



## Employees with Disability Procedures

### 1. COMPLIANCE OBLIGATION SUPPORTED

[Disability Inclusion Policy](#)

### 2. PROCEDURAL DETAILS

The University is committed to supporting employees with disability and/ or health conditions, which may have potential to impact their capacity for engagement and participation in their employment.

This procedure outlines the mechanisms and actions Curtin will undertake to enable successful contribution and involvement in employment for people with disability, and employees who are carers for a person with disability.

Person-first language is used throughout this procedure, in accordance with the [Disability Inclusion Policy](#), and we will be guided by each individual's language preferences in the course of direct dealings with them.

#### 2.1 Support Services

- 2.1.1 The University will take reasonable steps to ensure that an employee with disability and employees who are carers for a person with disability are able to access support services without discrimination.
- 2.1.2 The Employee Wellbeing team (Employee Wellbeing) will provide services and support for employees to assist their participation and engagement in employment.
- 2.1.3 Employee Wellbeing will advise of their services through the [Staff Portal](#) and on the [Disability and accessibility](#) pages.
- 2.1.4 Employee Wellbeing will adopt a case management approach regarding the provision of reasonable adjustments, return to work and other support, for employees.

#### 2.2 Reasonable Adjustments

- 2.2.1 Line managers will provide reasonable adjustments to allow equitable access for employees to perform their duties in consultation with them and in consideration of supporting medical documentation provided. Where an employee is awaiting assessment by a health practitioner, line managers may apply imputation of disability in accordance with section 2.5.
- 2.2.2 Any agreed reasonable adjustments will not compromise the inherent requirements of the position, impose unjustifiable hardship on the business area or compromise the health and welfare of the employee or others.
- 2.2.3 An employee may request a reasonable adjustment from:
  - a) their line manager, or
  - b) Employee Wellbeing.
- 2.2.4 The line manager, on receiving a request for reasonable adjustments from an employee, will:
  - a) assess the request, determine what adjustments may be reasonable for the business area to accommodate directly, or with [Employment Assistance Fund](#) (EAF) support, to develop a Modified Work Plan together with the employee to meet their requirements; and/ or
  - b) refer to Employee Wellbeing for their assessment and recommendation, if necessary.

- 2.2.5 Employee Wellbeing will assess any service request received and may provide recommendations to the line manager for reasonable adjustments to be incorporated into the Modified Work Plan (MWP).
- 2.2.6 Employee Wellbeing and the line manager may require documentation or additional information as per section 2.3 to determine reasonable adjustments to support the employee's ability to meet the inherent requirements of their position.
- 2.2.7 Employee Wellbeing and/ or the line manager may initiate a referral to JobAccess for financial assistance via the [Employment Assistance Fund](#) (EAF), to support the business area in meeting the financial costs associated with implementation of reasonable workplace adjustments for employees.
- 2.2.8 The line manager or business area will provide the adjustment within a reasonable time frame of receiving the request or following funding approval from the EAF.
- 2.2.9 Scheduling Services may adjust venues and/ or scheduling to accommodate additional personnel or other staff accessibility requirements following notification by Employee Wellbeing.
- 2.2.10 Where an adjustment has been requested and determined not to be reasonable by the line manager against the provisions contained within section 2.2.1, an employee may appeal this decision through the Appeals process as outlined in section 2.6.

### **2.3 Health Practitioner documentation**

- 2.3.1 Employee Wellbeing may request an employee provides supporting documentation from their health practitioner to verify the functional outcomes of the disability or health condition. The documentation will be provided at the time of initial request or immediately thereafter. If the disability and functional outcomes are evident, discretion may be used when requesting documentation.
- 2.3.2 Employee Wellbeing may require employees who are carers of a person with disability, who are requesting reasonable adjustment to support their employment participation, to provide evidence, such as documentation from a relevant and qualified health practitioner, of their carer status.
- 2.3.3 Employee Wellbeing will accept formal documentation from qualified and relevant health practitioners including general medical practitioners, medical specialists, psychologists, occupational therapists, physiotherapists, speech pathologists, social workers, optometrists, and audiologists.
- 2.3.4 Employee Wellbeing may require an employee to have a further assessment by a relevant health practitioner, or other independent expert to determine appropriate adjustments (e.g., JobAccess). The cost for any additional medical assessment will be covered by the responsible Area/ School's cost centre.
- 2.3.5 Employee Wellbeing may, with the employee's consent, contact the employee's health practitioner directly where clarification and/ or additional information is required to facilitate workplace considerations and satisfy the University's duty of care requirements.
- 2.3.6 Employee Wellbeing may require documentation upon the initial request for an adjustment; and thereafter only if there is a change in the condition; or additional adjustments are requested unless the disability has been imputed in accordance with 2.5.
- 2.3.7 Employee Wellbeing may require recent documentation for a temporary or episodic condition.
- 2.3.8 Employee Wellbeing will make a final determination on whether the health practitioner documentation is acceptable and when updated documentation is required.

2.3.9 Personal and sensitive information is to be managed in accordance with Curtin's [Privacy Statement](#) and [Information Management Procedures](#). The line manager and Employee Wellbeing are responsible for confidential storage of any documentation received from a health practitioner (where provided by the employee).

## **2.4 Modified Work Plan (MWP)**

2.4.1 The line manager and employee, with support of Employee Wellbeing as needed, will develop a MWP that relates to all relevant affected aspects of the performance of the employee's role.

2.4.2 The line manager together with the employee may review and update the MWP as required.

2.4.3 The line manager will decide whether the business area can accommodate the requested adjustments directly, or with EAF assistance, to meet the employee's requirements. The line manager will advise the employee and Employee Wellbeing in respect to their final decision.

