



**Victorian
Public Sector
Commission**



Our workplace adjustments policy and process

The policy and process we use for workplace adjustments.

About this workplace adjustment policy

This policy tells you how we apply workplace adjustments in the Victorian Public Sector Commission to support:

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

We're committed to provide an accessible and inclusive workplace so people with disability can fully take part all aspects of employment including:

- job design
- recruitment and selection
- the work environment
- employee training and development
- employee performance management
- employee departures.

We apply workplace adjustment (also known as 'reasonable' adjustment) to remove barriers that stop people with disability from taking part in employment.

This is in line with the:

- [Commonwealth Disability Discrimination Act 1992](#)
- [Victorian Equal Opportunity Act 2010](#)
- [Commission's Accessibility Action Plan](#).

We'll make workplace adjustments to support people with disability do the inherent requirements of their role.

We can't make them if they cause the organisation unjustified hardship.

Who this workplace adjustment policy applies to

This policy applies to:

- people with disability, a health condition and/or mental illness as defined in this policy
 - carers as defined in this policy
 - all Commission employees and contractors
 - job candidates and those offered employment
 - visitors to the Commission, including attendees at events hosted by the Commission.
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Eligibility for workplace adjustments

You're eligible to ask for adjustments if you're a:

- person with disability, a medical condition and/or mental illness
- carer 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.

You can ask for an adjustment at any stage of recruitment and as an employee while employed.

Definitions we use in this policy

Disability

We have 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

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.

In this context, parents are carers if they care for a child with disability, a medical condition or mental illness.

The [Commonwealth Carers Recognition Act 2010](#) notes that:

"Carers should be supported to achieve greater economic wellbeing and sustainability and, where appropriate, should have opportunities to participate in employment and education."

The [Victorian Carers Recognition Act 2012](#) notes that:

"A carer should have the effect of his or her role as a carer on his or her participation in employment and education recognised and considered in decision making."

Workplace adjustments and inherent requirements

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.

Unjustifiable hardship

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

But the [Disability Discrimination Act 1992](#) says we can reject an adjustment if we think it would cause us unjustifiable hardship.

To check if a request would cause us unjustifiable hardship, we 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 Commission and not the applicant to prove an adjustment is unreasonable.

Where workplace adjustments apply

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

- a process or practice
 - recruitment or job design
 - technology or equipment
 - facilities or the environment.
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Example workplace adjustments

Workplace adjustments you could ask for in recruitment

Here are some examples of adjustments you could ask for in recruitment:

- a support person/advocate to attend the interview.
- accessible venues and confirm accessible features
- all recruitment materials accessible and available in alternative formats
- alternatives to written tests
- an Auslan interpreter or live captioner
- assistance or more time for any pre-questions
- at least one interview panel member with lived experience of disability
- interview questions in advance and/or in writing during the interview

- longer and/or flexible interview times
- panel members in disability awareness
- reserved accessible parking
- to submit examples of past work experience.

Workplace adjustments you could ask for while employed

Here are some examples of adjustments you could ask for while employed:

- 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.
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Trusted people and workplace adjustments

You can have a trusted person to support you when you ask for adjustments.

For example, this could be:

- a colleague or friend

- their manager
- someone from the people and culture team.

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

Your trusted person must comply with the Commission's privacy obligations in this adjustments policy.

Privacy with workplace adjustments

Our privacy obligations

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

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

We'll only breach an applicant's confidentiality if we believe there is a real serious or imminent threat to the health, safety or property of anyone in our workplace or the public.

Data we collect on workplace adjustments

When we collect data about your adjustment, we:

- only collect what is relevant to the role
- tell you why you collect it (for example, to manage their adjustment request)
- keep all requests confidential
- ensure that anyone who has access to your adjustment information maintains your 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 your adjustment information with anyone.

Data we report on for workplace adjustments

We report on de-identified workplace adjustment data including:

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

Your privacy when asking for a workplace adjustment

You don't need to share your disability with anyone unless it's likely to affect your job performance or ability to work safely.

Candidate and employee responsibilities

You must:

- identify and ask for the adjustments they need during recruitment and/or at any stage of their employment
- ensure they ask for clear and implementable adjustments
- ask for support if they're not sure about what adjustments they need
- 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.

If you have a trusted person, they must:

- tell them about any barriers that impact their ability to meet the inherent requirements of the role
 - 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.
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Commission responsibilities

The Commission has a responsibility to:

- 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.

Senior leaders, the people and culture team and managers can be held responsible for disability discrimination if they don't make a workplace adjustment.

