

Fact Sheet - Reasonable Adjustment

What is reasonable adjustment?

Reasonable adjustments are any form of assistance or adjustment that is necessary, possible and reasonable to reduce or eliminate barriers at work related to an illness or injury.

Legislative requirements

The Anti-Discrimination Act 1977 (NSW) and the Disability Discrimination Act 1992 (Commonwealth) both require employers to make reasonable adjustments (services or facilities) to enable a person with a disability who was selected on the basis of merit to carry out the inherent job requirements and job demands of a position.

What might 'reasonable adjustment' look like?

- Physical adjustment – Modifying or redesigning the worksite/workstation to make it accessible, changing the workspace, providing additional equipment or tools.
- Work arrangements - Adjustments to work hours or duties such as part-time work, starting and finishing later, working from home and access to work remotely, assistance in managing work load.
- Adjustments to a job – Alternative duties, adjusting work methods, providing additional training, modifying work patterns.
- Technological assistance - Providing new or modifying existing equipment and tools - for example the use of speech recognition software.
- Attitudes of colleagues - Influencing the attitudes of colleagues so they understand the reasons for providing adjustments and are able to support them. Providing information on how reasonable adjustments can support everyone within a workplace to be healthy, safe and productive at work.

Considerations

What is considered reasonable depends on the facts and circumstances of each case. When considering if an adjustment is reasonable, you should take into account:

- how effective the adjustment will be in helping the person commence, stay at or return to work.
- how practical it is to make the adjustment and any disruption it will cause, particularly any health or safety impacts on other workers.
- that in providing reasonable adjustment it does not significantly change the duties of the position.
- timeframes that the reasonable adjustment is required for.
- the financial costs of the adjustment and the capacity of the organisation to meet these costs.

Unjustifiable Hardship

Unjustifiable hardship is a legal defence to a complaint of disability discrimination. An employer must provide services or facilities to enable an employee or potential employee to carry out the inherent requirements and job demands of a position. However, an employer may in some circumstances claim that the provision of such services or facilities would cause the employer 'unjustifiable hardship'. Advice or guidance on this issue can be obtained from your Human Resources Business Partner.