

# Frequently Asked Questions (FAQs)

## What is 'disclosure'?

Disclosure to reveal a disability or medical condition to a prospective or current employer is a personal decision. This can be a major decision for an employee. There is no legal obligation to disclose to an employer, unless it is likely to affect the employee's ability to do their job or their ability to work safely. If employees are taking medication, they are only obliged to disclose this if there is likelihood that side effects will impinge on work performance and/or safety. For people with an obvious disability, disclosure is usually inevitable, but in many cases, disability is not obvious/visible. For example, people with a mental illness may be unwilling to disclose as they are concerned about being stigmatized and discriminated against.

## What is 'reasonable adjustment'?

For many people with a disability, a major barrier to equal opportunity, equal participation or equal performance at work is a feature of the work situation which could readily be altered. Removal of discrimination may be as simple as removing this kind of barrier. Making changes to ensure equal opportunity for people with a disability is commonly referred to as "reasonable adjustment" or "reasonable accommodation".

The obligation to make reasonable adjustments applies in relation to both current employees and applicants for employment. There is no specific or exhaustive list of the types of adjustments required to remove discrimination against people with a disability in employment. Each case needs to be considered in its own circumstances and on its own merits. It is important to remember that most workers with a disability will not require significant adjustments. Some will not require any adjustments. Requirement of adjustments must not be assumed nor used as the basis for discriminatory decisions.

Reasonable adjustments do not involve changing the inherent requirements of a job. However, in some situations, an employer may benefit from job restructuring to take better advantage of the abilities of existing or potential employees with a disability or to avoid losing the abilities of an employee who acquires a disability. The *Disability Discrimination Act (Cth) 1992* suggests it is an employer's decision whether to alter jobs in this way.

Reasonable adjustment may include, but are not limited to, one or more of the following types of adjustment:

- adjustments to workplace or work related premises, equipment or facilities, including provision of additional equipment or facilities;
- adjustments to work related communications or information provision, including the form or format in which information is available;
- 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;
- adjustments to work related rules or other adjustments to enable a person to comply with rules as they exist;
- access to training, transfer, acting, trial or higher duties positions, traineeships, or other forms of opportunity to demonstrate or develop capacity in a position;
- provision of interpreters, readers, attendants or other work related assistance, where reasonable;
- permitting or facilitating a person to use equipment or assistance provided by the person with a disability or by another person or organisation; and
- providing training to co-workers or supervisors.