

A person with disability has a right to be protected from discrimination when seeking employment and in the terms and conditions of their employment. The *Disability Discrimination Act 1992* (Cth) makes it unlawful for the employer to discriminate against someone on the grounds of disability. An employer must treat a person with disability no less favourably than a person without disability in the same or similar circumstances. The requirement to provide adjustments for people with disability applies to each stage of employment:

- recruitment, selection and appointment
- training and career development
- progression and promotion
- performance management
- any other employment benefit.

Adjustments may be permanent or temporary depending on the nature of the disability and the needs of the individual.

Staff who are also students and require adjustments for their studies at UNSW, should contact Equitable Learning Services.

For staff with illness, injury or disability compensated as part of an accepted and current workers’ compensation claim, the staff member or manager must visit UNSW Workers Compensation and Injury Management or contact 9385 2722 to lodge a request for advice/action.

2. **Sharing Information and Confidentiality**

UNSW may use the staff member’s personal and health information provided under this procedure internally to address, determine and implement the request for workplace adjustments.
Personal and health information provided within a request for workplace adjustments must only be shared with the staff member’s consent. Staff consent must be requested and given in written form.

Personal and health information provided to the University will be handled in line with the Privacy Policy. UNSW is bound by the Privacy and Personal Information Protection Act 1998 (NSW), Privacy Act 1988 and the Health Records and Information Act 2002 (NSW).

Personal and health information shared under this procedure may be provided to external experts when seeking assessment or specialist goods or services for the implementation of the workplace adjustment. Before providing the information, the university must take safeguards to prevent the unauthorised access, use or disclosure of the information.

It is essential that staff dealing with health information of other staff members for the purpose of implementing a workplace adjustment understand these obligations.

3. Communicating the procedure

3.1. Supporting job applicants with disability

Selection committees must consider and evaluate all applicants equally; more information on ethical practices and equal opportunities can be found in the Recruitment and Selection Guidelines. A decision not to employ a preferred applicant because of the applicant’s disability can only be made if:

- implementing the required adjustments would cause unjustifiable hardship to UNSW or
- despite all workplace adjustments, the applicant cannot fulfill the essential requirements of the role.

Applicants can apply for workplace adjustments in the recruitment and selection process to afford them an equal opportunity in the process.

Applicants will be asked whether adjustments are required at every stage throughout the selection process. HR Talent Acquisition staff will:

1. Communicate to applicants that this information is confidential and used for the implementation of adjustments and that this will not have any impact on their application
2. Ask the staff member when the role has been offered if they need any workplace adjustments
3. Forward requests for adjustments to the supervisor or manager to ensure that the workplace adjustment/s needed are implemented before new staff begin their role. Permission to share requests for adjustments must be obtained from the staff member in writing before it is forwarded.

If a staff member is unsure whether a workplace adjustment is required at this point, a request can be made through their supervisor or manager and their Human Resources Business Partner contact at a later time.

3.2. Supporting new staff with workplace adjustments

New staff can provide workplace adjustment requirements through the recruitment and onboarding form.

Once a staff member begins, supervisors or managers will discuss with their staff ways of working and whether they need a workplace adjustment.

If the staff member does not feel comfortable approaching their supervisor or manager, they can seek advice from:

- Access, Equity and Inclusion (or EDI Manager if the staff member is based in Canberra)
- A faculty EDI officer (Science, Medicine & Health, Business)

3.3. Supporting existing staff seeking workplace adjustments

Workplace adjustments can arise during ongoing employment.

Existing staff will discuss workplace adjustments with their supervisor or manager. A staff member can also discuss adjustments with Access, Equity and Inclusion prior to discussions with their supervising manager or before completing the form.
4. Requesting and implementing a workplace adjustment

1. New and existing staff members will complete a Workplace Adjustments Request Form. The nature of the staff request(s) for workplace adjustments will determine whether further medical documentation is required. If additional information is required, the supervisor or manager or Access, Equity and Inclusion staff will contact the staff member. All documentation received from the staff member must be handled in accordance with the UNSW Privacy Policy.

2. The completed workplace adjustments form is reviewed by the supervisor or manager. Advice can be sought from Access, Equity and Inclusion. Before discussing the workplace adjustment, the supervisor or manager will be required to get written consent from the staff member.

3. Requests for adjustments are approved by the supervisor or manager and
   a) It is the supervisor or managers responsibility to coordinate the implementation of the workplace adjustment. The implementation may be done with the support and consultation with Access, Equity and Inclusion. The supervisor or manager will communicate with the staff member regarding the status of the implementation. See Workplace Adjustment toolkit for Staff and Managers for details on the types of adjustments and the process of implementing these at UNSW.
   b) If the adjustment involves a cost to the local business unit, payment or reimbursement will be made from Access, Equity and Inclusion to the business unit.

4. If an adjustment is not approved and considered to present an ‘unjustifiable hardship’ the supervising manager must discuss alternative adjustment options that can be implemented with the staff member.

5. Review of Workplace Adjustments

1. After the implementation of a workplace adjustment, staff will be able to provide comments on the process and outcome.

