

Disability and Medical Condition Support and Workplace Adjustment For Staff Procedure

Section 1 - Purpose / Objectives

(1) The procedures describe how to request, develop and implement a workplace adjustment to accommodate a disability/medical condition. The procedures accompanying this policy apply to staff members who have a temporary, episodic or permanent disability/medical condition that may impact on the accessibility of the work environment or their ability to perform the work associated with the role.

Section 2 - Scope / Application

(2) This policy is important to:

- a. All Staff;
- b. Managers and Supervisors; and
- c. Human Resource Practitioners.

Section 3 - Definitions

(3) Nil

Section 4 - Policy Statement

(4) Nil

Section 5 - Procedures

(5) This procedure describes how to request, develop and implement a workplace adjustment to accommodate a disability/medical condition. This procedure applies to staff members who have a temporary, episodic or permanent disability/medical condition that may impact on the accessibility of the work environment. Workplace adjustments are modifications that take account of a person's disability/condition so that they can use their skills effectively and access the same benefits, terms and conditions of employment as other employees.

(6) The requirement to provide reasonable adjustment or accommodation for people with a disability applies to all areas of employment, including, but not limited to:

- a. recruitment, selection and appointment;
- b. training, study, professional and career development;

- c. Staff Performance and Development Planning (SPDP) and associated discussions; and
- d. promotion, transfer, termination or any other employment benefit.

(7) Adjustments may include, but are not limited to:

- a. provision of appropriate equipment or assistance to ensure there is no barrier in the selection process;
- b. changes to work practices and the introduction of flexible work arrangements, such as flexible working hours and days;
- c. training or retraining;
- d. professional development;
- e. providing essential information in suitable formats, for eg. enlarged format;
- f. modifications to equipment or the supply of specialised equipment, furniture or work related aids; and
- g. alterations to premises, work areas or job design and suitable or alternative workplace parking arrangements.

(8) Adjustments to accommodate disability may be permanent, episodic or temporary, depending on the nature of the disability/medical condition and the needs of the individual. Adjustments may be required at the work unit level (eg. equipment or reorganisation of the work role), or by a faculty or corporate area (eg. training materials in accessible format). The level and nature of the adjustment may also change over time.

(9) Workplace adjustments may be required in the following situations:

- a. non-work related injury or illness of a temporary or permanent nature;
- b. an acquired condition or disability, whether temporary (short or mid term), episodic or permanent; and
- c. an established medical condition or disability.

Note: Workplace injuries or those subject to Workcover compensation are dealt with separately under the University's OHS Policy framework, including the Occupational Rehabilitation Policy, Return To Work Program and in accordance with the relevant Legislation – Occupational Health and Safety Act and Accident Compensation Act 1985.

DISCLOSURE OF DISABILITY AND/OR MEDICAL CONDITION

(10) The University encourages early disclosure in order to maximise early support, intervention or reasonable adjustment.

(11) A staff member or potential staff member has no obligation to disclose a disability or medical condition. However, the University encourages disclosure in order to provide reasonable accommodation/s that assist employees to meet inherent requirements of the position, attendance, conduct or health management.

(12) If a staff member or potential staff member with a disability or medical condition requires workplace adjustment, appropriate disclosure of their disability both to the University and those staff responsible for administering the adjustment, is required.

(13) Depending on the disability/medical condition and the nature of the adjustment requested, the staff member may also be required to provide relevant documentary information or evidence regarding the nature of the disability/medical condition, the functional limitations it involves and suggested reasonable adjustments. Depending on the circumstances, the University may require that documentary information is obtained from the staff members' treating medical practitioner, psychologist or other relevant allied professional.

(14) Where information provided as per 3.1.4 is insufficient, with the consent of the staff member, the University may request or refer the staff member to a medical practitioner, psychologist or other relevant allied professional for assessment of the staff member's disability or medical condition and for recommendations regarding the adjustments

required in the workplace.

(15) To this end, the staff member and the University are expected to work cooperatively with the nominated medical practitioner, psychologist or other relevant allied health professional who has been engaged with the agreement of both parties.

