



Reasonable adjustments procedure

Version: 4.1 | Version effective: 19/07/2021

Audience

This procedure applies to all employees of the Department of Education (the department).

Purpose

This procedure sets out the department's minimum standards and process for reasonable adjustment requests and agreements, including consideration of funding, implementation, monitoring and reviewing of any adjustments made.

This procedure does not include reasonable adjustments required for recruitment and selection purposes. Further information which should be accessed prior to commencing a recruitment process can be found on the Inclusion and diversity (DoE employees only) OnePortal page.

Overview

The department is committed to ensuring that employees with medical conditions are provided with the same opportunities and are reasonably supported to effectively perform the inherent requirements of their role.

The reasonable adjustment procedure provides the steps to follow for meeting these commitments. The reasonable adjustment procedure supports:

- maximising access to an individual's skills, talents and abilities;
- the use of flexible and alternative ways of working
- fair and equitable treatment for all;
- valuing of people for their diversity;
- safe and healthy work practices and environments and a concern for employees' welfare; and
- compliance with legislative requirements.

Reasonable adjustment may be required when:

- employees and prospective employees apply for a role and/or participate in a selection process. Refer to [Inclusion and diversity](#) (DoE employees only) OnePortal page for further information;
- employees commence in a role;
- employees require professional development;

- employees change duties, role and/or location;
- employees develop or experience changes in a medical condition during employment which may impact on their ability to perform the inherent requirements of their role; and
- a medical condition may be impacting on an employee's performance.

Responsibilities

All employees

- be respectful of any reasonable adjustments which may be implemented within their work unit or area.

Employees requiring reasonable adjustments

- provide timely initial notification to their manager, principal or supervisor and rehabilitation and return to work coordinator (RRTWC) of any medical reason which may require a reasonable adjustment;
- maintain ongoing open communication with their manager, principal or supervisor regarding their medical condition and potential needs;
- provide medical information and documentation regarding the impact their medical condition may have on their work;
- participate in medical or allied health assessments required to identify appropriate workplace solutions to inform reasonable adjustments;
- work with their manager, principal or supervisor and RRTWC to develop workplace solutions to inform reasonable adjustments that are fair and equitable to the work unit and other employees;
- assist with the implementation of reasonable adjustments, where appropriate, and complete any training for specialist equipment;
- advise their manager, principal or supervisor and RRTWC of any changes in their medical condition and if reasonable adjustments are not working effectively; and
- access support provided as required to fulfil inherent requirements of their role.

Managers, principals, supervisors

- facilitate open, honest and confidential discussions with employees who disclose medical conditions regarding their needs and reasonable adjustment solutions which may assist them to perform the inherent requirements of their role;
- consider all requests for reasonable adjustment;
- manage medical and personal information provided by employees confidentially and in accordance with the [Information Privacy Act \(2009\) \(Qld\)](#);
- seek advice from the Organisational Safety and Wellbeing Unit or from senior injury management consultants, as appropriate;
- work with employees to develop reasonable adjustment workplace solutions that are fair and equitable to the employee and other workers;
- ensure agreed reasonable adjustments are recorded via appropriate methods;

- implement reasonable adjustments as soon as is practicable. Seek assistance from senior injury management consultants, Director HR Business Partnering and/or facilities managers, as appropriate;
- provide ongoing assistance and support for employees who require a reasonable adjustment;
- consider all funding sources for reasonable adjustment; and
- monitor effectiveness of reasonable adjustments and formally review reasonable adjustments at appropriate intervals (at least once a year);

Rehabilitation and return to work coordinators (RRTWC)

- initiate conversations with managers, principals or supervisors about their employees who have a medical reason which may require a reasonable adjustment;
- gather information to assist in the assessment of requests for reasonable adjustments; and
- seek further information to assist managers, principals and supervisors to develop reasonable adjustment workplace solutions.

Senior injury management consultants

- provide advice on reasonable adjustment; and
- liaise with external providers regarding reasonable adjustment solutions and funding.

Claims management officers

- record approved reasonable adjustments on employees' electronic personnel records.

Facilities managers

- provide advice on reasonable adjustment implementation; and
- assist with the implementation of reasonable adjustments involving building/facilities modifications.

Organisational Safety and Wellbeing

- provide advice on reasonable adjustments and unjustifiable hardship.

Director Organisational Safety and Wellbeing

- review reasonable adjustment requests that may impose unjustifiable hardship and provide recommendations to the Executive Director Business Partnering, Safety and Wellbeing for final determination.

Directors HR Business Partnering

- ensure appropriate medical advice is gained to support decisions regarding reasonable adjustment
- approve use of assessments to gain further information regarding an employee's medical condition
- approve appropriate reasonable adjustment additional allocations
- monitor use of reasonable adjustment additional allocations within their region/area
- consider all funding sources for reasonable adjustments.

