

# DISABILITY SUPPORT POLICY AND PROCEDURE (EMPLOYEES)



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## 1 PURPOSE

- 1.1 This policy and procedure outlines how CQUniversity will ensure an inclusive learning and working environment for employees with a disability.

## 2 SCOPE

- 2.1 This procedure applies to CQUniversity employees with a [disability](#).
- 2.2 Support services for CQUniversity students with disability are outlined in the [Disability Support Policy and Procedure \(Students\)](#).

## 3 POLICY STATEMENT

- 3.1 Employees at the University will be treated with dignity and enjoy the benefits of employment in an inclusive environment that values and encourages participation by all.
- 3.2 The University seeks to eliminate barriers, provide appropriate resources, and create a supportive learning and work environment without compromising academic integrity or professional merit. Furthermore, the University will take necessary steps to inform and educate employees of their rights and responsibilities in creating an environment free from discrimination, harassment or victimisation.
- 3.3 The University affirms the rights of people with disability through adherence to relevant legislative requirements and by recognition of the [Convention on the Rights of Persons with Disabilities](#). It actively seeks the input of employees with a disability in the design, delivery and review of services as part of its ongoing commitment to creating a more inclusive University culture.

## Access and participation

- 3.4 Employees with a disability are encouraged to participate and contribute as equal members of the University community. The University will provide equitable access to resources, services, professional opportunities, facilities and the physical environment of University campuses so that employees can pursue their professional goals on the same basis as other individuals. This may involve making reasonable adjustments that are necessary and possible, unless they impose unjustifiable hardship on the University.
- 3.5 Reasonable adjustments will be implemented to remove barriers to participation in work by people with a disability. The University will also adopt inclusive practices and universal design principles in its day-to-day operations in key areas of teaching, learning, service delivery models and facilities, including measures to enable appropriate access to online resources and information technology.
- 3.6 The University recognises that employees should be selected for employment on the basis of professional merit, and will ensure that prospective employees with a disability are able to apply for employment on the same basis as those without disability. The University will ensure that employees with a disability can access and participate in work related programs (including professional development activities), training, career development and performance management on the same basis as employees without disability.
- 3.7 Employees with a disability will also have access to support, assistive technologies, equipment and other reasonable adjustments. Potential and existing employees will be required to undertake the inherent requirements of the position taking into account reasonable adjustments.

## Identification, confidentiality and disclosure

- 3.8 Employees will be invited to indicate they have a disability during the application process. Individuals who require assistance can discuss their needs at any time, but preferably as soon as possible, to ensure that support and allocation of resources can be made in a timely manner. While disclosure is voluntary, it is important to be informed about the support and services available.
- 3.9 Information provided to the University will be protected and stored confidentially (refer to the [Privacy Policy and Procedure](#)). Confidential advice can be provided regarding support and services available at any time.
- 3.10 Documentation will be retained of reasonable adjustments. Information will only be used to substantiate reasonable adjustments made on behalf of individuals. Employees must consent before any information about their disability is released.
- 3.11 Employees who have registered and require assistance will be consulted about reasonable adjustments based on their individual circumstances. The University welcomes input from the employees in this decision-making process to ensure their best possible outcomes.
- 3.12 University employees must comply with the mandatory reporting obligations of the [Health Practitioner Regulation National Law 2009](#) (Qld). This requires that a registered health practitioner must notify the Australian Health Practitioners Registration Authority (AHPRA) if they form a reasonable belief that another registered health practitioner has behaved in a way that constitutes 'notifiable conduct' including having placed the public at risk of substantial harm in their practice because they have impairment.
- 3.13 If mandatory reporting to AHPRA is required, the relevant employee delegated with reporting authority will discuss disclosure with the affected employee. University employees must report to AHPRA any employee registered with the AHPRA who, because of their impairment, may place the public at substantial risk of harm during the practice of their profession.

## Elimination of discrimination and harassment

- 3.14 It is unlawful to discriminate against a person because of their disability. Employees who believe they have experienced discrimination or harassment because of their disability should pursue a resolution through the [Workplace Harassment, Workplace Bullying and Unlawful Discrimination Policy and Procedure](#). Use of this policy and procedure does not preclude employees also having the right to make formal complaints to the [Australian Human Rights Commission](#) or the [Queensland Human Rights Commission](#).

- 3.15 The [Disability Discrimination Act 1992](#) (Cwlth) protects friends, relatives and others from discrimination because of their connection to or relationship with someone with a disability. In recognition of carer responsibilities, the University may make special provisions and/or provide support as required for employees who are carers of people with disability.