2. A period of review of the adjustment needs to be decided between the staff member and the supervisor or manager. The review period must not exceed 3 months.

3. If further changes are required to assist the staff member, updates may be made to the workplace adjustment plan.

4. If the staff members position or circumstances change, workplace adjustments may need to be reviewed.

The supervisor or manager must submit a summary of implementation to access_equity_inclusion@unsw.edu.au. Access, Equity and Inclusion will maintain a record of de-identified data on the implementation of workplace adjustments at UNSW.

6. Workplace Adjustment Passport

A workplace adjustment passport is a voluntary process to document the agreed requirements of staff who require adjustments. The information is readily available to support the continuity of any arrangements that are required for the employee in the workplace. This option is detailed further in the Workplace Adjustments Toolkit for staff and managers.

7. Career development

7.1. Learning and Training

UNSW staff developing learning modules or providing training sessions must:

- communicate to staff ahead of training sessions that if they have any accessibility requirements to get in touch
- be willing to provide alternative formats of the learning content upon request
- ensure that the content developed by staff (including subject matter experts) is in line with the accessible learning guidelines
7.2. Travel related adjustments – Disability Travel Assistance Fund

UNSW recognises that additional expenses are often incurred by staff members and HDR students with disabilities when travelling to conferences and workshops. The Disability Travel Assistance Fund managed by Access, Equity and Inclusion provides a contribution towards these additional costs.

The fund is not a substitute for the standard funding arrangements for conference attendance, SSP or other research related travel provided by Faculties, Schools or Centres. The travel fund supports the research and career development activity of staff and HDR students with disability and helps with the additional expenses associated with accommodating a disability.

7.2.1 Eligibility

An applicant must be an academic or professional staff member or HDR student with disability who:

- is employed full-time or part-time (including research only academic staff and Postdoctoral Fellows) at UNSW and can be fixed term or continuing appointments OR
- is enrolled in a higher degree research program at UNSW
- has applied to present/actively participate in a conference, or to travel for other research purposes or for SSP;
- has received approval from the Head of School, Dean, Centre or Divisional Director to undertake the activity
- has obtained approval for leave for the proposed activity
- has been granted School or Unit funds to cover standard costs for travel for the proposed activity
- requires additional financial assistance to accommodate adjustments to travel arrangements.

The fund is not available for travel on personal leave (recreation, long service, and leave without pay) which is taken in conjunction with the research activity.

7.2.2 Application Process

The assessment rounds for applications are:

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<th>Round</th>
<th>Applications Due</th>
<th>Date/s of Activity</th>
<th>Outcome</th>
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<tr>
<td>1</td>
<td>1 December</td>
<td>1 January -31 March</td>
<td>Mid-December</td>
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<td>2</td>
<td>1 March</td>
<td>1 April -30 June</td>
<td>Mid-March</td>
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<td>3</td>
<td>1 June</td>
<td>1 July-30 September</td>
<td>Mid-June</td>
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<td>4</td>
<td>1 September</td>
<td>1 October – 31 December</td>
<td>Mid-September</td>
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The fund will only support one application per year from individual staff members; except in exceptional circumstances. All applications will be confidential.

The maximum financial assistance provided by the fund is $10,000 per application. Applications greater than $10,000 will only be considered if supported by evidence that the adjustments required to accommodate the applicant’s disability will be greater than this amount.

The fund only covers the pre-approved cost of travel expenses. The fund does not cover any increases in travel expenses, including airfare, after an application has been approved.
Applicants must complete the Fund application form and include the following documentation:

1. A copy of the application submitted to the School, Centre of Division when requesting financial support for Conference Travel, SSP or fieldwork participation;
2. Written confirmation of conference participation (if relevant);
3. Medical and/or other relevant documentation of their disability;
4. Itinerary and detailed budget estimates.

The completed application must be submitted to access_equity_inclusion@unsw.edu.au.

7.2.3 Assessment Criteria

The assessment of applications will comply with the principles of a workplace adjustment as required by disability discrimination legislation. The following information will be considered when assessing applications:

- the purpose of the travel and the benefit to the applicant's research activities/program and to the University
- the nature of the additional support to travel required
- the mode of travel and adjustments required
- the financial contribution made by the local business unit and other relevant parties to support the travel arrangements of the applicant
- head of School, Dean, Centre Director or Divisional Director support and approval for the activity associated with the travel arrangements.

An application may not be approved if, after consideration of all circumstances, it is decided that the assessment criteria have not been met and/or the adjustments would impose unjustifiable hardship on the University.

7.2.4 Payments and Reimbursements

Payments or reimbursement of additional travel expenses will be made by a journal transfer from Access, Equity and Inclusion to the local business unit to cover the expenses incurred for a staff member or HDR student who has been successful in their application.

7.2.5 Accountability

Within four weeks of return from travel, successful applicants will be required to provide a report with details of conference or SSP participation, the benefit of it to their career. This can be the same report required for School, Faculty, Centre or Division or another funding body.

