



**Victorian
Public Sector
Commission**



Workplace adjustments advice for public sector organisations

Advice on what public sector organisations should consider with workplace adjustments.

How we define disability and carers

Disability definition

We've adapted the social model to define disability in the context of employment.

This says we must remove barriers to work and not focus on what someone can or can't do because of their impairment.

These barriers can be:

- physical – such as a building's design
- attitudinal– such as how people may think of disability
- communication – such as how people may talk about disability
- social – such as how someone may interact with someone with disability.

The model aims for a society that everyone can take part in equitably.

This definition aligns with the:

- [United Nations Convention on the Rights of Persons with Disabilities 2006](#)
- [Getting to work: Victorian government disability employment action plan 2018-2025.](#)

Carers definition

We use the [Commonwealth Carers Recognition Act 2010](#) to define carers.

This says carers are people who care, support and assist a person who needs it due to:

- disability
- medical condition including terminal or chronic illness
- mental illness
- frailty and age.

Parents are carers if they care for a child with disability, a medical condition or mental illness.

What workplace adjustments are

Workplace adjustments are changes that support a person to:

- have an equitable employment experience when they apply for a job
- do the inherent requirements of a job in an equitable, safe and productive way.

Inherent requirements are what someone must achieve in their role through their work – rather than how they achieve them.

They don't refer to all parts of a job, such as non-essential tasks.

For example, an inherent requirement could be 'to build and maintain positive relationships with stakeholders'.

To achieve this, a person could:

- attend meetings in-person with stakeholders

- attend meetings remotely with stakeholders
- do a mix of both these things.

Costs with workplace adjustments

A common misconception is that workplace adjustments are expensive. When in fact, a lot of adjustments have no or a low cost.

An organisation's workplace adjustments policy needs to identify:

- who is responsible to fund adjustments
- how to access adjustment funding
- what privacy controls they have in place for funding adjustments.

Read the [example adjustments process](#) to see how the Commission funds requests.

Who can ask for workplace adjustments

People who are eligible to access adjustments include:

- people with disability, a medical condition and/or mental illness
- carers of people with disability.

[Victorian law](#) says a person with disability can include people who haven't shared their disability or identify as a person with disability.

People can ask for an adjustment at any stage of recruitment and as an employee, such as:

- when they apply for a job
- when they have an interview
- during onboarding
- at any time while employed.

Where workplace adjustments apply

A person can request an adjustment for the office, at home and when off site. This can include changes to things such as:

- recruitment or job design
- a work process or practice
- technology or equipment
- facilities or the work environment.

People with disability are experts in their own experience. So always ask what they need to make their workplace accessible.

Trusted people and workplace adjustments

Someone who asks for adjustments can have a trusted person to support them.

For example, the trusted person could be:

- a colleague or friend
- their manager
- someone from the diversity and inclusion or people and culture team.

The trusted person can do things like go to meetings with them or help fill out forms.

A trusted person must comply with the organisation's privacy obligations in its adjustments policy.

Privacy with workplace adjustments

Privacy obligations of organisations

Disability information is health information. Organisations must use and protect it under the [Victorian Health Records Act 2001](#).

They must also use and protect any personal information in line with state and federal laws.

An organisation can only breach an employee's confidentiality if they believe there is a real serious or imminent threat to the health, safety or property of anyone in the workplace or public.

Collecting data on workplace adjustments

When you collect data about adjustment requests, you must:

- only collect what is relevant to the role
- tell employees why you collect it (for example, to manage their adjustment request)
- keep all requests confidential
- ensure that anyone who has access to a person's adjustment information maintains their privacy and stores it in line with the [Public Records Act 1973](#) (this includes people who can access other people's calendars or emails, such as an executive assistant)
- never share an employee's adjustment information with anyone.

An organisation should report on de-identified workplace adjustment data, such as:

- what category adjustments are in
- the number of adjustment requests
- response times to adjustment requests
- how satisfied people are with adjustments.

This can help understand their process, any issues and continuously improve.

Privacy when asking for a workplace adjustment

A person who requests an adjustment doesn't need to share their disability with anyone unless it's likely to affect their job performance or ability to work safely.

There are many reasons why someone may not share it, such as:

- fear of discrimination
- differential treatment
- belief that their disability won't affect their work performance.

It's a personal decision as to when and how much a person with disability shares.

They may choose to share none, some or all their disability information. Or they could choose to share it before they start the job, only when they become unwell or when they feel safe in the workplace.

How organisations can respond to workplace adjustment requests

Under the [Equal Opportunity Act 2010](#), an organisation must implement a workplace adjustment request. It may be discrimination if they don't.

But the [Disability Discrimination Act 1992](#) lets an organisation reject an adjustment if they think it would cause them unjustifiable hardship.

To check if a request would cause unjustifiable hardship, an organisation can assess how reasonable a request is against factors like:

- how complex a request is
- if it's practical to implement the request
- how much disruption the request would cause
- the cost of the request
- the benefits the request would provide
- the organisation's size and the type of work it does.

The onus is on the organisation and not the person to prove an adjustment is unreasonable.

Complaints or appeals with workplace adjustments

An applicant can complain or appeal about:

- the outcome of an adjustment request
- how an organisation handled the adjustment request
- how an organisation implemented the adjustment
- another issue related to the adjustment process and policy.

