Staff Disability Inclusion

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## 1.0 Purpose

This procedure operationalises principles in the Equity, Diversity and Inclusion Policy and outlines how the University promotes the inclusion of staff with disability, including the provision of reasonable, workplace adjustments.

## 2.0 Scope

This procedure applies to all staff of Griffith University.

## 3.0 Procedure

As a values-based University, Griffith is committed to promoting the rights of people with disability, ensuring that staff fulfil their potential and are provided a safe, accessible, supportive and inclusive work environment.

We are committed to

* consulting and co-designing to ensure an environment that is proactively inclusive and creates a sense of belonging for people with a disability
* providing workplace flexibility and a psychologically safe environment
* acknowledging individual requirements and implementing actions to support these, with environmental, social and or system changes
* meeting and where possible, exceeding the requirements of legislation to ensure an inclusive workplace for people with disability.

### Environment and systems

#### Universal design

We commit to the design and composition of an environment than can be equitably accessed, understood and used to the greatest extent possible by all people (universal design).

New buildings are designed for dignified access and use in accordance with the appropriate Building Code and design standards. For example, new buildings must comply with the [Disability (Access to Premises-Buildings) Standards 2010](https://www.legislation.gov.au/Details/F2020C00976) when they are constructed. Where appropriate (in alignment with the Asset Management Plan) access to older buildings will be improved. Older buildings must comply with these standards when major renovations or changes are made.

#### Information and communications technology

We commit to ensuring software and hardware are accessible for a diversity of people with disability and make a continued effort to review the accessibility of technology platforms. We proactively support and encourage the use of assistive software.

#### Emergency management

The University is required to ensure the safety of all people on campus in an emergency, including safe evacuation in an emergency. A [Personal Emergency Evacuation Plan (PEEP)](https://www.griffith.edu.au/emergency-information) is a practical, individualised plan to ensure appropriate, agreed actions are taken for any individual requiring support in an emergency. This customised document outlines the specific requirements for emergency management for a person with a disability. If required, HR & Safety can provide guidance on the preparation of a PEEP.

#### Capability development

Staff are encouraged to undertake [professional development](https://www.griffith.edu.au/accessibility/disability-training) to increase their knowledge on the inclusion of people with disability in the workplace.

### Sharing information about disability

Where a staff member requires reasonable, workplace adjustments, the staff member is encouraged to voluntarily share relevant information about their disability to enable reasonable adjustments to be provided. Personal information must be treated with respect and [privacy](https://www.griffith.edu.au/about-griffith/corporate-governance/plans-publications/griffith-university-privacy-plan).

The purpose of sharing information about disability is:

* To assist in identifying possible work-related adjustments
* To establish internal support structures, where required.

### Reasonable, workplace adjustments

The [Disability Discrimination Act 1992](https://www.legislation.gov.au/Details/C2018C00125) seeks to eliminate, as far as possible, discrimination against persons on the ground of disability, including in the areas of work, access to premises, provision of goods, facilities and services. Discrimination can include:

* not making, or proposing not to make reasonable adjustments for the person with a disability and
* the person with the disability being treated less favourably than a person without a disability.

An adjustment is considered reasonable unless it imposes an unjustifiable hardship.

Under the [Anti-Discrimination Act 1991](https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1991-085) (Queensland) it is also unlawful to discriminate on the basis of an impairment.

#### Requesting support for reasonable, workplace adjustments

Sharing information about disability or permanent injury/illness is a personal choice. It is important to ensure that this occurs with the right person, in a timely and appropriate manner and with a clear goal in mind.

Disability support in the workplace and/or workplace adjustments may require medical evidence describing the condition and adjustment or support required. Occasionally, additional medical information may be needed. This will be discussed with the staff member to determine the most appropriate means of obtaining necessary information.

In some instances, a detailed independent medical assessment may be required in order to determine the nature of adjustments and appropriate support for an individual. If required, this will be provided at the expense of Griffith University (See clause 49.1.2 of the [Academic](https://policies.griffith.edu.au/pdf/Griffith%20University%20Academic%20Staff%20Enterprise%20Agreement%202017%20-%202021.pdf) and [Professional](https://policies.griffith.edu.au/pdf/Griffith%20University%20Professional%20and%20Support%20Staff%20Agreement%202017%20-%202021.pdf) Staff Enterprise Agreements).

#### Making reasonable, workplace adjustments

Reasonable, workplace adjustments may be made on an individual basis. In assessing whether an adjustment is reasonable, all relevant circumstances will be taken into account, including the following:

* Individual needs
* The nature of the disability
* The impact an impairment may have on performance of job requirements
* The type of adjustment necessary, for example, a personal accommodation, adjustment to built environment, alteration of job requirements, adjustments to work/study arrangements etc.
* The effect of the proposed adjustment on the University, staff, students or other relevant stakeholders
* The costs and benefits of making the adjustment.

Where necessary, HR & Safety staff (for example, Employee Relations and Wellbeing Coordinators [workrehab@griffith.edu.au]) can provide guidance on the process of making workplace adjustments. If required, it is important to be in contact as soon as reasonable adjustment is deemed necessary for the employee to perform the inherent requirements of the job.

The University may consider several workplace adjustment proposals that would enable the individual to carry out the duties of their position and choose to implement adjustments that support or complement existing processes, providing all the relevant circumstances are taken into consideration. All necessary adjustments should be made to accommodate impairment, unless it would amount to unjustifiable hardship on the University.

