Disability Inclusion and Reasonable Adjustment for Staff Procedure

Section 1 - Purpose and Scope

Purpose

(1) The University of Queensland (UQ or the University) is committed to providing an inclusive, supportive and equitable environment for staff with Disability. This Procedure outlines the reasonable adjustments available at UQ to support staff with Disability, as defined in the Appendix at section 6.

Scope

(2) Reasonable adjustments are the necessary and appropriate modification and adjustment(s) (including administrative, environmental, procedural or physical adjustments), which can be reasonably made in the workplace, and do not impose an unjustifiable hardship on an organisation. Reasonable adjustments ensure that people with Disability can enjoy or exercise equal rights and fundamental freedoms on a substantively equitable basis with others. Examples of reasonable adjustments are provided in the Appendix at section 6.

(3) This Procedure applies to reasonable adjustments made in the workplace for UQ staff.

(4) This Procedure does not apply to staff who have either lodged or accepted a Workers' Compensation Claim. The process for Workers' Compensation Claim is provided in the Workers' Compensation and Rehabilitation Policy and Procedure.

(5) This Procedure should be read and applied in conjunction with the Equity, Diversity and Inclusion Policy.

Context

(6) UQ implements reasonable adjustments to ensure staff with Disability can participate on a substantively equal basis in accordance with the Disability Discrimination Act 1992.

(7) UQ's Disability Action Plan (DAP) outlines the actions UQ will take to ensure it is more accessible and inclusive and confident in its approach to and support of Disability. This includes making reasonable adjustments to accommodate full contribution/participation by all staff at UQ.

(8) The UQ Disability Inclusion Group provides a consultative mechanism for developing and implementing Disability inclusion initiatives across UQ, including the development, monitoring and evaluation of the Disability Action Plan.

Section 2 - Process and Key Controls

(9) Reasonable adjustments will be considered on a case-by-case basis and:

a. can assist staff to meet the inherent requirements of a position and perform a role to the best of their ability;
b. may be implemented for a temporary or permanent Disability;

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c. are designed to support the individual needs of the person;
d. are based on medical evidence where appropriate; and
e. can be provided for all employment-related activities, including (but not limited to):
    i. recruitment, selection, appointment and induction processes;
    ii. the working environment, including daily duties, projects and committee participation;
    iii. performance management, staff development and communication processes;
    iv. workplace promotion and career progression processes.

(10) Supervisors must assess each request made for a workplace adjustment in accordance with this Procedure in consultation with the requesting staff member and may seek assistance/advice from Human Resources Division.

(11) There are a number of internal and external funding sources available to assist with costs associated with implementing a reasonable adjustment in the workplace.

Section 3 - Key Requirements

Process for Requesting a Reasonable Adjustment

(12) To request a reasonable adjustment, staff must complete the UQ Staff Workplace Adjustment Request Form and provide it to their supervisor. Staff may seek assistance completing this form from their supervisor, Human Resources Division staff and/or their carer or support person where relevant.

(13) The staff member's supervisor must assess the application in a timely manner, taking into account the matters specified in clauses 16-19 of this Procedure, and in consultation with the staff member, Human Resources Division staff and Workplace Health and Rehabilitation team (HSW Division), where appropriate.

(14) The supervisor must advise the staff member of the outcome of their application in writing. If the application for a reasonable adjustment is denied, the supervisor must provide the staff member with an explanation of their decision.

(15) The supervisor must retain a copy of the request form and all supporting documentation on file in accordance with UQ's Information Management Policy.

Supervisor Consideration and Actions

(16) UQ is required to accommodate staff requests for reasonable adjustments in accordance with relevant legislation. In processing a request, UQ may need to collect additional supporting information, such as evidence from a registered health practitioner.

(17) Staff with Disability are well placed to inform their own needs for reasonable adjustments.

(18) Supervisors have the approval authority for most staff with Disability workplace adjustment requests. Where the request for adjustment is more complex, has a high financial burden or has large impacts, such as structural changes to a building, the supervisor will need to refer authority to the Head of Organisational Unit. The supervisor will coordinate the request in accordance with this Procedure.

(19) If the supervisor determines that the request is unreasonable, they must first seek endorsement of the decision from their local Human Resources Client Partner, the Staff Support and Rehabilitation Advisor and/or Work Health and Safety Coordinator where appropriate to identify alternative options to support the staff member.

Reasonable Adjustment Matters to Consider

(20) When considering whether an adjustment is reasonable, supervisors – in consultation with the Human Resources

Division – should consider:

a. effectiveness of the requested adjustment in helping the staff member with Disability perform their job;
b. the organisational benefits of implementing the adjustment (including staff retention);
c. UQ's positive and inclusive stance towards supporting staff with Disability;
d. the practicability of the adjustment;
e. inherent requirements of the role;
f. financial or other costs of the adjustment (including an assessment of external funding support in the first instance);
g. the extent of any disruption caused;
h. other supports available, such as leave; and
i. the nature of the Organisational Unit and the size of the organisation.

