

## Monash University Procedure

<b>Procedure Title</b>	<b><u>Reasonable workplace adjustments</u></b>
<b>Parent Policy</b>	<a href="#">Wellbeing and Support Policy</a>
<b>Date Effective</b>	26 June 2017
<b>Review Date</b>	3 years from effective date
<b>Procedure Owner</b>	Chief Human Resources Officer
<b>Category</b>	Human Resources
<b>Version Number</b>	2
<b>Content Enquiries</b>	ask.monash or phone Monash HR on 990 20400
<b>Scope</b>	The procedure applies to all employees, temporary agency staff and contractors at the University's Australian campuses.
<b>Purpose</b>	<p>Monash University is committed to providing a safe and healthy working environment for all staff. As part of this commitment, the University seeks to ensure that staff with disability can perform the genuine and reasonable requirements of their role by making appropriate and reasonable adjustments to the staff member's workplace.</p> <p>This procedure outlines the process for staff with disability to request reasonable workplace adjustments. Staff who are seeking a flexible working arrangement (including but not limited to part-time employment, variable fractions of employment, job-sharing, non-standard and variable start and finish times, working from home, and periods of unpaid leave) should refer to the <a href="#">Flexible working arrangements procedure</a> and follow the process outlined there.</p>
<b>PROCEDURE STATEMENT</b>	

### 1. Process for requesting reasonable workplace adjustments

- 1.1. A staff member may seek advice on workplace adjustments from Access HR in the first instance. Where necessary, Access HR will refer the query to the relevant HR Business Partner or the Manager, Employee Assistance.
- 1.2. To request the implementation of a workplace adjustment a current staff member must:
  - self-identify as a person with a disability or a carer of a dependant with a disability to their supervisor and HR Business Partner;
  - make a written request for an adjustment by completing the [Workplace Reasonable Adjustments](#) form under Workplace Flexibility and discuss the request with their supervisor; and
  - provide supporting medical documentation, if requested.

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- 1.3. In considering the request, the supervisor will:
  - consider whether the adjustment can be made or if there are reasonable grounds for refusal taking into account all of the relevant circumstances;
  - discuss and consider any alternative arrangements that may meet the needs of the staff member;
  - seek the advice of their HR Business Partner; and
  - if required, ask the staff member to supply supplementary medical documentation.
- 1.4. “Supplementary medical documentation” is documentation that explains the medical condition that requires an adjustment, sets out the recommended adjustment and explains how this adjustment will enable the person's performance of their job. If, when requested, medical evidence is not provided to explain the requirement for the adjustment, the University may decline to make changes in response to the request until relevant medical evidence is provided. If requested, the staff member must provide this information along with the [Workplace Reasonable Adjustments](#) form to facilitate the process.
- 1.5. Once a request is approved, the supervisor will then:
  - in consultation with the HR Business Partner, ensure that the agreed adjustments are made to the workplace; and
  - provide the approved [Workplace Reasonable Adjustments](#) form to Monash HR for filing on the staff member's personnel file.

## 2. Job applicants

- 2.1. If a job applicant is offered an interview and requires a reasonable adjustment to participate in the interview process, they must self-identify through the application process to the HR Recruitment Support Team, who coordinate the recruitment process. Requests for adjustments will not impact on the selection committee's final decision, although the committee is able to consider the applicant's ability to perform the genuine and reasonable requirements of the job. Further information on the recruitment process is available in the [Recruitment Guidelines](#).

## 3. Reasonable workplace adjustment

- 3.1. Reasonable adjustments will vary depending on the circumstances of each case. In evaluating alternatives, the preferences of the staff member will be considered and medical documentation taken into account, but the ultimate decision regarding what type of adjustments, if any, will be provided is made by the University, as it must have regard to the operational requirements of the University.
- 3.2. Any proposed adjustments that are agreed upon will be documented and may include:
  - changes to the staff member's work arrangements and/or equipment;
  - the commencement date and duration of the arrangements;
  - a trial period for the arrangements (if applicable); and
  - the process for review of the arrangements, such as regular meetings to discuss how the arrangements are working for the staff member and the University.

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- 3.3. The University will not fund the cost of personal aids that are required by staff for private purposes, nor will it pay the cost of treatment for a temporary or permanent condition or disability under this procedure.

