

Reasonable Adjustment Guidelines

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1. Important Information

1.1. Purpose

AGL is committed to ensuring an inclusive and accessible work environment for all employees. These Guidelines aim to support employees and potential employees with disability to have equal opportunity to access and be considered for available roles at AGL, to contribute to their full capacity as members of AGL's workforce and to enjoy the same employment opportunities as other employees.

These set out a process for making Reasonable Adjustments at any time during your employment at AGL.. Workplace adjustments (also known as reasonable adjustments, reasonable accommodations, or workplace accommodations), can include things such as:

- Modifying communication methods for an employee who is d/Deaf or Hard of Hearing
- Using assistive software or devices for an employee who is blind or has vision impairment.
- Building flexibility into working hours (reduced hours, later starts, frequent rest breaks, part-time, etc) for an employee with a non-visible disability such as anxiety or a chronic health condition.
- Providing additional supervision to support an employee who needs assistance to structure their time or work.

1.2. Scope

These Guidelines apply to full-time, part-time, maximum/fixed term and casual employees. These Guidelines also cover potential employees (candidates) applying for a job. Reasonable adjustments can be requested by an employee or candidate at anytime.

These Guidelines do not cover procedures for managing employees who have work related injuries or illnesses.

These Guidelines set out the approach which AGL will generally take. AGL may depart from or vary these Guidelines from time to time in its absolute discretion. These Guidelines do not form part of any employment contract or employment terms.

1.3. Definitions

Disability

Disability is defined broadly in the *Disability Discrimination Act 1992 (Cth)* ('the Act'). In relation to a person, disability means:

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

It includes temporary, permanent, current, past or future disability and any behaviour that is a symptom or manifestation of disability or a disability that is imputed to a person.

Discrimination

The Act identifies two types of discrimination in relation to people with disability – **direct** and **indirect** discrimination.

- **Direct disability discrimination** occurs when because of the disability, a person treats, or proposes to treat, the other person less favourably than the person would treat a person without the disability in the same circumstances.
- **Indirect disability discrimination** occurs when a person imposes, or proposes to impose, an unreasonable requirement, condition or practice that has, or is likely to have, the effect of disadvantaging a person or persons on the basis of their disability.

Discrimination against someone because of their disability is also unlawful under the *Fair Work Act 2009* (Cth).

Inherent Requirements

Inherent requirements are the essential duties and tasks that must be carried out in order to get the job done.

The inherent requirements of a job will vary depending on the job. Inherent requirements are identified by, among other things, examining the duties and tasks that are needed to be done, the circumstances in which the work is performed, the competency standards required (if any) and job objectives.

Reasonable Adjustment

A reasonable adjustment means a change to some feature of the employee's duties or work situation so that people with disability can carry out the inherent requirements of the role. A request for a workplace adjustment is considered reasonable unless it is deemed to cause unjustifiable hardship for AGL. Examples of reasonable adjustment may include but are not limited to:

- Adjusting access to buildings and rooms;
- Modifying equipment or the supply of specialised equipment (including technology/software);
- Re-designing jobs or work practices; and
- Implementing flexible work practices.

Reasonable adjustments do not require, among other things, changing the inherent requirements of the role, making a permanent change to an employee's role, creating a different role, or maintaining a role that would be altered or abolished.

Unjustifiable Hardship

Discrimination against a person with disability is unlawful. AGL has a positive obligation to provide reasonable adjustments for people with disability except in the case where providing the adjustment would impose unjustifiable hardship on AGL.

Unjustifiable hardship is determined by taking all relevant circumstances of the particular case into account, including consideration of the following:

- The nature of the benefit or detriment likely to accrue to, or to be suffered by, any person concerned;
- The effect of the disability of any person concerned;
- The financial circumstances and expenditure required (including the estimated cost of the adjustment).

"Reasonable" is defined by whether or not the adjustment would create "unjustifiable hardship" to the whole organisation.

2. Reasonable Adjustment Guidelines

2.1. Funding Reasonable Adjustments

Individual business units will be responsible for funding any reasonable adjustment that is required.

2.2. Commonwealth Government Support

The Commonwealth Government has resources available via [JobAccess](#) which provide information and advice to assist with the employment of people with disability. These services are free and can assist with all aspects of disability employment including workplace assessments and/or coordination of any work required.

2.3. Disability Access Coordinators

AGL's Injury Management Team acts as AGL's specialist Disability Access Coordinators (DACs) and are available to provide support and advice to employees managers, People and Culture Business Partners, and Talent Acquisition Partners in relation to requests for reasonable workplace adjustments. The DACs can be contacted at rtw@agl.com.au. For employees, individual team member contact details can also be found on the [Injury Team Management Page](#) on The Source.

2.4. Sharing disability-related information

There is no legal obligation for a candidate or employee to share disability-related information with an employer unless it is likely to impact their ability to perform the inherent requirements of the job, affect their job performance, or ability to work safely or the safety of others.

Employees with disability are encouraged to talk with their leader about any adjustment required. Where employees may require support or adjustments, leaders are encouraged to continue check in and review the needs or adjustments of employees with disability.