(21) When reviewing a request for adjustment, supervisors and/or Human Resources Division staff may seek additional advice from relevant stakeholders and subject matter experts, including:

a. Workplace Health and Rehabilitation team (HSW Division)
b. Workplace Diversity and Inclusion
c. Health, Safety and Wellness Division technical specialists
d. Information Technology Services
e. Property and Facilities Division.

(22) Staff members who believe their request for a workplace adjustment has been unreasonably denied may seek a review of the decision from the Head of Organisational Unit. If after the review period the staff member feels that their request for a workplace adjustment has been unreasonably denied, they can refer to the Prevention of Discrimination, Harassment and Bullying Behaviours Procedure and/or submit a grievance through the Staff Grievance Resolution Policy and Procedure.

(23) Staff can seek further support from the Employment Assistance Program (EAP) and/or external agencies such as a relevant staff union or professional association, Queensland Human Rights Commission and/or the Fair Work Commission.

(24) Staff, or potential staff, who experience discrimination on the basis of an actual or perceived Disability can make a complaint in accordance with the Prevention of Discrimination, Harassment and Bullying Behaviours Procedure.

Funding Arrangements for Reasonable Adjustments

(25) The funding of a reasonable adjustment must not preclude people with Disability being employed by the organisation and/or reasonable adjustments being provided to existing staff.

(26) External sources of funding for specialist equipment and workplace modifications should be considered in the first instance when processing a request for a reasonable adjustment. A list of government support schemes are provided in the Appendix.

(27) If the Organisational Unit is unable to meet the cost of the adjustment from Organisational Unit funds, they may make an application through the Chief Human Resources Officer to the Chief Operating Officer (COO) to request central financial support. Requests to the COO should only occur in exceptional circumstances after all other funding options have been explored.

(28) Request for COO funding support must comprise:

a. a rationale why this adjustment is the best method of support for the staff member;
b. the avenues that the Organisational Unit has attempted to access external financial support;
c. a rationale for why the Organisational Unit cannot fund the adjustment;
d. a breakdown of the costs involved; and
e. the likely duration of the adjustment.

Review Period

(29) The supervisor must determine an appropriate review period for the adjustment, in consultation with the requesting staff member, Human Resources Division, and other stakeholders as relevant and reflective of the type of Disability and the reasonable adjustment being implemented.

Reasonable Adjustments for Selection and Recruitment Activities

(30) All reasonable efforts are to be made to ensure that the recruitment and selection process for all positions apply the principle of universal design. This includes ensuring that:

a. job advertisements and position descriptions meet the Web Content Accessibility Guidelines (WCAG) 2.2 'Level AA' standards;
b. candidates are provided with the opportunity to request reasonable adjustments in the recruitment and selection process (including contact details should a reasonable adjustment be required);
c. requests for reasonable adjustments are properly considered and implemented, where reasonable;
d. interview locations are accessible; and
e. information is available via written and oral communication methods.

Assistance Animals

(31) Assistance animals play a critically important role in supporting some people with Disability and improving their welfare, access and safety outcomes. As such, UQ will enable the use of assistance animals in the UQ environment, in accordance with relevant state and federal legislative instruments.

(32) Assistance animals in the workplace are a type of reasonable adjustment and will be considered in line with this Procedure. Staff seeking an assistance animal in the workplace should complete the UQ Staff Workplace Adjustment Request Form and follow the process outlined in clauses 12-15 of this Procedure.

(33) UQ will allow certified assistance animals as defined in the Guide, Hearing and Assistance Dogs Act 2009 into the workplace where reasonable. Assistance animals that are not certified under the Guide, Hearing and Assistance Dogs Act 2009 will be considered on a case-by-case basis in accordance with section 9 of the Disability Discrimination Act 1992.

(34) When assessing the reasonableness of allowing an uncertified animal in the workplace, supervisors – in consultation with relevant Human Resources Division staff – should consider:

a. UQ's positive and inclusive stance towards supporting staff with Disability;
b. evidence of training of the animal;
c. any potential risks to health and safety the animal may pose to the workplace;
d. the benefits to the staff member making the request;
e. the cleanliness, health and wellbeing of the animal;
f. the needs of other staff in the Organisational Unit;
g. the inherent requirements of the role and work environment;

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h. adjustments that may be needed to the workplace to accommodate the animal; and
i. whether the animal is the most appropriate support mechanism for the person in the workplace, with respect to information provided by a registered health professional.

