

Employees with Disabilities Policy

Section 1 - Definitions

(1) For the purpose of this policy:

- a. 'disability', in relation to a person, means:
 - i. total or partial loss of the person's bodily or mental functions; or
 - ii. total or partial loss of a part of the body; or
 - iii. the presence in the body of organisms causing disease or illness; or
 - iv. the presence in the body of organisms capable of causing disease or illness; or
 - v. the malfunction, malformation or disfigurement of a part of the person's body; or
 - vi. a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
 - vii. a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;
 - a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability;
- b. 'unlawful discrimination'. Under s.15 of the Commonwealth Disability Discrimination Act 1992 it is unlawful for an employer to discriminate against people with a disability in:
 - i. the arrangements made for the purpose of determining who should be offered employment;
 - ii. determining who should be offered employment;
 - iii. the terms and conditions of which employment is offered and afforded;
 - iv. denying or limiting access to opportunities for promotion, transfer or training or any other benefits associated with employment;
 - v. dismissing the employee; or
 - vi. subjecting the employee to any other detriment;
- c. an 'employee with a disability' is a current employee of the University who has one or more of the disabilities listed above, who can perform the inherent requirements of the job, but who may require adjustments; and
- d. 'reasonable adjustment' refers to an administrative, physical or procedural alteration required to ensure equal opportunity for a person with a disability;

Section 2 - Policy Statement

Part A - Policy Declaration

(2) Southern Cross University is committed to equal employment opportunity and providing a safe, inclusive and supportive workplace where individuals and diversity are encouraged. Consistent with these values, the University supports the rights of people with disabilities to work in an accessible and inclusive environment, free from discrimination.

Part B - Policy Description

Objectives

(3) The aim of this policy is to:

- a. provide services to integrate and assist employees, and prospective employees, with disabilities to achieve their maximum potential as members of the University community; and
- b. raise awareness within the University community regarding the needs and rights of people with disabilities.

Scope

(4) This policy applies to all University employees.

Part C - Content and Implementation

(5) Employees with disabilities have the same inherent rights as all members of the University community: to be treated with respect, courtesy, fairness and equity. In providing adjustments for employees and applicants for staff positions who have disabilities, the University endeavours to respect their rights to privacy and confidentiality.

(6) The University undertakes to:

- a. foster informed and positive attitudes and supportive behaviour towards people with disabilities;
- b. eliminate harassment and discrimination on the grounds of disability;
- c. ensure equal opportunity principles are applied in recruitment, selection and promotion processes;
- d. design new buildings for access and use by people with disabilities;
- e. improve access to older buildings which do not meet current standards;
- f. provide designated parking for people with disabilities where they meet the Roads and Traffic Authority requirements for a disabled parking authority;
- g. make reasonable accommodations and/or adjustments for employees with disabilities; and
- h. provide equitable professional development activities for employees with disabilities.

Reasonable Adjustments

(7) Reasonable adjustments are workplace changes that enable an employee with a disability to perform their job effectively and enjoy equal employment opportunity.

(8) The legislation states that these workplace changes need only be made if necessary, possible and reasonable to do so without imposing unjustifiable hardship on the organisation. It does not define the types of adjustments needed to prevent discrimination against employees with disabilities. Each case needs to be considered on its own merit.

(9) Reasonable adjustments do not include:

- a. eliminating a key component of a job;
- b. lowering performance standards that are applied to all other employees;
- c. providing items such as prosthetic limbs, wheelchairs, eyeglasses or hearing aids; and/or
- d. changes causing 'unjustifiable hardship' to the work unit or University.

(10) The Commonwealth Disability Discrimination Act 1992 states that in some circumstances it is not unlawful for an employer to refuse employment to a person who is unable to perform the inherent requirements of a position. This would usually occur in situations where:

- a. no appropriate or effective adjustments can be made; or
- b. where it is not reasonably practicable to amend the inherent requirements of the position.

Access to Assistance

(11) In the first instance, employees who feel they may require assistance should contact the Disability Contact Officer in HR Services.

(12) Employees are required to provide the Disability Contact Officer with documentary evidence concerning their disability and the functional limitations it involves. Evidence may be provided by medical practitioners, psychologists and/or other relevant professionals as agreed to by the Disability Contact Officer.

(13) If necessary, the Disability Contact Officer will arrange for professional advice to assist in assessing the employee's needs. This advice will specify:

- a. the nature of the disability/disabilities;
- b. the functional limitations placed on the employee by this disability;
- c. whether the disability is likely to improve or worsen in time and may require review; and
- d. the workplace adjustments necessary to assist the employee in dealing with their disability. In establishing these adjustments, the Disability Contact Officer may consult with the employee's supervisor to ensure that the adjustment suggested is both safe and suitable.

(14) In assessing the assistance required, the inherent requirements of the position are considered. The inherent requirements of the job are those activities, conditions and practices that are essential to the job and consideration must be given to whether the person could perform these requirements if reasonable adjustments were made to the work environment [for example, a person with vision impairment may be able to perform a clerical job with the assistance of voice-activated computer software].

(15) Supervisors may seek advice from HR Services to clarify the inherent requirements of a position. This is particularly important in the recruitment process to ensure that position descriptions and key selection criteria do not discriminate unlawfully against people with disabilities.

(16) The Disability Contact Officer will ensure that supervisors receive any relevant information concerning adjustments required to an employee's work environment or duties.

Training

(17) The University provides staff development and training opportunities to all employees. Disability Awareness Training is provided to raise the awareness and responsiveness of employees to the issues relevant to the equitable treatment of employees and prospective employees with disabilities.

Documentation

(18) Documentation relating to an employee's disability will be placed on a confidential file kept by the Disability Contact Officer.

Review

(19) Employees with disabilities who feel that their needs are not being met should discuss their concerns with their Supervisor, the Disability Contact Officer or the Head, Equity and Diversity without delay.

(20) If the employee believes a satisfactory solution has not been reached as a result of these discussions, they may elect to formalise their concerns in writing using the [Complaint Policy - Staff](#).

Status and Details

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