

# Workplace Adjustment Policy and Procedure

## Section 1 - Preamble

(1) Charles Darwin University ('the University', 'CDU') recognises, values and celebrates the diversity of its workforce. This aligns with our values of courage, kindness, openness, innovation and leadership.

(2) The University is committed to removing barriers to success and participation for employees with ongoing or temporary disability, illness, or injury in the workplace.

(3) This commitment is in accordance with the [Anti-Discrimination Act 1992](#) (NT), the [Disability Discrimination Act 1992](#) (Commonwealth) and the [Fair Work Act 2009](#) (Commonwealth).

## Section 2 - Purpose

(4) This policy and procedure establish a position on reasonable workplace adjustments that will enable an inclusive and non-discriminatory work environment.

(5) This policy and procedure outline the principles, procedures and responsibilities to foster a culture that encourages and supports workplace adjustments when they are required.

## Section 3 - Scope

(6) This policy and procedure apply to employees of the University in any area and at any time they are undertaking work, research or study related activities, including during field work, placements and external events.

## Section 4 - Policy

(7) The University endeavours to establish and maintain effective systems that support a flexible and inclusive workplace culture. CDU embraces differences and ensures people with adjustment requirements are set up for success.

### Responsibilities

(8) All faculties, work units, and employees within the University are responsible for implementing this policy and procedure.

(9) All employees are encouraged to notify their supervisor, manager or the Equity, Diversity and Inclusion Consultant of any barriers they believe prevent access or inclusion.

(10) The University will ensure action is taken on all adjustment notifications.

(11) CDU recognises a shared responsibility with individual employees for ensuring that any necessary adjustment is identified.

(12) The University is responsible for advising employees about their right to workplace adjustments and working with employees to identify the most suitable adjustment/s.

(13) An employee requesting an adjustment may be required to provide reports or medical information specifically relevant to the process of identifying appropriate adjustment/s.

## **Exceptions**

(14) CDU is not required to make changes to workplace policies, rules, practices and operations, or to provide adjustments that will result in unjustifiable hardship for the University.

(15) When considering the provision of adjustments, the University will investigate all effective options to accommodate the individual requirements, short of unjustifiable hardship.

(16) Where a particular means of adjustment is requested and it has been found that it cannot be met without incurring unjustifiable hardship for the University, and cannot be supported, every workplace effort will be made to provide alternative adjustment/s.

# **Section 5 - Procedure**

## **Requesting workplace adjustments - prospective employees**

(17) At the commencement of shortlisting, all CDU recruitment selection panels are required to actively inform and allow prospective employees the opportunity to raise or discuss any workplace adjustments they may require throughout the process.

(18) People applying for employment with the University can request adjustments through the contact officer for the advertised position or consult with the Equity, Diversity and Inclusion Consultant directly. To comply with recruitment timeframes, a decision on a request for workplace adjustment will be made within ten working days.

- a. If the contact officer can meet the request to the satisfaction of both parties, they will do so, and the adjustment will be finalised.
- b. If the adjustment request cannot be met, the contact officer will either assist the applicant to contact the Equity, Diversity and Inclusion Consultant or, with the applicant's consent, refer the request to the Equity, Diversity and Inclusion Consultant.

## **Requesting workplace adjustments - current employees**

(19) Current employees can make requests for workplace adjustments through their Manager or the Equity, Diversity and Inclusion Consultant by completing the Workplace Adjustment Request eform.

(20) All requests for workplace adjustments are confidential. Any breach of confidentiality will be managed in accordance with the [Privacy and Confidentiality Policy](#).

(21) Employees are required to articulate the adjustments they propose, the reason for the adjustment/s and how the adjustment will support their success within the workplace.

(22) Depending on circumstances, evidence such as a letter from a medical practitioner may be useful to provide when submitting the form.

(23) If a Manager believes that a workplace adjustment would be beneficial for an employee who has not made a request nor disclosed medical information, it is important never to assume, nor impose disability or a health condition on someone. In this instance, Managers should first contact the Equity, Diversity and Inclusion Consultant for advice.

(24) In consultation with the employee, the Equity, Diversity and Inclusion Consultant may facilitate workplace adjustments to assist in returning to work from long term illness or injury or to support an employee who has developed an illness or injury.

## **Workplace adjustment request assessment**

(25) Each type of adjustment will be considered on its merits and will relate to the specific person and inherent requirements of the job. The adjustment will be assessed in the workplace and will always involve the prospective or current employee as one of the main sources of information on the adjustment sought.

(26) In consultation with the prospective / current employee, the Equity, Diversity and Inclusion Consultant or the employee's Manager may undertake an evaluation to determine what, if any, adjustment is appropriate.

(27) When undertaking a request for an adjustment, information may be sought such as:

- a. the benefit of the adjustment to the employee
- b. the cost of the adjustment or other relevant operational matters
- c. the potential risk of not implementing an identified adjustment (in terms of an occupational injury or illness).

