

# Staff Workplace Adjustment Policy

This policy is being updated to reflect the new Enterprise Agreement and may currently contain out of date information. If you have any questions, please lodge an Ask HR ticket.

## Section 1 - Key Information

<b>Policy Type and Approval Body</b>	Administrative – Vice-Chancellor
<b>Accountable Executive - Policy</b>	Chief Operating Officer
<b>Responsible Manager - Policy</b>	Executive Director, Human Resources
<b>Review Date</b>	7 September 2025

## Section 2 - Purpose

(1) The purpose of this Policy is to provide information on workplace adjustments, including how to request an adjustment and guidelines regarding the arrangement of workplace adjustments and who is responsible.

(2) This policy and procedure adopts the broad ranging definition of disability set out in the [Disability Discrimination Act 1992](#) (Cth) which in the context of employment, can be summarised as a condition either caused by accident, trauma, injury, genetics or disease that may restrict a person’s mental, emotional, sensory or mobility functions to undertake a job. This includes physical, sensory, intellectual, learning, neurological and psychiatric disability. Disability may be temporary or permanent, total or partial, lifelong or acquired. Disability may be visible or hidden.

(3) In relation to this Policy, the [Carers Recognition Act 2012](#) (Vic) applies. The Act defines a carer as an individual who provides personal care, support and assistance to another individual who needs care because that other individual:

- a. has a disability; or
- b. has a medical condition (including a terminal or chronic illness); or
- c. has a mental illness; or
- d. is frail and aged.

## Section 3 - Scope

(4) This Policy applies to:

- a. all La Trobe University staff, including ongoing, fixed term and casual staff, contractors and CONAGOTHs, across all La Trobe campuses and is in accordance with the [Equity, Diversity and Inclusion \(Staff\) Policy](#) and the [La Trobe Universal Design and Inclusion Action Plan 2022-2030](#).
- b. This Policy also applies to higher degree research students who are employed as La Trobe University staff.

(5) Student adjustments are managed by a separate policy and procedure detailed in the (student) [Assessment Procedure - Adjustments \(including Special Consideration\)](#) and (student) Learning Access Plan process arranged by the [Accessibility and Inclusion](#) team, DVC Academic.

## Section 4 - Key Decisions

Key Decisions	Role
Approve a workplace adjustment request	Line manager/supervisor in consultation with the individual staff member
Implement the agreed workplace adjustment	Individual staff member with relevant support from line manager, HR consultant and if required, a designated subject matter expert.

## Section 5 - Policy Statement

(6) At La Trobe University, our goal is to foster a culture of care by promoting and supporting the wellbeing of our people within the La Trobe community. We are committed to providing an inclusive, accessible, respectful, safe and equitable workplace, that embraces diversity and is free from discrimination. We recognise workplace adjustments are important for supporting a diverse workforce.

(7) Requests for workplace adjustments can be made at any time in the recruitment and selection process and at any stage of employment including probation, training, career development, promotion and performance management.

## Section 6 - Procedures

### Part A - Requesting a Workplace Adjustment

(8) A workplace adjustment also referred to as a 'reasonable adjustment', is a reasonable administrative, environmental, or procedural alteration to enable a staff member to meet the inherent requirements of their role. Inherent requirements of a role relate to results or what must be accomplished, rather than the means or how it is accomplished.

(9) Workplace adjustments can apply at different stages of the employment process and lifecycle and may be temporary or permanent depending on the requirements of the individual and the nature of the request. Examples of adjustments may include:

- a. Workplace access and premises: adjustments to premises and facilities, changes to work area design and modification to work equipment.
- b. Work procedures: modifications to work methods and working arrangements including but not limited to flexible practices with working hours, days of work, use of leave entitlements, working remotely and incorporating breaks; redistributing some duties (i.e. not inherent requirements of a job) that a person finds difficult to do due to their disability; modifications to work-related rules or policies to enable a person to comply with rules as they exist; adjustments to communication styles; provision of information in accessible and suitable formats.
- c. Hiring and recruitment practices: adjustment to methods used for testing, assessment, selection, and recruitment processes; accessible interview room; additional time to complete assessments; receiving interview questions in advance.
- d. Provision of specific services, aids or equipment: provision of interpreters, live captioning; providing training, accommodating requests for a support person or carer; providing ergonomic equipment, assistive software and technologies.

(10) If necessary, staff seeking an adjustment may be asked by the University to provide supporting documentation from a registered health professional to assist in affirming accurate and useful workplace adjustments. If supporting information is required from health professionals, it will specifically relate to the essential requirements of the role. The cost of obtaining supporting documentation from a health professional will typically be met by the staff member. If the University identifies that a more comprehensive assessment and supporting documentation from a specialist health professional is required, the University may on a case-by-case basis, cover the cost of specialist advice. In some circumstances, staff members may be eligible to apply for the Federal Government Employment Assistance Fund (detailed in clause 21) to cover the costs of specialist health professional advice and supporting documentation.