### 4. Review of workplace adjustments

- 4.1. If workplace adjustments are provided for temporary or fluctuating medical or mental health conditions, then there must be an agreed term for review of the adjustments identified in the documentation. If further changes are required to assist the staff member, then a request for updated documentation may be requested.

### 5. Meeting the genuine and reasonable requirements of the job

- 5.1. Adjustments are provided to support the staff member to meet the genuine and reasonable requirements of their position.
- 5.2. For prospective staff the person's ability to meet the genuine and reasonable requirements of the position will be established by the selection process. The specific details of any adjustments required for the workplace must be identified under this procedure.
- 5.3. For current staff who develop an ongoing medical or mental health condition or experience a deterioration in their condition, which undermines their capacity to meet the requirements of their position, this procedure must be followed in conjunction with any applicable clause in the Enterprise Agreement.
- 5.4. In certain circumstances it may be beneficial to work with the staff member to explore the possibility of transferring them to another suitable position to ensure their safety and wellbeing, and which, where possible, is commensurate with their current level of employment.
- 5.5. In these circumstances, the HR Business Partner or Access HR must be contacted for advice and, in consultation with the relevant Centre of Expertise in Monash HR, may facilitate placement of staff members with work restrictions in alternative positions, by agreement with the affected area and any area with suitable vacant positions. In these cases, the nature of the relevant work restrictions must be shared with employing departments/units so that appropriate discussions about placement can take place. The University does not guarantee the availability of such placements nor does it waive its right to limit its responsibility to accommodate a person with a disability to the duties imposed by the applicable state and federal statutes.

### 6. Disclosure

- 6.1. A member of staff is not required to disclose an impairment, health condition or disability in the normal course of employment, but they will need to disclose and document a disability if requesting adjustments in the workplace.

### 7. Privacy

- 7.1. Information provided by a staff member about his or her disability and/or health condition to their supervisor must be treated sensitively and identifying information must only be shared with others with the staff member's consent.

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- 7.2. De-identified statistics will be maintained and used for planning and reporting purposes.
- 7.3. Supervisors may discuss matters with service providers in general terms and on a no-name basis to obtain advice on managing any particular situation.
- 7.4. Personal and health information provided to the University will be treated in accordance with the Information Privacy Act 2000, the Health Records Act 2001 and the Monash University Conduct and Compliance Procedure - Privacy. Copies of these Acts and the University Policy can be located on the Privacy website [www.privacy.monash.edu.au](http://www.privacy.monash.edu.au)

## 8. Concerns

- 8.1. If a staff member/applicant or supervisor has concerns about any actions under this procedure, they may raise their concerns directly with the Director, Workplace Relations or delegated officer for advice/action.

## 9. Discrimination and harassment grievances

- 9.1. Any grievances arising from discrimination or harassment on the grounds of disability should be resolved promptly and fairly using the University's [Resolution of Unacceptable Behaviour in the Workplace procedure](#). A staff member or applicant who requests an adjustment is protected from being disadvantaged because they made such a request. Individuals who feel that they have experienced unfavourable treatment due to their disability may contact one of the University's [Discrimination and Harassment Advisers](#).

## 10. Roles and responsibilities

### Staff

- 10.1. Staff have the responsibility to:
  - complete the [EO Online training](#) modules to understand their rights and responsibilities in relation to equal opportunity in the workplace; and
  - self-identify as having a disability if they require the University to provide reasonable adjustment to assist them to fully participate in the workforce.

### Supervisor

- 10.2. Supervisors must:
  - provide reasonable workplace adjustments to enable staff with disabilities to perform the genuine and reasonable requirements of employment as outlined in this procedure;
  - on receipt of a request for a workplace adjustment, discuss the matter with the staff member and if required seek the assistance/advice of their HR Business Partner; and
  - in consultation with the HR Business Partner, ensure that all agreed workplace adjustments are implemented.

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### Access HR

10.3. Access HR is responsible for:

- receiving and advising on requests for workplace adjustments;
- referring queries for workplace adjustments to the HR Business Partner, or Manager, Employee Assistance, where necessary; and ensuring the [Workplace Reasonable Adjustments](#) forms are filed on personnel files.