Regional Directors or Executive Directors (for their area of responsibility)

- review decisions made, within their area of responsibility, regarding requests for reasonable adjustment that may impose unjustifiable hardship;
- seek advice from relevant specialists, such as the Organisational Safety and Wellbeing Unit to assist, as appropriate.

Executive Director Business Partnering, Safety and Wellbeing

- review reasonable adjustment requests that may impose unjustifiable hardship and make final determinations.

Process

1. Identify need for reasonable adjustment

A reasonable adjustment may be identified via the:

- employee informing their manager, principal, supervisor, RRTWC about a medical condition which may require a reasonable adjustment; **or**
- manager, principal, supervisor or RRTWC identifying a potential need for a reasonable adjustment and discusses the situation with the employee to establish if a need for reasonable adjustment exists.

In identifying the need for a reasonable adjustment, the employee must provide appropriate medical advice to inform decisions regarding reasonable adjustment.

When identifying a reasonable adjustment, the following information may be useful:

- [Reasonable adjustment – Information for employees fact sheet](#)
- [Reasonable adjustment for pregnancy fact sheet](#)

2. Establish what is required

- Employee and manager, principal, supervisor and RRTWC collaboratively develop a reasonable adjustment solution. The manager, principal or supervisor should seek the assistance of relevant specialists such as medical professionals, rehabilitation consultants, facilities managers and/or the Organisational Safety and Wellbeing Unit, where appropriate.
- Consider options to ensure employees are safely employed or have access to any appropriate leave that is available to them while modifications are being made.

(Note: if an employee cannot carry out the inherent requirements of their role effectively until reasonable adjustments have been completed, then temporary arrangements – e.g. appropriate leave (sick leave or special leave) or short-term transfer – may be considered to ensure ongoing meaningful work. Employees are to be consulted and in agreement with any proposed arrangements).

3. Establish funding

When considering funding of a reasonable adjustment, refer to the [Funding reasonable adjustments fact sheet](#) for further information.

- Identify appropriate funding sources for any reasonable adjustments.
- If the cost cannot be met at the local level, the manager, principal or supervisor should determine if funding can be accessed from an alternative source within or external to the department, e.g. JobAccess.
- If funding cannot be sourced, it may be determined that the reasonable adjustment will impose unjustifiable hardship on the work unit. Any requests for reasonable adjustment that may impose unjustifiable hardship must be reviewed by the relevant regional director or executive director (for their area of responsibility) and referred to the Director Organisational Safety and Wellbeing for review and recommendation to the Executive Director Business Partnering, Safety and Wellbeing for final determination.

4. Record agreement

The manager, principal or supervisor:

- completes the written [Reasonable adjustment agreement](#) to document all negotiated and approved reasonable adjustments. This includes specific decisions of identified workplace solutions to be implemented, including a timetable for actions, where appropriate;
- provides advice of the agreed reasonable adjustments to the regional claims management team; and
- places completed reasonable adjustment agreement on the personnel file.

The claims management officer records the agreement in the employee's electronic personnel records.

5. Implement reasonable adjustment

The manager, principal, supervisor and/or RRTWC:

- implements agreed reasonable adjustments as soon as practicable. Unnecessary delays could result in both the department and responsible employee/s contravening anti-discrimination legislation;
- ensures any modifications or changes to the workplace meet health and safety requirements of the school/workplace; and
- ensures employees receive appropriate training for use of any specialised equipment or program.

6. Provide ongoing support

- Employee and manager, principal, supervisor and/or RRTWC monitor effectiveness of any reasonable adjustment implemented.
- Manager, principal, supervisor and/or RRTWC provides ongoing assistance and support for employees who have agreed reasonable adjustments in place.

7. Review reasonable adjustment

The manager, principal, supervisor or RRTWC:

- reviews reasonable adjustments at appropriate intervals. This must occur once a year as a minimum to ensure adjustments are still appropriate;
- maintains written records of the review process including any changes to or cessation of reasonable adjustments; and

- provides advice of changes to the agreed reasonable adjustments to the regional claims management team to ensure it is recorded in employees' electronic personnel records.

Employee to provide new medical advice:

- whenever there is a change to the employee's workplace, role or duties;
- whenever there is a change to the employee's current medical condition/s or, a new medical condition is known and requires consideration in the reasonable adjustment; or
- at least annually if there is no change to the employee's workplace or medical condition.