(16) At all times the University and the staff responsible for assisting with the adjustment will respect the privacy and confidentiality of the staff member. Information about the staff member's disability/medical condition will only be sought in so far as it relates to the request for adjustment.

(17) Staff should be aware that, in order to put in place an adjustment or other accommodation, it is usually essential that the appropriate supervisor be made aware of the disability or medical condition. However, information about the disability or medical condition will only be disclosed to a third party in accordance with the university's Privacy Policy.

(18) In circumstances where the University considers a staff member is at significant risk of self-harm or harming others, the University may choose, in accordance with its duty of care, to disclose the existence and nature of the disability to a relevant third party who will assist in addressing that risk.

(19) Privacy principles as outlined in the University's Privacy Policy will apply at all times.

MAKING A REQUEST FOR WORKPLACE ADJUSTMENT

(20) A request for workplace adjustment may be made by a staff member (or potential staff member) or their supervisor in any of the following stages.

Recruitment process

(21) A person who discloses a disability will not be unlawfully discriminated against in any recruitment and selection process.

(22) A request for a reasonable adjustment from a job applicant or workplace adjustment from a prospective staff member would normally be made through the relevant Manager for the position (often in conjunction with the relevant Recruitment Officer and/or Human Resource Consultant). Job applicants are encouraged to complete the relevant sections of the recruitment forms to ensure the University is aware of the request and can make contact, if required, to implement the adjustment. Applicants are encouraged to disclose their medical condition or disability in order for VU to effectively provide suitable support.

(23) Please refer to the University's Recruitment Policy, relevant forms and website.

Post-recruitment process:

(24) A request for reasonable adjustment from a new or existing member of staff should be made through his/her supervisor. Alternatively, a staff member may prefer to seek advice or discuss workplace adjustment issues initially with the relevant People and Culture Business Partner from People and Culture or they may wish to seek clarification or further support from a Discrimination, Harassment & Bullying Contact Officer or the University's EAP provider (details of both can be found on the VU People and Culture website).

(25) Where practical to do so, a request for reasonable adjustment should be discussed verbally between the staff member and the relevant supervisor/manager in the first instance. The flow chart, check list and definitions are available under the 'Supporting Documents and Information' tab to assist discussion.

(26) Where appropriate to the circumstances, a subsequent formal request can be made in writing (using the 'Reasonable Adjustments Form for Staff' as a guide) to the relevant supervisor/manager outlining:

- a. details of the requested reasonable adjustment;
- b. the reasons for the request; and
- c. any potential issues that the staff member believes relevant regarding the adjustment and how any potential adverse affects may be mitigated/addressed.

(27) (28) Please contact People and Culture to obtain the form

RECEIVING A REQUEST FOR REASONABLE ADJUSTMENT

(28) On receipt of a request, the manager/supervisor will consult with the staff member on matters relevant to the specific circumstances and needs identified. Information about the staff member's disability/medical condition will only be sought in so far as it relates to the request for workplace adjustment. A manager or supervisor may wish to seek further advice at this point, particularly when they may seek assistance in relation to appropriate questions or regarding professional management of sensitive personal information in relation to a person's disability or medical condition. Advice can be sought from the following:

- a. Manager's Hotline, Employee Assistance Program and the relevant websites
- b. People and Culture Business Partners

(29) The following matters may guide relevant discussion between the manager and staff member:

- a. the nature and duration of the condition, injury or illness;
- b. the functional limitations placed on the staff member by the disability or medical condition;
- c. whether the disability or medical condition is likely to change over time and may require review;
- d. what specific adjustments, if any, have been suggested by the staff member;
- e. cost estimates; and
- f. whether further specialist evaluation is required to identify and implement appropriate adjustments.

(30) Where the manager and staff member identify the need for further evaluation, additional information should be sourced from People and Culture or OHS (as appropriate and with the written consent of the staff member) who may engage the following support:

- a. a medical practitioner;
- b. occupational therapist or other allied health provider; and/or
- c. disability service provider.