### HR Business Partners

10.4. HR Business Partners are responsible for:

- advising staff with disability and/or their supervisors on making or considering requests for workplace adjustments and ensuring that requests for adjustments are considered in accordance with this procedure; and
- assisting supervisors in ensuring that agreed workplace adjustments are implemented.

### Manager, Employee Assistance

10.5. The Manager, Employee Assistance is responsible for:

- providing expert advice and assistance for HR Business Partners in facilitating requests for workplace adjustments; and
- maintaining this procedure and ensuring that it aligns with relevant legislative obligations.

### HR Recruitment Support Team

10.6. The HR Recruitment Support Team is responsible for:

- having a good working knowledge of relevant legislation and University policy; and
- ensuring recruitment processes support the requirements of applicants with a disability

### Occupational Health and Safety

10.7. Staff in the Occupational Health and Safety Branch may be contacted when information and advice is required to prevent injuries and illnesses in the workplace, develop a proactive health and safety culture, comply with occupational health and safety laws and promote wellbeing.

- Where applicable the Occupational Health Team assist in the development and monitoring of return to work plans for staff with disability; and
- OHS consultants assist supervisors in the provision of a safe work environment by providing consultative advice regarding risk management activities where required.

## 11. Facilities and Services Division

11.1. Facilities and Services should be contacted for all accessibility requests concerning the built environment.

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### 12. Counselling and Mental health

- 12.1. [Counselling and Mental Health](#) are available to all staff to assist with the management of staff wellbeing and support.

### 13. Employee Assistance Program (EAP)

- 13.1. The [Employee Assistance Program \(EAP\)](#) is an independent, external professional counselling service available to all employees and their immediate family members. The service offers confidential, short-term support for a variety of work-related and personal problems that may affect at work or at home.

<b>Responsibility for implementation</b>		
<b>Status</b>	Revised	
<b>Approval Body</b>	<b>Academic Quality and Standards procedure</b>  <b>Name:</b> <b>Meeting:</b> <b>Date:</b> <b>Agenda item:</b>	<b>Operational procedure</b>  <b>Name:</b> Chief Human Resources Officer <b>Date:</b> Date effective <b>Author:</b> Director, Workplace Relations
<b>Definitions</b>	<p><b>Access HR:</b> is part of the HR Operations Centre and delivers timely advice to University staff across several communication channels.</p> <p><b>Disability:</b> is a broad term. It includes some conditions not usually thought of as disabilities. Types of conditions include:</p> <ul style="list-style-type: none"> <li>• loss of physical or mental functions, for example, quadriplegia, brain injury, epilepsy or vision or hearing impairment;</li> <li>• loss of part of the body,</li> <li>• infectious and non-infectious diseases and illnesses, for example, AIDS, hepatitis or tuberculosis, allergies or the carrying of typhoid bacteria;</li> <li>• the malfunction, malformation or disfigurement of a part of a person's body, for example, diabetes, asthma or a birthmark or scar;</li> <li>• a condition which means a person learns differently from other people, for example, autism, dyslexia, attention deficit disorder or an intellectual disability;</li> <li>• any condition which affects a person's thought processes, understanding of reality, emotions or judgement or which results in disturbed behaviour, for example, a psychiatric condition, neurosis or personality disorder;</li> </ul> <p>and a disability is also one that:</p> <ul style="list-style-type: none"> <li>• is present; or</li> <li>• once existed but doesn't any more, for example, a back injury, a heart attack or an episode of psychiatric illness; or</li> <li>• may exist in the future, for example, a genetic predisposition to a disease, such as Huntington's disease or heart disease, or the condition of being HIV positive; or</li> <li>• someone thinks a person has, for example, assuming a person living</li> </ul>	

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with someone with an infectious disease also has the disease or assuming that a gay man has HIV AIDS.

**Genuine and reasonable (inherent) requirements:** Disability law uses the concept of "*inherent*" requirements, which are the "genuine and reasonable requirements" of a position, to describe those components of a job that must be performed. These requirements need to be determined in the circumstances of each job.

Care needs to be taken in determining what is essential to a job: what may appear essential may in fact be achieved in another way, may easily be done by someone else or may be excluded from the job with no real loss to work outcomes.

