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 establishes a position on reasonable workplace adjustments that will enable an inclusive and non-discriminatory work environment.

(5) This policy and procedure outlines 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 applies 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 or manager of any barriers they believe prevent access or inclusion.

(10) If required, assistance can be sought from the Equity, Diversity and Inclusion Consultant.

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

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

identified.

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

(14) 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

(15) 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.

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

(17) 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

(18) 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.

(19) People applying for employment with the University can request adjustments through the contact officer for the advertised position. 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 should engage the support of the Equity, Diversity and Inclusion Consultant to review the request before communicating with the Candidate.
c. The Contact Officer can then communicate the outcome to the Candidate.

Requesting workplace adjustments – current employees

(20) Current employees can make requests for workplace adjustments through their Manager by completing the Workplace Adjustment Request eform.If required, employees can consult with Equity, Diversity and Inclusion Consultant before making a formal request.

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

(22) 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.

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

(24) 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 their Senior People Partner or Equity, Diversity and Inclusion Consultant for advice.

(25) In consultation with the employee, the manager 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.

(26) People and Culture can assist with this process.

Workplace adjustment request assessment

(27) 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.

(28) In consultation with the prospective / current employee, the Manager may undertake an evaluation to determine what, if any, adjustment is appropriate.

(29) 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 matter; and
c. the potential risk of not implementing an identified adjustment (in terms of an occupational injury or illness).

(30) If required Equity, Diversity and Inclusion Consultant can assist managers with this process.

What is reasonable?

(31) 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.

(32) 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); and
g. the nature of business activities and the size of the organisation.

Funding options

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

(34) 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.

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

(36) 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

(37) Managers can approve requests within their delegation up to $5,000.

(38) For requests requiring expenditure from $5,000 up to $20,000, a determination on whether an adjustment is reasonable will be approved by the Director People and Culture.

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

Implementing adjustments

(40) 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

(41) 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.

(42) 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 Equity, Diversity and Inclusion Consultant;
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); and
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; and
    iv. what adjustment will be provided (if applicable).

(43) Managers will monitor the implementation of any adjustments following the finalisation of the review.

Confidentiality and storage of sensitive personal information

(44) 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).

(45) 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

(46) 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.

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

Section 6 - Non-Compliance

(48) Non-compliance with governance documents is considered a breach of the Code of Conduct - Employees 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 2025 and the Code of Conduct - Students.

(49) Complaints may be raised in accordance with the Complaints and Grievance Policy and Procedure - Employees and Complaints Policy - Students.

(50) All staff members 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

Status	Current
Effective Date	29th October 2024
Review Date	29th October 2027
Approval Authority	Vice-President Governance and University Secretary
Approval Date	29th October 2024
Expiry Date	Not Applicable
Responsible Executive	Peta Preo Director People and Culture
Implementation Officer	Lynette Pathy Equity, Diversity and Inclusion Consultant
Enquiries Contact	Lynette Pathy Equity, Diversity and Inclusion Consultant --- People and Culture

Glossary Terms and Definitions

"University" - Charles Darwin University, a body corporate established under section 4 of the Charles Darwin University Act 2003. The University is comprised of the various faculties, CDU TAFE, organisational units, and formal committees, including the governing University Council and Academic Board.

"Governance document" - means policy or procedure published in the Governance Document Library. Policies and procedures are collectively called ‘governance documents’ and are often referred to as ‘policy’ or ‘University policy’.