

# Workplace adjustments for people with disability

---

## PURPOSE

1. The purpose of this policy is to provide a directive to ACT Public Sector (ACTPS) directorates and agencies to ensure that people with disability working in the ACTPS are supported in their work through the provision of workplace adjustments.
2. This policy demonstrates the ACT Government's ongoing commitment to equity, diversity and inclusion in its workforce and being representative of the community it serves.

## APPLICATION

3. This policy contains a set of whole-of-government instructions issued by the Head of Service under the *Public Sector Management Act 1994* which binds all employees and officers engaged under that Act.
4. In line with the provisions of the *Disability Discrimination Act 1992* (DDA), this policy also applies to employees engaged under contract through recruitment agencies/labour hire arrangements.
5. Under the DDA, it is unlawful to be discriminated against in employment because of a disability. This policy must be implemented with consideration to the DDA and, as such, for the purpose of this policy, the definition of disability is the definition provided at Section 4 of the DDA (see definitions at the end of this Policy).

## PRINCIPLES

6. The ACTPS recognises the need for employment and engagement approaches which ensure a strong value proposition for all current and potential future employees throughout their employment in the ACTPS. This involves removing barriers for people with disability to be employed, and to participate fully in their ongoing employment.
7. The ACTPS will lead by example as an inclusive employer, recognise the strengths of people with disability and maximise their access to employment, work participation, work satisfaction and career progression. People with disability will have equal opportunity for selection, appointment, promotion, training and transfer.
8. Design and delivery of systems, facilities, policies and programs will provide dignified access for all employees to their work and place/s of work.
9. All ACTPS employees will demonstrate understanding and awareness of disability and the impact that attitudes of others and inherent stigma can have on the lives of people with disability. Employees that have responsibility for the management of other staff will have confidence in

managing employees with disability, and the personal and health information of employees with disability will be handled confidentially and with respect.

10. Employees with disability will have available to them the tools they need to communicate their work needs with their workplace supervisor in a safe, efficient and consistent way.
11. The ACTPS recognises that the needs of an employee with disability, as well as their work, change over time and systems will be in place to ensure people with disability have the support they need throughout their employment in the ACTPS.
12. The ongoing commitment to an agile workforce in the ACTPS will ensure that people with disability will not face unnecessary barriers when moving within the ACTPS
13. Consistent with the ACTPS focus for healthy and safe workplaces for all, the ACTPS will ensure that any specific work health and safety needs of employees with disability are effectively managed.

## RESPONSIBILITIES

14. The following responsibilities apply for this policy.

### **A. DIRECTORS-GENERAL, DEPUTY DIRECTORS-GENERAL OR EQUIVALENTS AND AGENCY HEADS**

- visibly support and promote the recruitment, retention and career progression of people with disability
- consult with their directorate/agency disability network when developing any employment policies for application across their directorate/agency
- ensure that leaders and managers within the workplace are adequately trained such that they are disability confident and able to contribute to breaking down the stigma experienced by people with disability and encourage a sense of belonging
- ensure sufficient financial and other resources are available to:
  - enable the implementation of reasonable workplace adjustments across their organisation; and
  - support a smooth transfer process for employees with disability who obtain employment elsewhere in the ACTPS.
- ensure their directorate/agency has robust work health and safety measures in place that protect people with disability from harm and promote health

### **B. EXECUTIVE AND MANAGERS**

- actively consult with employees with disability, and their representatives, to identify barriers within the workplace and identify and implement suitable workplace adjustments in a timely manner
- ensure the safe and appropriate handling of personal information of employees with disability

- ensure that all staff have access to disability awareness training tailored to the needs of the workplace
- undertake recommended training to build management disability confidence
- foster a culture of inclusivity and belonging
- ensure that, when undertaking recruitment activities:
  - the advertising is accessible for people with disability
  - applicants have been offered the opportunity to request any adjustments as part of the recruitment process; and
  - requests for adjustments have been considered and, where such adjustments would not pose an unjustifiable hardship, have been provided.
- in the event an employee does not agree with a decision made about a workplace adjustment, make them aware of the internal review process outlined in the core Enterprise Agreement

## C. EMPLOYEES

- all employees are to participate in disability awareness training in accordance with their directorate/agency program
- employees with disability will communicate with their manager to:
  - discuss any actual, or potential barriers to their ongoing work and employment
  - actively engage in identifying and implementing suitable workplace adjustments; and
  - engage in regular reviews of their work needs.

## DEFINITIONS

14. For the purpose of this policy, the definition of disability is as per the definition provided at Section 4 of the DDA. That is:

***disability***, in relation to a person, means:

- (a) total or partial loss of the person's bodily or mental functions; or
  - (b) total or partial loss of a part of the body; or
  - (c) the presence in the body of organisms causing disease or illness; or
  - (d) the presence in the body of organisms capable of causing disease or illness; or
  - (e) the malfunction, malformation or disfigurement of a part of the person's body; or
  - (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
  - (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;
- and includes a disability that:
- (h) presently exists; or

- (i) previously existed but no longer exists; or
- (j) may exist in the future (including because of a genetic predisposition to that disability); or
- (k) is imputed to a person.

To avoid doubt, a **disability** that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

## LEGISLATIVE REFERENCES

This policy is to be delivered in accordance with:

*Disability Discrimination Act 1992* (Cwlth)

*Work Health and Safety Act 2011* (ACT)

*Discrimination Act 1991* (ACT)

*Public Sector Management Act 1994* (ACT)

## REVIEW

This policy will be reviewed after three (3) years unless earlier review is required.

## APPROVAL AUTHORITY

This policy is approved by Deputy Director General, Office of industrial Relations and Workforce Strategy on behalf of Kathy Leigh, Head of Service.

DATE. 18 August 2023

Issue Date: 17 August 2023

Review Date: August 2026

Mr Michael Young  
Deputy Director-General  
Office of Industrial Relations and Workforce Strategy  
Chief Minister Treasury and Economic Development Division