

## WORKPLACE ADJUSTMENT POLICY

AUTHORITY	Director Human Resources
APPROVAL DATE	November 2020
NEXT REVIEW DATE	November 2022
POLICY OWNER	Director Human Resources
DOCUMENT NO.	<i>Number will be inserted once the Electronic Record Management System is in place</i>

### 1 PURPOSE

Zoos Victoria recognises the diversity of its workforce and is committed to ensuring that all employees and volunteers are able to use their skills and experience to contribute to the organisation's mission and vision. This includes the opportunity to participate, without discrimination in work-related and activities conducted within a work context.

The purpose of this policy is to establish defined processes, which enable an inclusive and non-discriminatory work environment. These processes will establish effective mechanisms for responding to individual adjustment needs of existing and potential employees and volunteers, resulting in a diverse workforce and culture that values differences. Diversity is about attracting and retaining a talented workforce that reflects the visitors and community we serve.

### 2 SCOPE

This policy applies to all Zoos Victoria employees, prospective and current (full time, part time, ongoing, fixed term, casual, temporary contractors, seasonal staff and probationary employees) and volunteers. Zoos Victoria endeavours to ensure that its corporate activities, including all policies, practices, procedures, procurements and the construction or renovation of facilities, will not result in discrimination.

### 3 DEFINITION

#### 3.1 Workplace adjustment:

'A workplace adjustment, also called a reasonable adjustment, is one that is considered necessary and achievable in the workplace to enable an employee to perform their job role efficiently and to the best of their abilities. It is a change to a work process, practice, procedure or environment that enables a candidate, employee or volunteer with disability to perform the inherent requirement of the job.'

Workplace adjustment may include changes to selection procedures, job redesign (including offering flexible working arrangements), alternative methods of information provision, additional training, specialist assistance, and workplace modifications (including the purchase, or modification, of equipment).

#### 3.2 Disability:

The Disability Discrimination Act 1992 defines disability as:

- a total or partial loss of a person's body or their mental or bodily function
- the presence in the body of organisms causing or capable of causing illness or disease
- the malfunction, malformation or disfigurement of a part of the body

- a disorder or malfunction that results in the person learning differently than others
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or adjustment, or results in disturbed behaviour.

This covers physical, sensory, intellectual, learning, neurological, immunological (disease causing organisms), physical disfigurement and psychiatric disability. Disability may be temporary or permanent, total or partial, lifelong or acquired. As noted above, for the purposes of this policy, all staff with an impairment of any sort derived from disability, illness, injury or a medical condition for example, can seek a Workplace Adjustment to support their wellbeing in the workplace, regardless of whether they consider themselves as a Person with Disability or not. If adjustments are to be paid for by JobAccess, their definitions of disability apply with reference to their [Employment Assistance Fund Guidelines](#) .

### 3.3 Inherent requirements:

Inherent requirements are the essential activities and tasks that must be carried out in order to get the job done. They relate to results or what must be accomplished, rather than the means or how it is accomplished. For example, a person may be required to respond to customer emails. However, the means by which they respond can vary (i.e. typing directly, using voice activated software or alternative means to reach the same end).

### 3.4 Unjustifiable hardship:

The requirement for employers to make adjustments to the workplace is measured against reasonableness. If the implementation of an adjustment would cause unjustifiable hardship to an organisation, the employer is not obliged to implement it. Relevant factors might include practicality, complexity, the degree of disruption or benefit to the business or other people, and cost. However, any assessment as to whether any of these factors will be judged unreasonable will vary according to the size and nature of the business. The Disability Discrimination Act places the onus on the employer to prove that the adjustment is unreasonable.

## 4 POLICY STATEMENT

Zoos Victoria is committed to establishing and maintaining an effective system to promote an inclusive workplace and encourage workplace adjustments. This system is will impact the disability confidence of the entire organisation and includes, inclusive recruitment practices, workplace adjustments and disability confidence training for Zoos Victoria employees.

Zoos Victoria recognises that some of its programs and activities may have consequences for employees and have the potential to create or maintain unintended discriminatory barriers. Through the relevant operational managers, Zoos Victoria will review the following items to, as far as is practicable, remove any discriminatory effect:

- Where there is establishment of new operational areas or positions;
- Where we undertake pre-employment medical assessments they will be used to determine the candidate's ability to safely perform the inherent requirements of the role and implement adjustments if required.
- All employment related policies including recruitment, selection, training, promotion, retention and flexible work arrangements;
- Purchase and management of information technology systems;
- Purchase and management of communication systems;
- Development and management of information services;
- Decisions relating to Zoos Victoria owned property; premises and facilities

- Purchase of internal fittings (chairs, desks, lights, carpets etc);
- Decisions relating to conferences, seminars, training and development opportunities.

Where possible, Zoos Victoria will identify and resolve potential barriers to the recruitment and employment of people with disability within the organisation. Zoos Victoria will also review the possible effects of any corporate actions on candidates or employees with disability, before deciding on, or implementing these actions. Further, it will review existing policies and procedures to, as far as is practicable, identify and remove any unintended discriminatory elements. This may involve permanent or ongoing changes to facilities, practices, policies and procedures.

Zoos Victoria will provide, in a timely, confidential, and effective way and as far as is reasonably practicable, adjustments specific to an individual's needs.