## **What is reasonable?**

(28) Under the [Disability Discrimination Act 1992](#), an adjustment is considered reasonable unless it causes unjustifiable hardship to the employer or organisation. Unjustifiable hardship could be in the form of financial cost, an amendment to a physical building that is not possible due to council or other restrictions, or an adjustment that would disadvantage other employees.

(29) There are several factors to consider when assessing whether an adjustment is reasonable:

- a. the effectiveness of the adjustment in assisting the employee with disability to perform their job
- b. the practicality of the adjustment
- c. the extent of any disruption caused to business operations
- d. the financial or other costs of the adjustment
- e. the extent of the organisation's financial and other resources
- f. the availability of financial or other assistance to help make the adjustment (eg the [Employment Assistance Fund](#))
- g. the nature of business activities and the size of the organisation.

## **Funding options**

(30) Individual work units fund workplace adjustments for their employees, including those who are going through the recruitment process.

(31) For adjustments requiring funding that is not able to be accommodated within existing budget allocation, People & Culture can assist with providing advice and support to apply through the Commonwealth Government's [Employment Assistance Fund](#).

(32) This fund is administered by [JobAccess](#) which will assist with funding on a cost-recovery or reimbursement basis.

(33) This funding is available for people who are about to start a job or who are currently working, as well as those who require assistance to find and prepare for work.

## Financial delegations

(34) For requests requiring expenditure up to \$20,000, a determination on whether an adjustment is reasonable will be made by the Director People and Culture.

(35) Adjustments in excess of \$20,000 will require endorsement from Director People and Culture and approval by the Vice-Chancellor (or nominee).

## Implementing adjustments

(36) Once approved, an adjustment should be made as quickly as possible. The employee will be kept informed about the timeframe for implementing workplace adjustments.

## Appeal process

(37) Employees who are dissatisfied with a decision or action taken in relation to a claim for reasonable adjustment may seek a review through People and Culture, which will be managed in accordance with the [Complaints and Grievance Policy and Procedure - Employees](#).

(38) Upon receiving a request for such a review, People and Culture will:

- a. obtain and review all documentation relating to the request for workplace adjustment
- b. meet with the Manager and the prospective or current employee - a personal carer, guardian, colleague or union representative may also be present
- c. consult with People Services (if applicable)
- d. review the requirements of the position, position related limitations involving the prospective or current employee's disability and potential adjustments
- e. evaluate the requested adjustments, allowing primary consideration to the prospective or current employee preferences
- f. consult with the [Australian Disability Network](#) through our corporate membership provisions (if applicable)
- g. issue a written outcome of the review, outlining
  - i. what adjustment was requested
  - ii. what assessments were undertaken
  - iii. if any evidence/documentation was considered
  - iv. what adjustment will be provided (if applicable).

(39) People and Culture will monitor the implementation of any adjustments following the finalisation of the review.

## Confidentiality and storage of sensitive personal information

(40) All documents relating to specific requests for workplace adjustments will be kept confidential and will only be disclosed in accordance with the provisions of the [Privacy and Confidentiality Policy](#), [Records and Information Management Policy and Procedure](#), [Privacy Act 1988](#) (Commonwealth) and [Information Act 2002](#) (NT).

(41) All adjustments will be financially coded in accordance with CDU Finance requirements, to allow for expenditure tracking and monitoring of adjustment implementation for reporting purposes only.

## Monitoring and evaluation

(42) A review meeting will be held three months after implementing adjustments to discuss the effectiveness of the arrangement. A further review date will then be agreed on, dependent on the nature of the condition.

(43) All existing agreements are to be reviewed annually.

## Section 6 - Non-Compliance

(44) Non-compliance with Governance Documents is considered a breach of the [Code of Conduct – Staff](#) or the [Code of Conduct – Students](#), as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the [Charles Darwin University and Union Enterprise Agreement 2022](#) and the [Code of Conduct – Students](#).

(45) Complaints may be raised in accordance with the [Code of Conduct – Staff](#) and [Code of Conduct - Students](#).

(46) All employees have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the [Fraud and Corruption Control Policy](#) and [Whistleblower Reporting \(Improper Conduct\) Procedure](#).

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	18th March 2024
<b>Review Date</b>	18th March 2027
<b>Approval Authority</b>	Vice-Chancellor
<b>Approval Date</b>	15th March 2024
<b>Expiry Date</b>	Not Applicable
<b>Responsible Executive</b>	Peta Preo Director People and Culture
<b>Implementation Officer</b>	Lynette Pathy Equity, Diversity and Inclusion Consultant
<b>Enquiries Contact</b>	Lynette Pathy Equity, Diversity and Inclusion Consultant <hr/> People and Culture