(31) Where the information sought is generic and not specific to the staff member (for example, information on a particular illness, impairment or disability) written consent is not required. However, the staff member should be advised and provided with a copy of the information received.

(32) The adjustment required will be determined on the basis of the particular needs of the staff member and the nature of the job. In establishing the suitability of an adjustment, the line manager who has received the request for reasonable adjustment/s can seek advice from the relevant People and Culture Business Partner and/or OHS, ensuring compliance with privacy policy and principles.

(33) All requests for reasonable adjustment will be thoroughly and seriously considered by the relevant supervisor/manager with each request being considered on its merits taking into account the following factors:

- a. the University's values and commitment to increasing employment of staff with disability in accordance with the Disability Action Plan;

- b. provision of 'reasonable accommodation' to staff making requests based on grounds covered by the Discrimination, Harassment & Bullying policy for staff (including disability and impairment);
- c. the reason(s) for the request;
- d. where relevant, the information/advice provided by medical and health practitioners;
- e. compliance with Occupational Health and Safety policies and procedures;
- f. consideration of the impact the arrangement will have on the work area and the inherent requirements of the position;
- g. consultation, with adherence to the University's Privacy Policy, with key stakeholders (including colleagues) who may be affected by the arrangement.

(34) Supervisors/managers will not unreasonably refuse a request. Where a request cannot be granted (for example where the financial implications are too high) the supervisor/manager will seek advice from People and Culture, and explore reasonable alternative options with the staff member and other relevant stakeholders to determine whether a mutually agreeable solution can be found.

(35) For example, circumstances under which a manager/supervisor could refuse a request, may include:

- a. The imposition of unjustifiable hardship on the employer (in the case of adjustments to enable a person to perform the inherent requirements of a job) or which would be unreasonable. See FAQs for more information;
- b. changing the inherent requirements of the job concerned;
- c. maintaining a job which would otherwise be altered or abolished;
- d. assigning performance of some inherent requirements to another employee;
- e. creation of a different job; or
- f. promotion or transfer to a different job.

(36) A flow chart and relevant definitions are provided in the 'Supporting Documents and Information' tab.

(37) Managers and supervisors are advised to seek comprehensive advice from People and Culture before refusing a request regarding reasonable adjustment.

(38) Additional tools/resources are readily available via the People and Culture website (resource links to be established). These resources are a guide and Managers are expected to consult with the staff member, the relevant medical practitioner (with the staff members consent), and to further consult with the relevant People and Culture representative for assistance as required.

MANAGING AND IMPLEMENTING WORK RELATED ADJUSTMENTS

(39) Once a request for reasonable adjustment has been made, received and approved, the plan for implementation of the adjustment(s) will be discussed between the supervisor/manager and the staff member. The supervisor will be responsible for developing and implementing the adjustment(s) in the workplace in a timely manner. The supervisor/manager will seek guidance from relevant staff as required. Appropriate adjustment will be made as soon as possible following approval of the plan. However adjustments may take four weeks or more to implement depending on the nature of the accommodation to be made. The Supervisor will keep the staff member informed of progress. Where appropriate and possible an interim plan will be agreed for the period before the adjustment can be made.

(40) Where the reasonable adjustment involves some transition back to the workplace due to an extended absence from work, an appropriate return to work plan may be designed, between the supervisor and the staff member, to be administered under normal case management guidelines as outlined in the Occupational Rehabilitation Policy.

(41) Where a concern is raised about the reasonableness and relevance of an adjustment, the matter should be

referred, by the staff member and/or the manager/supervisor, to the Manager, Diversity and Inclusion, who will make a recommendation to the General Manager, Workplace Environment and Culture.

(42) Managers and staff may wish to explore relevant options for external support regarding reasonable adjustment. There is free, practical help available from the Australian Government or from other employer organisations regarding employment and disability. For example, JobAccess has Advisers who can assist by answering questions over the phone or provide appropriate referral. Their service is confidential and free (call 1800 464 800) or visit the website.