An organisation should identify who someone should appeal to in the first instance. For example, to the people and culture team.

If the applicant is still unhappy after this, they can make a [complaint to the Victorian Equal Opportunity and Human Rights Commission](#).

Responsibilities with workplace adjustments

Legal responsibilities

If senior leaders, the people and culture team and/or managers don't make a workplace adjustment, they may be held responsible for disability discrimination.

In some circumstances with a discrimination complaint, they may be called upon as co-defendants.

Organisation and senior leader responsibilities

Organisations and senior leaders must ensure they:

- identify a senior leader or delegate someone to develop and implement a workplace adjustment policy and process
- review the adjustment policy and process regularly
- identify who will approve workplace adjustment costs
- provide and maintain a safe and healthy work environment for employees to the best of their capacity
- provide accessible meetings, activities and learning and development programs.

People and culture team responsibilities

People and culture teams must:

- ensure they consider and implement all adjustment requests in line with the organisation's policy
- make all candidates and employees aware of the organisation's policy

They must also remind managers that candidates and employees:

- have a right to ask for adjustments at any time during recruitment and employment
- need support to identify adjustments
- must never be discriminated against because of their disability, health condition and/or mental illness.

Manager and trusted people responsibilities

Managers must:

- regularly ask candidates and employees if they need adjustments and remind them they can ask for them
- regularly talk with candidates and employees about what adjustments they need to support them in recruitment and/or their role
- support, offer and make adjustments during the recruitment process, before someone starts a role and during employment
- build rapport with the employee who is asking for adjustments
- implement adjustments quickly.

Managers and trusted people must:

- comply with an organisation's workplace adjustment policy
- keep adjustment conversations and documents confidential in line with an organisation's workplace adjustments policy
- not ask for disability information and only ask for relevant information to make the adjustment
- not raise any performance concerns with employees during discussions about workplace adjustments
- regularly update and seek feedback from the applicant on the implementation of adjustments.
- explain why an organisation can't implement an adjustment and offer an alternative to suit their needs (but only after they have spoken with the people and culture team).

Candidate and employee responsibilities

Candidates and employees should:

- tell your manager or trusted person about any barriers that impact their ability to apply for a role, take part in the recruitment process or meet the inherent requirements of the role
- identify and ask for the adjustments they need during recruitment and/or at any stage of their employment
- ask for support if they're not sure about what adjustments they need

- tell them if there is a risk to their safety or that of their colleagues
- let them know if the adjustment isn't working
- work with the trusted person to review the adjustment
- consider what information they'd like to share when they ask for an adjustment
- meet the inherent requirements of the position when the adjustments are in place.

Example workplace adjustments

Every workplace adjustment is unique to the person and the role they're in.

Recruitment adjustments

Here are some examples of adjustments you can make to your recruitment process:

- ask candidates to submit examples of past work experience
- book accessible venues and confirm accessible features
- give interview questions in advance and/or in writing during the interview
- have at least one interview panel member with lived experience of disability
- make all recruitment materials accessible and available in alternative formats
- offer alternatives to written tests
- offer assistance or more time for any pre-questions
- offer candidates an Auslan interpreter or live captioner if they need it
- offer candidates to bring a support person/advocate to attend the interview.
- organise longer and/or flexible interview times
- provide reserved accessible parking
- train panel members in disability awareness.

Employee workplace adjustments

Here are some examples of adjustments you can make for employees:

- accessible content and communications
- assistive technology, such as voice-activated software, an amplified phone, or a digital recorder
- car parking or travel arrangements for any work-related travel

- changes to how co-workers give them information, such as in writing and verbally
- changes to ways of working
- disability awareness and confidence training for co-workers and managers
- equipment or furniture that lets the employee work in a safe manner
- flexible work
- inclusive meetings, such as having an agenda and sending accessible materials in advance
- job redesign, such as job sharing or re-assigning tasks to others
- more or a different style of supervision
- using a person's preferred communication device, such as a communication board, tablet or mobile phone
- using a person's preferred way to communicate, such as an Auslan interpreter, the National Relay Service (NRS), live captions or a larger font size.

Case study: recruitment of neurodivergent employees with special measures

A Victorian Public Service organisation used a [special measure](#) to attract neurodivergent candidates for a project role.

The hiring manager and selection panel adjusted the recruitment process to support candidates to fully participate

To do this, they:

- consulted with an expert organisation from the [Neurodiverse Confident Services Panel](#) on ways to adjust the process to support neurodivergent candidates
- created scenario-based questions that were relevant to the role, as opposed to the 'tell me about a time' STAR questions
- shared the scenario-based questions with the candidates 24 hours before each of their interviews
- linked each scenario and set of questions with the related key selection criteria and shared this with each candidate
- gave candidates a choice to write answers and read off their notes or to answer on the spot
- made candidates aware they could ask for other workplace adjustments in line with the [Commission's workplace adjustment policy](#).

After the panel selected a candidate for the job, the organisation talked with the success candidate about how they could support them in their new role with more adjustments.

The use of a special measure in this case study supports the government's commitment to have people with disability make up 12% of the workforce by 2025.