(11) If a staff member shares information regarding their disability (or other personal circumstance) and requests a workplace adjustment, the University under relevant legislation has a positive obligation to make the adjustment unless it causes “unjustifiable hardship”.

(12) A workplace adjustment will be deemed reasonable and will be implemented by the University unless it causes “unjustifiable hardship”. Unjustifiable hardship is based on an assessment of what is fair and reasonable in the circumstances. Relevant factors that inform unjustifiable hardship to the University include practicality, complexity, the degree of disruption or benefit to the business or people or cost. Limitations on the obligation to provide workplace adjustments include:

- a. Adjustments which impose an unjustifiable hardship on the University, i.e. significant financial cost;
- b. Amendments to a physical building that is not possible due to council or other restrictions;
- c. Changing the inherent requirements of the job (or maintaining a job that would otherwise be altered or abolished);
- d. Assigning performance of some inherent requirements of the job to another staff member;
- e. Adjustments that would disadvantage other staff members;
- f. Creating a new or different job; or
- g. Transferring to a different job.

(13) For more information about what could be considered unjustifiable hardship, refer to the [Disability Discrimination Act 1992](#) and the Unjustifiable Hardship page of the [Australian Human Rights Commission](#) website.

(14) If the University denies a workplace adjustment request based on unjustifiable hardship, the decision must be communicated in writing to the staff member. The staff member can seek a review of the decision with the Executive Director, Human Resources.

(15) Staff requiring flexible working to support disability, injury, medical condition or carer responsibilities (as defined in the [Carers Recognition Act 2012](#)) should request flexible working through the Workplace Adjustment Process rather than the University’s [Flexible Work Policy](#).

## **Part B - Funding of Workplace Adjustments**

(16) The costs for the workplace adjustment will be met by the University. Responsibility for the costs of adjustments for CONAGOTHs will be discussed and negotiated with the CONAGOTH’s employer.

(17) Managers are responsible for working with the HR Business Partner/HR Consultant to coordinate the application for agreed workplace adjustments.

(18) Managers are responsible for ensuring the agreed workplace adjustments are made available to the staff member.

(19) In instances where the I&O and IS funding has exceeded the allocated budget, the line manager is responsible for

confirming funding with the Finance Department.

(20) Adjustment requests and recommendations related to office and building modifications will require discussions with I&O, initiated via the I&O contact page <https://www.latrobe.edu.au/io/contacts>.

(21) Staff members with a disability may be eligible for financial assistance to implement a workplace adjustment through the Federal Government's Job Access [Employment Assistance Fund \(EAF\)](#). EAF provides financial assistance to eligible people with disability to buy work related modifications, support services and equipment. This can include the cost of workplace adjustment advice and supporting documentation from a specialist health professional, making physical adjustments to the workplace and purchasing equipment, communication devices and aides, Auslan services and disability workplace training.

## **Part C - Compliance Obligations**

### **Privacy and Confidentiality**

(22) Disclosure refers to a personal decision to tell a person or organisation about a disability. There are many reasons why a person may or may not choose to share information about their disability and adjustment requirements. Legally, a person with disability is not obligated to disclose or share information about their disability unless:

- a. an adjustment is required to complete the main tasks of their job
- b. there is a risk to workplace safety.

(23) The University acknowledges that sharing information about a disability is deeply personal. Individuals may choose to disclose information to assist with understanding and implementing an adjustment in the workplace, the information will not be specific to the staff members' disability. The University may not be able to provide a workplace adjustment to a staff member who does not wish to disclose their disability or adjustment need(s).

(24) To assist individuals in considering what personal information they might share in a workplace, the [Australian Human Rights Commission \(AHRC\)](#) has produced a guide which is available via this [link](#). [Beyond Blue](#) has guidance on what to consider before deciding to share information about a mental health condition available at the following [link](#). Individuals may want to visit these resources to understand your rights when sharing personal information in the workplace.

(25) Any information shared by staff is treated as private and confidential and is subject to applicable laws in accordance with the Information and Health Privacy Principles contained within the [Privacy and Data Protection Act 2014](#) (Vic) and the [Health Records Act 2001](#) (Vic) – please refer to the University's [Privacy Policy](#).

(26) Information provided by staff about their personal circumstances, disability, injury or health condition must only be shared with the staff member's consent. Managers who may need to discuss adjustment information with service providers to get advice, will seek consent from the staff member and will do so without disclosing names to maintain confidentiality. The University may not be able to provide the adjustment support required if the staff member does not provide the consent to discuss the adjustment with the service provider.

### **Equal Opportunity**

(27) Equal opportunity legislation covers all University staff members, including ongoing, fixed term and casual staff members, contractors, CONAGOTHs, consultants, volunteers, and candidates applying for a job.