This may include, but is not limited to:

- Workplace access: changes to work area design and means of access to the workplace and all facilities, modifications to technology and equipment;
- Hiring practices: changes to the procedures used for testing, selection, learning and development training, promotion and termination;
- Work procedure: modifications to the specific requirements of a role, restructuring of duties, modifications to working hours, adoption of flexible work practices, flexible hours and leave options;
- Provision of specific services, facilities, aids or equipment: including, but not limited to, the provision of interpreters, equipment, or assistance with particular aspects of a job;
- Reassignment of an individual employee: a change of position or the reassignment of specific tasks to another position.

Zoos Victoria recognises that the need for adjustments may arise during the selection process, at the commencement of employment or at some time after employment has commenced.

Requests for individual workplace adjustments will be addressed, as far as is practicable, in a timely, confidential and sensitive manner.

Zoos Victoria is not required to make changes to workplace policies, rules, practices and operations, or to provide adjustments that will result in unjustifiable hardship. When considering refusal to provide adjustments Zoos Victoria will investigate all options to accommodate the individual requirements, short of unjustifiable hardship. Where a particular means of adjustment is requested and it has been found that it cannot be met without incurring unjustifiable hardship, every workplace effort will be made to provide alternative adjustment/s.

## **5 PRIVACY AND CONFIDENTIALITY**

Zoos Victoria will abide by federal and state privacy laws in the handling of the personal information (including health/disability information) of employees and the legal duty of confidentiality that obliges employers to protect their employees against the inappropriate disclosure of personal and health information. Zoos Victoria recognises that as an employer breaches of prospective and current employees confidentiality can only occur if there are legitimate reasons to believe that there is serious and imminent threat to the health, safety or property of any other persons in the workplace or the public generally.

Sharing disability related information refers to a personal decision to tell a person or institution about one's disability, illness, injury or condition. In the instance that your disability, illness, injury or condition does not, or should not be expected to impact your ability to safely perform the inherent requirements of the role, it becomes that individual person's choice on whether to share this information or not.

Zoos Victoria recognises your right not to share disability related information but encourages sharing so that Zoos Victoria can offer and implement workplace adjustments that enable you to safely perform the inherent requirements of the role. Furthermore, Zoos Victoria commits to receiving such information in a positive and supportive manner and will always make every reasonable effort to accommodate reasonable adjustments into the workplace to ensure ongoing employment and safety.

## **6 COMMUNICATION AND RESPONSIBILITIES**

Zoos Victoria will ensure all job applicants, employees and volunteers are notified of the availability of workplace adjustments. This will be achieved by providing a link to this policy on our employment page, referring to it in our application process, and promoting it internally to all staff, and managers in particular.

In the case of volunteers this will be explained during the recruitment process with links to documentation on the volunteer management system software and to existing volunteers via the regular communications from property Volunteer Coordinators

The Director Human Resources has overall responsibility of ensuring that this policy is implemented and regularly reviewed.

The Human Resources team will be responsible for:

1. Ensuring that all application forms and job interview correspondence outline the existence of this Workplace Adjustment Policy and advise who to contact for further information or assistance
2. Educating hiring managers to notify all job applicants invited to interview of the workplace adjustment request process, so that they can participate in the interview process equitably
3. Publishing this Workplace Adjustment Policy on Zoos Victoria website
4. Providing each employee with access to the policy and procedure and posting copies on the intranet
5. Providing advice and interpretation in relation to the application of the policy
6. Advising existing volunteers of this policy and publishing it on the volunteer management system

The Occupational Health and Safety team will be responsible for:

- Assisting departments in the assessment and implementation of workplace adjustments

Line Managers or Volunteer Coordinators in the case of volunteers will be responsible for:

- Advising employees or volunteers of the Workplace Adjustment Policy and procedure upon job commencement

- Ensuring that information about the Workplace Adjustment Policy is readily available to supervised employees
- Approving or rejecting requests for reasonable adjustments (subject to financial delegation)
- Implementing and reviewing all reasonable adjustments in conjunction with HR and OHS staff and direct supervisors
- Organising the financing of all workplace adjustments and related workplace assessments through internal budgets or through application to the Australian Government's Employment Assistance Fund via the JobAccess website ([www.jobaccess.gov.au](http://www.jobaccess.gov.au))

Please note: it is important that HR staff and managers understand that they can be held responsible under federal and state law for an act of disability discrimination by failing to make available a reasonable adjustment, and could be joined as co-defendants in the event of a disability discrimination complaint with a consequent personal liability.

It is important that all staff that manage or supervise others understand and acknowledge that they can be held individually responsible under the relevant law for any proven act of disability discrimination, including failing to make a reasonable adjustment

Employees/Volunteers will be responsible for:

- Initiating discussions with their line manager/Volunteer Coordinator regarding disclosure of conditions

Employees are also able to contact JobAccess directly to discuss or arrange any workplace adjustments.

## 7 OTHER RELATED DOCUMENTS

ZV Workplace Adjustment Procedure
ZV Recruitment and Selection Policy
ZV Enterprise Bargaining Agreements – Salaried Staff Agreement and Keepers, Veterinary Nurses, Horticulturists and Groundstaff Agreement
National Standards for Volunteer Involvement 2015
Relevant Commonwealth and Victorian legislation including: <ul style="list-style-type: none"> <li>- Disability Discrimination Act 1992 (Commonwealth)</li> <li>- Fair Work Act 2009 (Commonwealth)</li> <li>- Occupational Health and Safety Act 2004 (Victoria)</li> <li>- Equal Opportunity Act 2010 (Victoria)</li> <li>- Australian Human Rights Commission Act 1986 (Commonwealth)</li> </ul>