

Fostering inclusive and accessible workplaces

A conversation guide for managers and employees on workplace adjustments



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About this guide

Workplace adjustments are important for fostering an inclusive and accessible workplace. They are modifications to a work process, procedure or environment to enable a person with disability or a characteristic such as an injury or illness to:

- perform the inherent requirements of their role
- work productively
- work in a safe environment
- be included in the workplace
- increase their engagement and motivation.

Employees can ask for a workplace adjustment at any stage of their career and their needs may change over time.

Not all people with disability will require a workplace adjustment, and there is no one adjustment that suits everyone's needs. While most people will be an expert in their own accessibility requirements and are often best placed to explain what they need, some employees may not know what adjustments are available to them.

Your agency has legal obligations to ensure workplace adjustments are available to all employees with disability unless lawful exclusions apply. Failing to provide adjustments may constitute unlawful discrimination and puts your agency at risk of breaching both State and federal legislation.

Managers and employees can use this guide to help them have productive conversations about workplace adjustments. The guide includes the key principles to adopt when engaging in conversations and advice when conversations are not going well.

This guide should be read in conjunction with your agency's workplace adjustments policy. [You can find more information and resources that will support your conversations about workplace adjustments online.](#)

The Office of the Public Service Commissioner would like to acknowledge the NSW Department of Communities and Justice for generously sharing their knowledge and contributing to this guide.

Conversation guide

Preparing for a conversation about workplace adjustments

As a manager

It is important to ensure that all employees are aware of the ability to request workplace adjustments and where to find information regarding this process such as relevant policies and procedures. Schedule in time for a one-on-one conversation with any employee who requests a workplace adjustment. Ensure there is enough time to discuss the employee's needs and explore all the available workplace adjustment options. Consider where you will meet – it's important to be in a space where you can speak privately.

When preparing for the conversation, ensure you understand your agency's workplace adjustment policy. This will help you understand your responsibilities, the process and the range of workplace adjustments that may be available.

It is also important to understand the inherent requirements of the employee's role. If you are uncertain, reach out to your agency's HR team for guidance and read the factsheet on inherent requirements.

If an employee has a draft request or previous workplace adjustment they may wish to share it. Read this before you meet and discuss any of your questions or comments in your meeting.

Remember, an employer cannot request information about a disability or health condition for an unlawful purpose. However, an employer may be able to require some information to be provided for the purpose of lawfully determining whether an employee would be able to carry out the inherent requirements of a role, or to determine and/or implement an adjustment for the employee. Any information requested from an employee for this purpose must be relevant, not excessive and should not unreasonably intrude into the personal affairs of the employee. If an employee does share their disability or health condition information with you, you must keep this confidential, unless you have the employee's consent or are authorised by law to disclose. This includes other teams in your agency that may help with organising the workplace adjustment (e.g. ICT, HR, Legal etc).

The employee may wish to bring a support person to the meeting. It is a good idea to ask the employee if a support person will be attending. If you are uncertain of the role a support person plays, reach out to your HR team for guidance.

Come to the meeting with an open mind. Remember, a workplace adjustment is there to support employees to perform their best, be included, work productively, and in a safe environment.



Quick tips

Be prepared:

- Read your agency's workplace adjustment policy.
- Understand the inherent requirements of the employee's role
- Schedule a one-on-one meeting with the employee to discuss their needs.

Check your mindset:

- Be open to considering the different ways the employee can perform their role and work.
- Show your commitment to being an inclusive manager by taking a positive approach to supporting an employee's individual needs.

Confidentiality:

- Remember, you must keep employee information confidential and not share it with anyone else, unless you have the employee's consent or are authorised by law to disclose.

As an employee

Before you meet with your manager, take some time to reflect on what you need to perform your role without barriers. You could reflect on the questions at the end of this chapter or fill out a draft of your agency's workplace adjustments passport/request form.

To help your manager understand what you are proposing, share the draft with them before the meeting. It is normally best not to submit the draft until you have had a conversation with your manager.

It is important that you understand your agency's workplace adjustment policy and process. You should be able to find this on your agency's intranet or you can ask your agency's HR team for a copy.

Ensure you understand the inherent requirements of your role. These are the core requirements you must be able to carry out to perform your role. If you are unsure, consider asking your manager or contacting your HR team.

Your employer may be able to require that you share some information about your disability or health condition for the purpose of determining your ability to perform the inherent requirements of a role, or to determine and/or implement adjustments. Any information requested should be limited to what is relevant and not be excessive.