8. Support and advice

A Workplace Adjustments Toolkit is available for staff and managers and provides guidance, advice and information on workplace adjustments and the implementation process.

Staff should first discuss any concerns regarding workplace adjustment requests with their supervisor or manager. If following these steps, the matter remains unresolved, staff can contact:

- the HR Business Partner team member
- Access, Equity and Inclusion or the UNSW Canberra EDI Manager.

Staff who feel that they have experienced unfavourable treatment due to their disability or workplace adjustment request can raise their concerns through UNSW’s Staff Complaint Procedure.

Complaints about UNSW’s decisions and conduct regarding workplace adjustments may also be made externally to the Australian Human Rights Commission, the Anti-Discrimination Board of NSW or the ACT Human Rights Commission.
### 8.1. Contacts
Access, Equity and Inclusion, Division of Equity Diversity and Inclusion
Email: access_equity_inclusion@unsw.edu.au

If the staff member requesting a workplace adjustment works at UNSW Canberra, they can contact the Manager, Equity, Diversity and Inclusion, UNSW Canberra.
Email: EDI@adfa.edu.au

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<th>Accountabilities</th>
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<td><strong>Responsible Officer</strong></td>
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<td><strong>Contact Officer</strong></td>
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### Supporting Information

#### Legislative Compliance
This Procedure supports the UNSW's compliance with the following legislation:
- Anti-Discrimination Act 1977 (NSW)
- Disability Discrimination Act 1992 (Cth)
- Discrimination Act 1991 (ACT)
- Health Records and Information Privacy Act 2002 (NSW)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Fair Work Act 2009

#### Parent Document (Policy)
Equity, Diversity and Inclusion Policy

#### Supporting Documents
- Workplace Adjustments Request Form
- Workplace Adjustments Plan
- Workplace Adjustments Passport

#### Related Documents
- Disability Inclusion Action Plan 2022-2025
- Injury Management Program - Procedure
- Return to Work Program - Procedure
- Travel Policy
- Flexible Work Policy
- UNSW Privacy Policy
- Recruitment and Selection Guidelines
- Recruitment and Selection Policy

#### Superseded Documents
- Reasonable Adjustment Guidelines for Managers of Staff and Potential Staff with Disabilities
- Disability Travel Assistance Fund for Academic Staff with Disabilities - Procedure

### Definitions and Acronyms

[For Governance Use]
Disability is part of the human condition and a complex and evolving concept. UNSW understands disability as resulting from the interaction between people’s impairments, and the attitudinal or environmental barriers that hinder their flourishing and their participation in society on an equal basis. It can include people with short term or fluctuating conditions that may be hidden or visible.

The Disability Discrimination Act 1992 (Cth) defines disability, in relation to a person, means:

- a) total or partial loss of the person’s bodily or mental functions; or
- b) total or partial loss of a part of the body; or
- c) the presence in the body of organisms causing disease or illness; or
- d) the presence in the body of organisms capable of causing disease or illness; or
- e) the malfunction, malformation or disfigurement of a part of the 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, illness or disease that affects a person’s thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;

and includes a disability that:

- h) presently exists; or
- i) previously existed but no longer exists; or
- j) may exist in the future (including because of a genetic predisposition to that disability); or
- k) 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.

In the context of employment, workplace adjustments are changes to the work environment which allow a person with disability to perform the inherent requirements of their job. Examples of such adjustments include but are not limited to the provision of assistive software, hardware and other equipment, building modifications and changes to usual work arrangements necessary to accommodate the needs of a person with disability (for example, by allowing the work to be performed across a different span of hours, or remotely from the workplace).

In the employment context, an adjustment to be made by UNSW is a workplace adjustment unless making the adjustment would impose “unjustifiable hardship” on UNSW.

In determining whether a hardship that would be imposed on UNSW would be an unjustifiable hardship, all relevant circumstances of the particular case must be taken into account, including the following:

- a) the nature of the benefit or detriment likely to accrue to, or to be suffered by, any person concerned (including students and other staff)
- b) the effect of the disability on
- c) any person concerned
- d) the financial circumstances, and the estimated amount of expenditure required to be made, by UNSW
- e) the availability of financial and other assistance to UNSW
- f) any relevant action plans that UNSW has in place under the Disability Discrimination Act.

The burden of proving that something would impose unjustifiable hardship lies on the person claiming unjustifiable hardship.
### Revision History

<table>
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<tr>
<th>Version</th>
<th>Approved by</th>
<th>Approval date</th>
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<tr>
<td>1.0</td>
<td>Deputy Vice-Chancellor, Equity Diversity and Inclusion</td>
<td>## September 2023</td>
<td>## September 2023</td>
<td>This is a new procedure to meet requirements of the Disability Discrimination Act and align with current best practice guidelines.</td>
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### Further Information

This section is not published on the final PDF document. It is for website purposes only

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<thead>
<tr>
<th>Keywords for search engine</th>
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<tr>
<td>FAQs and answers</td>
<td>Include any Frequently Asked Questions and answers to be included with the Procedure (in a separate tab or section) in the Governance Policy Repository</td>
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