2.5. Confidentiality and Privacy

All documents and information about reasonable adjustments relating to your disability and employment will be treated as confidential to the greatest extent possible. The information will be accessed and used for the purposes of employment and treated consistently with the provisions of the *Privacy Act 1988* (Cth).

3. Procedure for requests for reasonable (workplace) adjustments

3.1. Communicating the procedure

Employees are able to access information on requesting a reasonable adjustment by searching for these Guidelines on The Source. For candidates, information regarding requests for reasonable adjustment is part of the online application process. When we communicate the reasonable adjustment procedure to our employees and candidates, we also communicate and reassure them that the information they share with us is private, as per section 2.5.

3.2. Notification procedure

Requests for reasonable adjustments can be made using the [Request for Reasonable Adjustment Form](#). For employees, this form is available on The Source. For external candidates, this form can be forwarded to them, or completed on their behalf, by the AGL Talent Acquisition Partner.

An employee, or the AGL Talent Acquisition Partner, can discuss the required adjustment(s) with the leader or the DACs prior to completing the form. It is the responsibility of the employee/candidate to provide any supporting medical information that will assist in making accurate and helpful adjustments to the Talent Acquisition process, work processes and/or the work environment. The [Request for Reasonable Adjustment Form](#) summarises the supporting information required.

3.3. Steps for Seeking a Reasonable Adjustment

3.3.a. Notification of Request

Employee or candidate completes a Request for Reasonable Adjustment Form and forwards it to their leader, the DACs or, in the case of a candidate, the AGL Talent Acquisition Partner (if not completed on the candidate's behalf). The employee or candidate can generally expect a response within 5 days.

3.3.b. Initial Review

The request for an adjustment is reviewed by the leader or their delegate and the DACs. Possible outcomes may include the request being approved, further assessment being required, or the request being declined.

3.3.c. Outcome

a) Approved adjustments

- The leader communicates with the employee. Approved reasonable adjustments are then actioned.
- The AGL Talent Acquisition Partner communicates with the candidate. Approved reasonable adjustments are then actioned.
- The costs of the reasonable adjustments are borne by the business unit.

b) Workplace assessment (for employees only)

- A workplace assessment is organised by the DACs in conjunction with the employee and the leader.
- The results of the assessment are reviewed by the leader and the DACs. The request may either be approved or declined in accordance with 3(c) below.
- Where further information/discussion is required with the employee, this should be done by the DACs with involvement from the leader.

c) Declined adjustments

- Requests for adjustments may not be accepted in circumstances where the requested adjustment would impose an unjustifiable hardship on the business.
- If a review is requested, the DACs will submit the requests to the 2-up leader with appropriate documentation for review.

The 2-up leader, with P&C Business Partner support, will inform the DACs of the outcome of this review. The results of this will be communicated to the employee by the 2-up leader or, in the case of a candidate, the AGL Talent Acquisition Partner.

3.3.d. Record Management

The DACs maintains data and records of reasonable adjustment requests and outcomes.

3.4. Reviewing Reasonable Adjustments

If an adjustment has been implemented, the leader and employee will review the reasonable adjustment regularly to ensure that the adjustments are still relevant to the needs of the employee. Generally, this will occur every 3-6 months.

3.5. Complaints

Employees who believe they have been treated unfairly or unreasonably because of their disability should refer to the [Workplace Issues Resolution Guidelines](#) for information on how to resolve their complaint. For candidates, this feedback can be provided to recruitmentsupport@agl.com.au.

3.6. Responsibilities and guidelines

AGL Talent Acquisition are responsible for:

- Ensuring that all candidates are notified that they can request adjustments to the Talent Acquisition process and beyond, and asking candidates about adjustments throughout the process.
- Informing candidates of the process for making an adjustment request.
- Liaising with the hiring leader and the DACs throughout the reasonable adjustments processes.
- Communicating with candidates on progress and outcomes as appropriate.

Leaders and 2-up leaders are responsible for:

- Working with the DACs to complete the reasonable adjustment process.
- Deciding whether or not to approve the request for an adjustment.
- Communicating progress and outcomes to the employee.
- Reviewing any reasonable adjustments that have been made in consultation with the employee.
- Reviewing any requests for adjustments which have been declined, with the support of the P&C Business Partner, should a review be requested.

Employees and candidates are responsible for:

- Requesting reasonable adjustments to enable them to perform the inherent requirements of their job.
- Completing a Reasonable Adjustments Request Form (employees) or providing the relevant information to the Talent Acquisition Partner (candidates).
- Providing additional information as needed by the leader, DACs and/or Talent Acquisition Partner to support the process.

DACs are responsible for:

- Providing advice and assistance to AGL Talent Acquisition, leaders and employees, where appropriate.
- Supporting leaders and AGL Talent Acquisition to manage requests in a timely and professional way.
- Consulting with relevant internal business units to assist in the implementation of any reasonable adjustments.

P&C Business Partner for the business unit is responsible for:

- Supporting the 2-up leader to review any requests for adjustments which have been declined, should a review be requested.