#### Funding reasonable, workplace adjustments

The University can apply for government funding through JobAccess, [Employment Assistance Fund (EAF)](https://www.jobaccess.gov.au/employment-assistance-fund-eaf) to support a staff member with a permanent disability, providing eligibility criteria are met. JobAccess is only available to Australian Citizens.

Further to this, internal funding for reasonable, workplace adjustments for a staff member with disability may be met by the relevant school/element budget on a case-by-case basis.

#### Consultation required

The University recognises lived experience enables staff with disability to become experts in the best methods to support their health needs and workplace requirements. All steps in the consideration of adjustments will include the staff member at the centre with open, clear and transparent consultation.

#### Where agreement is not initially reached

Where agreement on the reasonable, workplace adjustment is not initially reached, a genuine effort should be made to resolve the matter between the staff member and the supervisor. In circumstances where it is unable to be resolved, the staff member can escalate to the Relevant Senior Officer (RSO) to be dealt with under the appropriate dispute process.

#### Review

As the needs of disability change, there will be opportunities to have reasonable adjustments reviewed. There may be instances when adjustments are no longer required or where additional alternate adjustments are needed.

### Assistance animals

Staff may bring accredited, trained assistance animals to work. Suitable toileting options and water facilities for assistance animals will be agreed. Health and Safety Coordinators may be contacted about any health and safety queries related to assistance animals.

## 4.0 Definitions

**Adjustment**means a measure or action (or group of measures or actions) taken by the University that has the effect of assisting staff with a disability to perform to the best of their abilities and be as effective as possible to undertake requirements of their substantive role.

**Assistance animal** means, as defined by the Disability Discrimination Act (1992), a dog or other animal:

(a) accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a persons with a disability to alleviate the effect of the disability; or

(b) accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or

(c) trained:

 (i) to assist a person with a disability to alleviate the effect of the disability; and

 (ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

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

* 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

**Inherent job requirements** means a component of a position that is a genuine/essential requirement of that position and relates to the outcome and required quality, rather than how a job requirement is accomplished. It may include the ability to work safely in the position.

**Impairment** means a diagnosed condition of a person with a disability.

**Reasonable, workplace adjustment** means change to a work process, practice, procedure or environment that enables an employee with disability to perform their job in a way that minimises the impact of their disability. An adjustment to be made is a reasonable adjustment unless making the adjustment would impose an unjustifiable hardship.

**Relevant Senior Officer (RSO)** ordinarily means, for the purposes of this procedure,the staff member’s supervisor’s manager. Guidance can also be sought from the following document: [Delegations Register](https://intranet.secure.griffith.edu.au/secure/staff-only/corporate-governance/gu-delegations-register.xlsm) (see Type ‘Staff: Academic Groups’ and ‘Staff: Administrative Divisions’)

**Universal design** means the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people.

**Unjustifiable hardship** means (in determining whether unjustifiable hardship would be imposed) all relevant circumstances of the particular case are taken into account, including the following:

(a) the nature of the benefit or detriment likely to accrue to, or to be suffered by, any person concerned;

(b) the effect of the disability of any person concerned;

(c) the financial circumstances, and the estimated amount of expenditure required to be made;

(d) the availability of financial and other assistance;

(e) any relevant action plans given to the Australian Human Rights Commission.

The burden of proving that something would impose unjustifiable hardship lies on the person claiming unjustifiable hardship. (Adapted from the Disability Discrimination Act).

The [Anti-Discrimination Act 1991](https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1991-085) (Qld) also defines unjustifiable hardship.

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| **INFORMATION** | Printable version (PDF) Downloadable version (Word) |
| Title | Staff Disability Inclusion Procedure |
| Document number | 2020/ 0000084 |
| Purpose | This procedure sets out the principles and processes that guide the University in supporting staff with disability, including the provision of reasonable adjustment. |
| Audience | Staff  |
| Category | Operational |
| Subcategory | Staff |
| Effective date | XX 2021 |
| Review date | 2025 |
| Policy advisor | Chief People Officer |
| Approving authority | Executive Group |

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| **RELATED POLICY DOCUMENTS AND supporting documents** |
| Legislation  | [Anti-Discrimination Act 1991 (Qld)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-1991-085)[Disability Discrimination Act 1992](https://www.legislation.gov.au/Details/C2018C00125)[Disability (Access to Premises-Buildings) Standards](https://www.legislation.gov.au/Details/F2020C00976)[Human Rights Act 2019 (Qld)](https://www.legislation.qld.gov.au/view/html/asmade/act-2019-005) |
| Policy | Equity, Diversity and Inclusion PolicyWorkplace harassment, Bullying and Discrimination Policy[Health, Safety and Wellbeing Policy](https://policies.griffith.edu.au/pdf/Health%20Safety%20and%20Wellbeing%20Policy.pdf) |
| Procedures | [Reporting and recording procedure for workplace incidents, injuries, illnesses or near misses](https://policies.griffith.edu.au/pdf/Reporting%20and%20recording%20procedures%20for%20incidents%2C%20injuries%2C%20illness%2C%20hazards%20or%20near%20misses.pdf) |
| Local protocols | Code of ConductDisability Action PlanPrivacy PlanStrategic Plan |
| Forms | NA  |