Privacy Considerations

(35) UQ may seek additional information about a person's Disability in order to support them in the workplace, which may include providing a reasonable adjustment. All information will be treated within accordance with UQ's Privacy Policy and will be stored in accordance with UQ's Information Management Policy.

Section 4 - Roles, Responsibilities and Accountabilities

UQ Disability Inclusion Group

(36) The UQ Disability Inclusion Group is responsible for providing additional expert advice on complex matters pertaining to Disability inclusion.

Human Resources Division

(37) Human Resources Division (HR) are responsible for ensuring compliance for this Procedure.

(38) They are also responsible for ensuring that all HR processes, especially recruitment and selection processes, are accessible and inclusive to every extent possible and providing advice and support to supervisors/managers regarding Disability inclusion.

Heads of Organisational Units

(39) Heads of Organisational Units are responsible for ensuring compliance with this Procedure and relevant Disability legislation.

Supervisors

(40) Supervisors are responsible for complying with this Procedure and relevant Disability legislation and building inclusive workplaces for people with Disability.

Health, Safety and Wellness Division

(41) Workplace Health and Rehabilitation team is responsible for providing additional expert guidance on management of health related workplace adjustments.

Staff

(42) Staff are responsible for adhering to this Procedure and contributing to an inclusive workplace for people with Disability.

Section 5 - Monitoring, Review and Assurance

(43) Human Resources Division are responsible for the review of and monitoring the implementation of this Procedure.

(44) Human Resources Division are responsible for collecting and providing data on the number and outcome of

adjustment requests for the annual report.

Section 6 - Appendix

Government Support Schemes

(45) Government support schemes include (but are not limited to):

a. JobAccess Disability Employment Services – provides support for employees supporting employment of people with a Disability.
b. Employment Assistance Fund (EAF) – assistance with modifications, funding and management.
c. Supported Wage System (SWS) – set up for people who are unable to perform at the same capacity
d. National Disability Insurance Scheme (NDIS) – supporting people with a Disability in Australia (nation-wide database).
e. Services Australia Disability Employment Services – employment support services.
f. Department of Social Services Disability Employment Programs – ongoing support and management.

Examples of Reasonable Adjustments

(46) Reasonable adjustments may include (but are not limited to):

a. modifications to equipment or the supply of specialised equipment, furniture or work-related aids, including assistive technologies;
b. providing essential information in suitable formats;
c. flexible work arrangements;
d. alterations to premises or work areas;
e. parking permit for parking bays reserved for persons with Disability;
f. the provision for a support animal (please see clauses 31-34);
g. the accommodation of a carer in the workplace; and/or
h. for prospective staff, provision of appropriate equipment or assistance to ensure there are no barriers in the recruitment and selection process.

Definitions

Term	Definition
Carer	In accordance with Carers (Recognition) Act 2008 (Qld), carers are individuals who provide, in a non-contractual and unpaid capacity, ongoing care or assistance to another individual due to Disability, frailty, chronic pain or illness whom requires assistance with everyday tasks.

Term	Definition
Disability	An umbrella term that encompasses both 'Disability' as defined in the Disability Discrimination Act 1992 (Cth) and 'impairment' as defined in the Anti-Discrimination Act 1991 (Qld). This includes: a) total or partial loss of the person's bodily or mental functions including total or partial loss of a part of the body; or b) the presence in the body of organisms causing or capable of causing disease or illness; or c) the malfunction, malformation or disfigurement of a part of a person's body; or d) a disorder, condition or malfunction that results in the person learning differently (including more slowly) than a person without the disorder, condition or malfunction; or e) a disorder, condition, illness or disease that affects or impairs a person's thought processes, perceptions of reality, emotions or judgement or that results in disturbed behaviour; or f) reliance on a guide, hearing or assistance dog, wheelchair or another remedial device; whether or not arising from an illness, disease or injury from a condition subsisting at birth; and g) includes a Disability or impairment that: • presently exists; or • previously existed but no longer exists; or • may exist in the future; or • is imputed to a person. It is understood that Disability is not just a health problem: it is complex and reflects the interaction between features of a person's body and features of the society in which they live.
Disclosure	Refers to a personal decision to tell a person or institution about one's Disability. There is no legal obligation for a job applicant or employee to disclose their Disability, unless it is likely to affect their performance to meet the inherent requirements of the job (including ensuring the safety of themselves and others).
Inherent requirements	The core activities, tasks, skills and/or components that are essential to a workplace and/or a specific position. The onus is on UQ to show that inherent requirements exist in a job, based on substantive and defensible rationales, including the ability to perform tasks which are essential to perform a job productively and to the required quality, the ability to work effectively in a team and the ability to work safely.

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