(28) Equal opportunity legislation contains a positive duty which requires employers to make workplace adjustments for staff members and prospective staff members with disability (subject to the exceptions outlined below).

(29) There are certain circumstances where discrimination is not unlawful under the [Disability Discrimination Act 1992](#)

(Cth) and [Equal Opportunity Act 2010](#) (Vic). These include:

- a. where an unjustifiable hardship would be imposed by the provision of special services or facilities which are necessary for the person with the disability to do the work;
- b. where the person, because of their disability, would be unable to carry out the inherent requirements of the role, even with the provision of workplace adjustments by an employer; and
- c. general exceptions such as if the discrimination is necessary to protect the health or safety of any person or property, or where the discrimination is authorised by another piece of legislation.

(30) A staff member or job applicant who requests a workplace adjustment is protected by legislation from being disadvantaged because they have made such a request. Individuals who believe they have experienced unfavourable or unfair treatment due to a workplace adjustment request can raise a concern. This also includes grievances related to discrimination or harassment on the grounds of disability, illness or personal circumstances. Concerns should be reported at the earliest opportunity to ensure prompt investigation of the matter. The University takes breaches of policy and non-compliance with legislation seriously and encourages concerns about non-compliance to be reported. Existing staff members can raise concerns through a confidential conversation with the HR Consultant. Job applicants who are not existing staff can contact [recruitment@latrobe.edu.au](mailto:recruitment@latrobe.edu.au) to request a confidential discussion.

(31) It's recommended the HR Consultant be the first point of contact to discuss concerns. Contact information for HR Consultants is available via the following HR page <https://intranet.latrobe.edu.au/human-resources/hr-systems-and-support/hr-contacts-and-portfolios>. If the staff member is seeking an alternative contact point for a confidential discussion about a concern, they can choose to contact any of the following contact points:

- a. Senior Manager, Equity, Diversity & Inclusion, HR via [diversity.inclusion@latrobe.edu.au](mailto:diversity.inclusion@latrobe.edu.au)
- b. Diversity & Inclusion Advisor, AccessAbility Team, Health, Wellbeing & Inclusion, DVC Students via [access.ability@latrobe.edu.au](mailto:access.ability@latrobe.edu.au)
- c. Injury and Workplace Support Consultant, HR via [injury.management@latrobe.edu.au](mailto:injury.management@latrobe.edu.au)

## Section 7 - Definitions

(32) For the purpose of this policy and procedure:

- a. Carer: as per the [Carers Recognition Act 2012](#) (Vic) is an individual who provides personal care, support and assistance to another individual who needs care because that other individual:
  - i. has a disability; or
  - ii. has a medical condition (including a terminal or chronic illness); or
  - iii. has a mental illness; or
  - iv. is frail and aged.
- b. Disability: as per the [Disability Discrimination Act 1992](#) (Cth) which in the context of employment, can be summarised as a condition either caused by accident, trauma, injury, genetics or disease that may restrict a person's mental, emotional, sensory or mobility functions to undertake a job. This includes physical, sensory, intellectual, learning, neurological and psychiatric disability. Disability may be temporary or permanent, total or partial, lifelong or acquired. Disability may be visible or hidden.
- c. Inherent Requirements: are the essential activities that must be carried out to complete a task. They relate to results or what must be accomplished, rather than the means or how it is accomplished.
- d. Subject matter expert: provides specific information and guidance on what adjustment is needed and can provide support to implement the adjustment.

- e. Workplace Adjustment: is an administrative, environmental, or procedural alteration to enable a staff member to meet the inherent requirements of their role.

## Section 8 - Authority and Associated Information

(33) This Policy is made under the [La Trobe University Act 2009](#).

(34) Associated information includes:

- a. [La Trobe University Collective Agreement 2018](#)
- b. La Trobe University [Code of Conduct](#)
- c. [Equity, Diversity and Inclusion \(Staff\) Policy](#)
- d. [Workplace Issue Resolution \(Staff\) Procedure](#)
- e. [Disability Policy](#)
- f. [Health and Safety Procedure - Pet and Assistance Animals](#)
- g. [Assessment Procedure - Adjustments \(including Special Consideration\)](#)
- h. Student Learning Access Plan via [AccessAbility and Inclusion \(intranet\)](#)

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	11th September 2023
<b>Review Date</b>	7th September 2025
<b>Approval Authority</b>	Vice-Chancellor
<b>Approval Date</b>	7th September 2023
<b>Expiry Date</b>	Not Applicable
<b>Responsible Manager - Policy</b>	Regan Sterry Executive Director, Human Resources
<b>Author</b>	Regan Sterry Executive Director, Human Resources
<b>Enquiries Contact</b>	Human Resources +61 3 9479 1234

## Glossary Terms and Definitions

**"staff"** - Staff means any person employed by the University as per the definition in the La Trobe University Act 2009 (Vic).