## 4 PROCEDURE

- 4.1 Potential or existing employees have no obligation to disclose a disability unless it is likely to affect their ability to undertake the inherent requirements of the position.
- 4.2 New and existing employees who indicate they have a disability and wish to access a support service, assistive technology, equipment or other reasonable adjustment may discuss their needs with their supervisor or seek initial advice from the Senior Rehabilitation and Wellbeing Adviser within the People and Culture Directorate. Existing employees may also access assistance through the [Rehabilitation Policy and Procedure](#) as a non-work related injury or illness.
- 4.3 Reasonable adjustments will be made to assist employees with a disability in performing the inherent requirements of work. Consideration in regard to work will be given if potential or existing employees are not able to perform the inherent requirements of the work with reasonable adjustments or, if the reasonable adjustments would result in unjustifiable hardship.
- 4.4 Employees generally disclose the following information to their supervisor:
- the name of the condition
  - how it may affect the way the employee works, and
  - possible adjustments to the work environment.
- 4.5 After consulting with the employee, the supervisor may seek advice and assistance from the Senior Rehabilitation and Wellbeing Adviser. Requests will be managed on a case-by-case basis and may need further consultation with professional medical officers and other areas of the University before a decision on a reasonable adjustment can be made. Cases will be considered from a whole-of-organisation perspective and not the business area.
- 4.6 Once adjustments are agreed upon, employees will be notified directly by their supervisor with assistance from the Senior Rehabilitation and Wellbeing Adviser.
- 4.7 A supporting medical document from the employee's treating health professional may be required before a reasonable adjustment is made, but will only be used for the purpose of implementing forms of support.
- 4.8 Employees with a disability may self-disclose their disability through the University's Human Resource System (EMPower), as part of the equal employment opportunity data. This information will be used to provide statistical information for reporting purposes, to inform University equity and diversity strategies; marketing purposes and improve funding opportunities. Data will only be accessible by the People and Culture Directorate. The Senior Rehabilitation and Wellbeing Adviser may contact individuals regarding specialised equity needs.

## 5 RESPONSIBILITIES

### Compliance, monitoring and review

- 5.1 The Director People and Culture is responsible for implementing, monitoring, reviewing and ensuring compliance with this procedure.

### Reporting

- 5.2 No additional reporting is required.

## Records management

- 5.3 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 5.4 University records must be retained for the minimum periods specified in the relevant [Retention and Disposal Schedule](#). Before disposing of any records, approval must be sought from the Records and Privacy Team (email [records@cqu.edu.au](mailto:records@cqu.edu.au)).

## 6 DEFINITIONS

- 6.1 Terms not defined in this document may be in the University [glossary](#).

### Terms and definitions

**Consultation:** before an adjustment is made, the employee must be consulted. Employees with disability who require assistance will be consulted on reasonable adjustments and other forms of assistance based on their individual circumstances. The University encourages employees to be involved in the decision-making process to ensure their best possible outcomes.

**Disability:** As per the [Disability Discrimination Act 1992](#) (Cwth), in relation to a person means:

- a) total or partial loss of the person's bodily or mental functions
- b) total or partial loss of a part of the body
- c) the presence in the body of organisms causing disease or illness
- d) the presence in the body of organisms capable of causing disease or illness
- e) the malfunction, malformation or disfigurement of a part of the person's body
- f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction
- g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour

and includes a disability that:

- h) presently exists
- i) previously existed but no longer exists
- j) may exist in the future (including because of a genetic predisposition to that disability), or
- k) is imputed to a person.

To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

**Discrimination:** treating people with a disability less fairly than people without disability. Examples of discrimination include restricting access to services, educational or employment opportunities on the basis of stereotyping people with disability or restrictive personnel practices (e.g. employment policies, working conditions). Discrimination can be either direct or indirect. Harassment because of disability, such as insults or humiliating jokes, is unlawful in employment and education. It is also unlawful to discriminate against relatives, friends, carers or assistants of people with a disability if discrimination occurs because of that connection or relationship.

**Inherent requirements:** the fundamental, essential elements to the performance of roles and tasks relevant to a position. The University will consider whether the person could perform these requirements if a reasonable adjustment were made.

**Reasonable adjustments:** tangible and practical considerations and measures made to the learning and/or working environment in order for employees with a disability to fulfil the inherent requirements of their professional duties. The University fulfils its positive duty to provide reasonable adjustments based on consultation. Examples of reasonable adjustments include the provision of materials in alternative formats, specialized equipment or modification of premises.

**Unjustifiable hardship:** a defence which may be used by the University to counter a claim of discrimination if it is unable to make an adjustment for an employee with a disability. In determining unjustifiable hardship the University must take into account all relevant circumstances of a particular case. This includes consideration of:

- the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned
- the effect of the disability of the person concerned, and
- the financial circumstances and the estimated expenditure required by the University.

## 7 RELATED LEGISLATION AND DOCUMENTS

[Anti-Discrimination Act 1992](#) (NT)

[Anti-Discrimination Act 1977](#) (NSW)

[Anti-Discrimination Act 1991](#) (Qld)

[Anti-Discrimination Act 1998](#) (Tas)

[Australian Human Rights Commission Act 1986](#) (Cwlth)

[Disability Action Plan 2016-2021](#)

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

[Disability Standards for Education 2005](#) (Cwlth)

[Discrimination Act 1991](#) (ACT)

[Equal Opportunity Act 1984](#) (SA)

[Equal Opportunity Act 1984](#) (WA)

[Equal Opportunity Act 2010](#) (Vic)

[Fair Work \(Registered Organisations\) Act 2009](#) (Cwlth)

[Guide, Hearing and Assistance Dogs Act 2009](#) (Qld)

[Privacy Policy and Procedure](#)

[Public Interest Disclosure Act 2018](#) (SA)

[Racial and Religious Tolerance Act 2001](#) (Vic)

[Racial Vilification Act 1996](#) (SA)

[Rehabilitation Policy and Procedure](#)

[Workplace Harassment, Workplace Bullying and Unlawful Discrimination Policy and Procedure](#)

## 8 FEEDBACK

- 8.1 Feedback about this document can be emailed to [policy@cqu.edu.au](mailto:policy@cqu.edu.au).

## 9 APPROVAL AND REVIEW DETAILS

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