## **2.5 Imputation of disability**

2.5.1 Diagnosis of disability must be made by a relevant qualified health practitioner. Where there are barriers to accessing a formal diagnosis, there must be reasonable grounds and documented evidence to impute disability. The evidence requirements to impute disability is the same as required to diagnose disability.

This includes evidence of:

- a) the nature of the imputed disability including observed functional impacts that are persistent and ongoing;
- b) functional impacts are not better accounted for by other factors;
- c) adjustments have been recommended and trialled and have limited effectiveness/ impact; and
- d) consultation and collaboration with the employee, their manager/ supervisor and relevant external professionals.

2.5.2 Where Employee Wellbeing have identified that there is clear evidence of impact on function in the workplace and in the absence of a formal diagnosis, an employee may be considered to have imputed disability in accordance with section 2.5.1 and can be provided with an MWP. The employee may not however be eligible for JobAccess EAF support, in the absence of a formal diagnosis.

2.5.3 Once formal diagnosis of disability has been determined, clause 2.3 shall apply thereafter.

## **2.6 Appeals process**

2.6.1 The employee may lodge an appeal where their request for an adjustment to their work circumstances has been declined by their line manager. This appeal should be made in writing to the relevant line manager/ Head of the area/ faculty within 20 working days of receiving notification of the line manager's decision.

2.6.2 The line manager/ Head of the area will notify the employee of the outcome of their appeal within 20 working days of the decision.

2.6.3 Where the employee remains dissatisfied with the outcome from their appeal, they may submit a written appeal to the Director, People and Culture. The Director, People and Culture will respond to the appeal within 20 working days. The decision by the Director, People and Culture shall be regarded as final.

2.6.4 Where the employee is dissatisfied with the process undertaken to resolve their appeal, they may escalate their complaint to the Integrity and Standards Unit.

## 2.7 Support worker

2.7.1 Employees may have external support workers working with them in the workplace.

2.7.2 Support workers who are supporting employees at Curtin are expected to adhere to and comply with relevant Curtin policies and responsibilities, and will complete an induction to Curtin in accordance with the [Curtin Guidelines for Support Workers \(forthcoming\)](#), and provide confirmation of their completion to Employee Wellbeing.

## 3. RESPONSIBILITIES

Responsibilities are as set out in section 2.

## 4. SCOPE OF PROCEDURES

This policy applies to employees, adjuncts, University Associates, Council members, contractors and visitors in any location or campus within Australia.

The guiding principles of this policy will inform practices on the University's global campuses and locations.

## 5. DEFINITIONS

(Note: Commonly defined terms are located in the [Curtin Common Definitions](#). Any defined terms below are specific to this document)

### **Carer of a person with disability**

Carer is an individual who provides personal care and support to a person with disability in accordance with Part 1 section 5(1) of the [Carer Recognition Act 2010 \(Cth\)](#).

### **Inherent Requirements**

The individual capacity and capability requirements of the position or role in employment, and other requirements or components that are inherent in or essential to its nature. ([Australian Human Rights Commission - inherent requirements](#) and otherwise as defined in the [Disability Discrimination Act 1992](#) (Cth) Section 21A).

### **Imputed disability**

The reasoned belief, in the absence of medical or other documentation, based on reasonable grounds of assessment of the impact of disability on an individual's functioning, that an individual has or may have a disability.

### **JobAccess**

[JobAccess](#) is an Australian government service that provides support and advice to people with disabilities and their employers to help them achieve success in the workplace.

### **Modified Work Plan (MWP)**

The official communication document used by the line manager and Employee Wellbeing to recommend and adopt reasonable adjustments to support an employee.

### **Person-first language**

Language that puts the person before their disability and is used to emphasise a person's right to an identity beyond their disability.

### **Reasonable Adjustment**

A measure or action taken to assist an employee with disability or health condition to participate in employment and training on the same basis as others. An adjustment is reasonable if it achieves this purpose while considering the employee's needs and balancing the interests of all parties affected, including those of the employee with disability, the employer, employees and others attending the university.

### **Support Worker**

An individual who is employed by either the NDIS or a Disability Employment Service provider, to support the employee with disability in activities such as attending campus in

person or online, travelling to and from campus, attending events and other campus activities, and/ or providing other personal care assistance to the employee.

### **Unjustifiable Hardship**

In determining whether 'unjustifiable hardship' applies, all relevant circumstances of the case will be taken into account, including: the nature of the benefit or detriment to all persons concerned, the disability of the person (and otherwise as defined in the [Disability Discrimination Act 1992](#) (Cth) Section 11).

## **6. SCHEDULES**

Nil

## **7. RELATED DOCUMENTS/ LINKS/ FORMS**

### **Internal**

[Accessible Information Procedures](#)

[Curtin Disability Access and Inclusion Plan 2022-2030](#)

[Curtin University Academic, Professional and General Staff Enterprise Agreement 2022 - 2025](#)

[Curtin Privacy Statement](#)

[Disability Inclusion Policy](#)

[Disclosure of Personal Information Procedures](#)

[Discrimination and Harassment Prevention Procedures](#)

Guidelines for Support Worker (forthcoming)

[Health and Safety Policy](#)

[Health and Safety Responsibilities Procedures](#)

[Inclusive Language Procedures](#)

[Recruitment, Selection and Appointment Policy](#)

[Travel Procedures](#)

### **External**

[Australian Human Rights Commission - disability rights](#)

[JobAccess Employment Assistance Fund \(EAF\)](#)

[Disability Discrimination Act 1992](#) (Cth)

[Disability Services Act 1993](#) (WA)

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