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

Deputy commissioner responsibilities

The deputy commissioner has a responsibility to:

- implement the Commission's adjustment policy
- review this adjustment policy and process regularly
- approve all adjustment costs such as the purchase of equipment, software and changes to the office.

People and culture responsibilities

The people and culture team has a responsibility to:

- 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 have a responsibility to:

- regularly ask candidates and employees if they need adjustments and remind

them they can ask for them

- 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 have a responsibility to:

- 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).
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Process to ask for workplace adjustments

Step 1: request a workplace adjustment

You can request an adjustment using the Commission's [request a workplace adjustment form](#).

One business day later, the people and culture team will email you to:

- confirm what you requested in writing and the date you need it by
- advise you they'll be in touch about the request within 2 working days to provide an update
- advise you what to do if you're unhappy with the outcome or want to lodge an appeal or complaint
- tell you how the Commission handles your privacy

- tell you who to contact if you have any questions.

Step 2: assess and approve or reject a workplace adjustment

The people and culture team will assess your request based on if the adjustment would cause [unjustifiable hardship](#) to the Commission.

If the people and culture team need more information from you to assess the request, they'll ask for this within 2 working days.

If required, the people and culture team may ask the equity, leadership and capability team for advice. But they will maintain your confidentiality.

The people and culture team must approve or reject your adjustment request within 14 working days of receiving it.

If the Commission rejects your request

The people and culture team can only reject your adjustment if they think it would cause [unjustifiable hardship](#) to the Commission.

The team must escalate all rejections to the deputy commissioner to make a final decision.

If the deputy commissioner agrees to reject your adjustment, the people and culture team must advise you in writing that:

- the Commission rejects your request
- the reasons why the request would cause [unjustifiable hardship](#)
- they'll set up a meeting with you within 7 working days to explore other adjustments.

You can also [appeal a decision or complain](#) about any part of the adjustment process.

Step 3: finance a workplace adjustment

The deputy commissioner approves all adjustment expenses.

The Commission's people and culture team use Job Access's [Employment Assistance Fund](#) to:

- organise external workplace assessments
- start and progress applications that need a spend of over \$500.

They'll use a central fund to pay for any adjustments not covered by the Employment Assistance Fund.

The people and culture team keep the fund's use confidential to protect your information.

Step 4: implement and evaluate a workplace adjustment

When the people and culture team approve the adjustment, they'll:

- let you know when the Commission will implement your request
- confirm if you need an ergonomic assessment.

Commission employees

For employees, the people and culture team must set up a time with you to review the adjustment. This must happen within 2 weeks after they implement it.

In the review, the people and culture team must:

- confirm if the adjustment meets your needs or if they need any changes or more adjustments
- agree with you on how regularly they should review the adjustment
- set the next review date.

The people and culture team should also review the adjustment if your circumstances change, such as your health or work duties.

Complaints or appeals with workplace adjustments

You can complain or appeal about:

- the outcome of an adjustment request

- how the Commission handled your adjustment request
- how the Commission implemented your adjustment
- another issue related to the adjustment process and policy.

You should first complain to the people and culture team to see if they can find a solution.

If you're still unhappy after this, you can [complain to the Victorian Equal Opportunity and Human Rights Commission](#).

Records management

We maintain all documents about the adjustments policy and process in line with the Public Records Acts 1973.

This means we can retrieve all documents if required.

The people and culture team are responsible for the records management of this document. They must hold all records for 100 years.

Relevant legislation

- Carers Recognition Act 2010 (Commonwealth)
- Carers Recognition Act 2012 (Victoria)
- Disability Discrimination Act 1992 (Commonwealth)
- Equal Opportunity Act 2010 (Victoria)
- Fair Work Act 2009 (Commonwealth)
- Health Records Act 2001 (Victoria)
- Privacy and Data Protection Act 2014 (Victoria)
- Public Administration Act 2004
- Public Records Act 1973
- Victorian Public Service Enterprise Agreement 2020

Relevant documents

- [Commission accessibility action plan](#)
 - [Commission privacy policy](#)
 - Commission recruitment and selection policy (internal only)
 - [Commission workplace adjustment request form](#)
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Other resources

- [Getting to work: Victorian government disability employment action plan 2018-2025](#)
 - [United Nations Convention on the Rights of Persons with Disabilities](#)
 - [Workplace adjustment guide](#)
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Where to get more advice

For help with this policy, email info@vpsc.vic.gov.au.