Definitions

| Term | Definition |
|-------------------|---|
| Disability | <p>As defined in Disability Discrimination Act 1992 (Cwlth):</p> <p>disability, in relation to a person, means:</p> <ul style="list-style-type: none"> • total or partial loss of the person's bodily or mental functions; or • total or partial loss of a part of the body; or • the presence in the body of organisms causing disease or illness; or • the presence in the body of organisms capable of causing disease or illness; or • the malfunction, malformation or disfigurement of a part of the person's body; or • a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or • a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; <p>and includes a disability that:</p> <ul style="list-style-type: none"> • presently exists; or • previously existed but no longer exists; or • may exist in the future (including because of a genetic predisposition to that disability); or • is imputed to a person. <p>To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.</p> |

| Term | Definition |
|--|--|
| Inherent requirements | Inherent requirements are those genuine occupational requirements activities, conditions and practices that are essential. Some features of a position will not be inherent requirements as there are different ways of achieving the same outcome. |
| Medical condition | A medical condition is any injury, illness or disability which has been diagnosed or treated by a medical doctor. This includes but is not limited to: permanent disability, temporary disability or injury, long term or short term illness, pregnancy. |
| Reasonable adjustment | <p>Where adjustments are made to a position, an employment practice, the workplace or work-related environment to ensure equal opportunity for people with a medical condition or disability to perform the inherent requirements of the position without imposing unjustifiable hardship on the organisation.</p> <p>For the purposes of this procedure it does not include reasonable adjustments made in recruitment and selection processes, and further information can be sourced at the Inclusion and diversity (DoE employees only) OnePortal page.</p> |
| Rehabilitation and reasonable adjustment additional allocations | A rehabilitation and reasonable adjustment additional allocation is the provision of an additional staff member to a school to assist an employee with a permanent or long-term medical condition whilst ensuring the achievement of student learning outcomes in a safe and supportive work environment. This will depend on the support required for the medical condition, the operational needs of the school or work unit and is coordinated through the regional health and safety team. |
| Unjustifiable hardship | <p>As defined in Anti-Discrimination Act 1991 (Qld) section 5:</p> <p>Meaning of <i>unjustifiable hardship</i></p> <p>Whether the supply of special services or facilities would impose <i>unjustifiable hardship</i> on a person depends on all the relevant circumstances of the case, including, for example—</p> <ul style="list-style-type: none"> • the nature of the special services or facilities; and • the cost of supplying the special services or facilities and the number of people who would benefit or be disadvantaged; and • the financial circumstances of the person; and • the disruption that supplying the special services or facilities might cause; and • the nature of any benefit or detriment to all people concerned. |

Legislation

- [Public Service Act 2008 \(Qld\)](#) sections 9 and 133 and chapter 5 part 7
- [Public Service Regulation 2008 \(Qld\)](#) part 3 division 1

- [Industrial Relations Act 2016 \(Qld\)](#) sections 27, 89 and 295
- [Work Health and Safety Act 2011 \(Qld\)](#) section 19
- [Anti-Discrimination Act 1991 \(Qld\)](#) sections 5, 35, 36 and 133
- [Disability Discrimination Act 1992 \(Cwlth\)](#) section 21A
- [Disability Services Act 2006 \(Qld\)](#) section 11
- [Right to Information Act 2009 \(Qld\)](#)
- [Information Privacy Act 2009](#) chapter 2 and schedule 3
- [Financial Accountability Act 2009 \(Qld\)](#) section 61
- [Code of Conduct for the Queensland Public Service](#)
- [Supporting employees affected by workplace change \(Directive 18/20\)](#)

Delegations/Authorisations

- [HR delegations manual](#) (DoE employees only)

Policies and procedures in this group

- Nil

Supporting information for this procedure

- [Funding reasonable adjustments fact sheet](#)
- [Reasonable adjustment – Information for employees fact sheet](#)
- [Reasonable adjustment agreement](#)
- [Reasonable adjustment for pregnancy fact sheet](#)

Other resources

- [Workplace rehabilitation procedure](#)
- [Transfer at level procedure](#)
- [Relocation of classified teachers \(school leaders and heads of program\) procedure](#)
- [Teacher transfer guidelines](#) (DoE employees only)
- [Creating healthier workplaces](#)
- [Fact sheet – Recruiting for all abilities](#) (DoE employees only)
- [Inclusion and diversity](#) OnePortal page (DoE employees only)
- [Injury management](#) OnePortal page (DoE employees only)
- Queensland Human Rights Commission fact sheet: [Incapacity and work](#)

- Australian Human Rights Commission publication: [Willing to work: Good practice examples for employers](#)

Contact

For further information, please contact:

Organisational Safety and Wellbeing Unit

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4/10/2021

Superseded versions

Previous seven years shown. Minor version updates not included.

4.0 Reasonable adjustments

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