EXPENDITURE

(43) The costs of implementing workplace adjustment (i.e. further medical or other allied health evaluation or advice requested by VU, provision of specialised equipment or individual workplace modifications) will be funded as follows:

- a. costs for specialised equipment; assessment or other support services, will be covered by the Unit or Department from which the staff member is based.
- b. provided a claim is made, along with a case outlining exceptional circumstances, to the Vice President, People & Culture, reimbursement for excessive costs of workplace adjustment can be sought; and
- c. adjustments involving alterations to buildings or facilities will be funded by Facilities Management.

(44) The University will not fund the cost of personal aids that are required by the staff member for private purposes. The University will not cover the cost of treatment for a temporary or permanent medical condition or disability that is not covered by the University's OHS policies.

(45) The University will fund costs associated with reasonable adjustments and for equipment, to be utilised for work and kept on work premises. Any equipment purchased remains the property of the University/department and, when not in use by the staff member, may be used by other staff requiring the same equipment.

(46) All items supplied as part of reasonable adjustment will be part of the normal University Asset Register.

(47) Staff with a disability or medical condition and their manager/supervisor, may wish to consider developing and submitting an application to an external agency or government funding source/s to support reasonable adjustment in the workplace. For example, JobAccess administers the Employment Assistance Fund (EAF) which encourages and supports the employment of eligible people with disability by providing financial assistance to purchase a range of work-related services and modifications. Assistance available through the EAF is subject to meeting eligibility and application requirements and funds availability.

(48) If a temporary, intermittent or permanent injury occurs during work or on work premises, please refer to the relevant OHS Policy for guidance.

RECORDS MANAGEMENT AND STORAGE

(49) Relevant Managers and People and Culture Staff will ensure that any documentation related to reasonable adjustment in the workplace, including Reasonable Adjustment/s Form/s for Staff, other related form/s or any accompanying notes regarding reasonable adjustment will be stored in a confidential file.

(50) The workplace adjustment file will be kept separate from the staff member's personnel records in Employee Services and will only be accessible to the staff member concerned. The type and duration of storage will be in accordance with the University's [Records Management principles and policy](#). The sealed/locked file is only accessible by the staff member concerned or if the staff member provides written permission for Human Resources or the relevant manager to access the workplace adjustment file.

MONITORING

(51) The relevant supervisor/manager will organise follow-up with the employee at approximately one (1) month from the date when the adjustment process was concluded. The purpose of the follow-up is to ensure that the adjustment has been appropriate and effective and to discuss any other concerns or issues. At the follow-up meeting the manager/supervisor and staff member should develop an agreed plan of regular monitoring arrangements and, if required, seek advice and support from the relevant People and Culture unit.

(52) In the event a staff member relocates or commences a new position within VU, they should consult the new manager and work unit, in order to ensure awareness of the requirements regarding workplace adjustment and continuity of support.

APPEALS

(53) Staff members who believe that they have been treated unfairly under this procedure may seek further advice from People and Culture or may take a complaint in accordance with the University's Discrimination, Harassment and Bullying Policy.

(54) Staff are reminded that this process does not preclude a staff member seeking resolution via the Victorian Equal Opportunity & Human Rights Commission.

Implementation & Communication Strategy

Supporting Documents & Communication:

(55) The Principal Officer responsible will circulate a University wide email announcement informing staff of the new policy and its implications, together with written pieces in relevant staff newsletter.

(56) People and Culture will develop a Disability and Medical Condition Support for Staff website on the HR Intranet site.

(57) Ensure recruitment documents and practices are up to date and consistent with provisions of this policy.

Training & Briefings:

(58) Training/Briefings for Managers/Supervisors and staff will be developed and implemented, possibly via an on-line training module.

(59) The HRCs will be briefed to ensure appropriate referral and reinforcement with all client groups.

(60) Policy provision will be incorporated as relevant into the University's new DAP.

(61) Incorporate as relevant into the EO Online Training Program, relevant equity and diversity workshops for managers and generic Leadership & Development Programs — via POD.

Section 6 - Guidelines

(62) Nil

Status and Details

Status	Historic
Effective Date	3rd September 2014
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Accountable Officer	Simone Wright Chief Human Resources Officer 9919 5447
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