For example, in order to lecture in a University, appropriate qualifications are required and hence the stipulation of an appropriate university degree would be considered essential to that position. To require a driver's licence, while desirable for travelling between campuses, would generally not be considered essential to the role of lecturer.

**HR Business Partner:** is a key member of the Monash HR Business Partnering community and provides strategic advice, guidance and solutions that underpin key client goals, HR strategy and organisational vision to a particular client group.

**HR Recruitment Support Team:** is part of the Monash HR, HR Operations Centre. This team facilitates the sourcing and attraction of talent to Monash University. Providing specialist advice, support and management, this team works collaboratively with hiring managers and Monash HR to deliver end-to-end recruitment outcomes.

**Reasonable workplace adjustments:** 'Workplace adjustments' and 'accommodations' are terms often used interchangeably to refer to the removal of barriers and to changes made to almost any aspect of work to ensure that staff with disability have an equal opportunity to achieve their full potential as staff members.

The requirement to provide adjustment for people with a disability applies to each stage of employment:

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

Adjustments may be permanent or temporary depending on the nature of the disability and the requirements of the individual. Adjustments may include:

- assistance to ensure there is no barrier in the selection process;
- supply or modification of equipment, furniture or software;
- job redesign, adjustment or work arrangements;
- training or retraining;
- provision of information in suitable formats; and/or
- modification to Monash work areas, including University common areas.

The University will make reasonable adjustments where such adjustments are consistent with work output requirements, work standards or provided the adjustments do not otherwise place the University in a position of 'unjustifiable hardship' in relation to the management of its finances or the pursuit of its legitimate objectives. The criterion of reasonableness in the

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	<p>circumstances will be applied to all requests for adjustments and take into account all circumstances relevant to the job and the incumbent.</p> <p><b>Unjustifiable hardship:</b> Unjustifiable hardship is not defined in the relevant legislation but is determined by having regard to all relevant circumstances of the particular case, namely:</p> <ul style="list-style-type: none"> <li>• the applicant's/staff member's circumstances including the nature of the disability;</li> <li>• the nature of the staff member's role or the role applied for;</li> <li>• the nature of the adjustment required to accommodate their disability;</li> <li>• the University's size and economic position and the impact on its business if the adjustment is made; and</li> <li>• the consequences of making or not making the adjustment for the University or the individual concerned.</li> </ul>
<b>Legislation Mandating Compliance</b>	
<b>Related Policies</b>	<ul style="list-style-type: none"> <li>• <a href="#">Recruitment, Selection and Appointment Policy</a></li> <li>• <a href="#">Work Cover procedure</a></li> <li>• <a href="#">Employee Assistance Program (EAP) procedure</a></li> <li>• <a href="#">Resolution of Unacceptable Behaviour in the Workplace procedure</a></li> <li>• <a href="#">Privacy procedure</a></li> </ul>
<b>Related Documents</b>	<p><b><u>Documents</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Monash University Ethics Statement</a></li> <li>• <a href="#">Supporting diversity and inclusion</a></li> <li>• <a href="#">Guidelines for managers and supervisors of staff with disability or a medical condition</a></li> <li>• <a href="#">Convention on the Rights of Persons with Disabilities</a></li> <li>• <a href="#">International Covenant on Economic, Social and Cultural Rights, 1976</a></li> <li>• <a href="#">Declaration on the Rights of Disabled Persons 1975</a></li> <li>• <a href="#">Vocational Rehabilitation and Employment (Disabled Persons) Convention, (ILO 159) 1983.</a></li> <li>• <a href="#">Standard Rules on the Equalization of Opportunities for Persons with Disabilities, 1993</a></li> <li>• <a href="#">International Guidelines on HIV/AIDS and Human Rights, 1977</a></li> </ul> <p><b><u>Related Legislation</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Fair Work Amendment Act 2013</a></li> <li>• <a href="#">Disability Discrimination Act 1992 (Cwth)</a></li> <li>• <a href="#">Equal Opportunity Act 2010 (Vic)</a></li> <li>• <a href="#">Information Privacy Act 2000</a></li> <li>• <a href="#">Health Records Act 2001</a></li> <li>• <a href="#">Fair Work Act (Cwth) 2009</a></li> </ul>