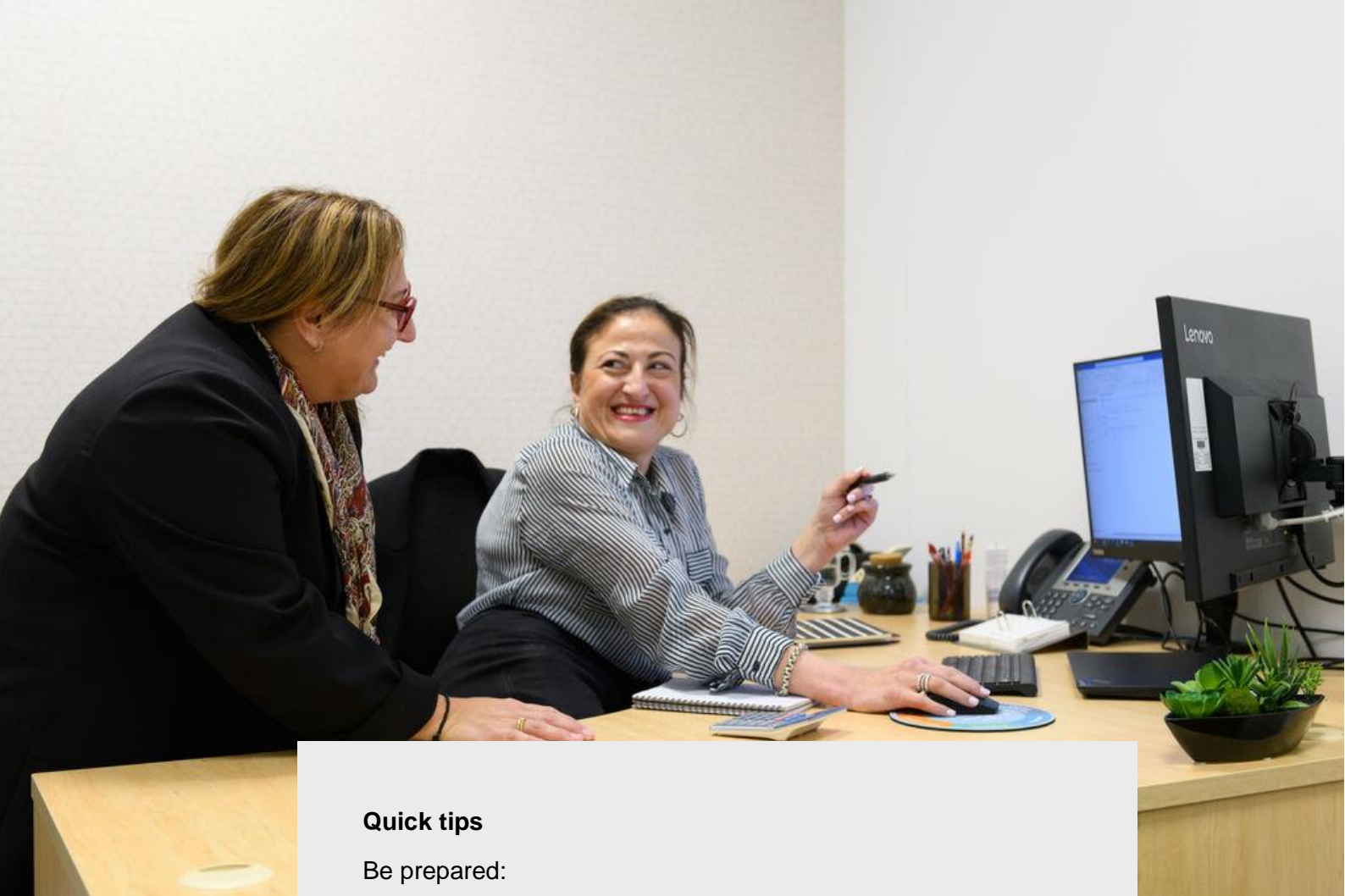
You may wish to reach out to your agency's disability employment network (DEN) or other staff to get support during this process. Consider bringing a support person to the meeting. Remember to let your manager know in advance.

It is a good idea to tell your support person what their role will be. This could be taking notes, providing emotional support, or prompting you if you have trouble explaining yourself or have forgotten something.

Questions to consider before meeting with your manager

- Are there any parts of your job where you might need changes or adjustments?
- Have you received advice about adjustments that helped you in a previous job or workplace?
- Have you received a workplace adjustment in the past that you think would be useful in your current job?
- Would additional training help you do your job?
- Are there changes to working arrangements or communication styles that would support you in the workplace?

Source: JobAccess (2024) *Making Workplace Adjustments Easy, Effective and Equitable - Conversation Guide*, JobAccess website, accessed 25 July 2024.



Quick tips

Be prepared:

- Think about what workplace adjustments you will require.
- Read your agency's workplace adjustment policy.

Seek support:

- Reach out to your agency's Disability Employment Network for support.
- Consider bringing a support person to the meeting.

Be open minded:

- Be open to exploring all feasible options.

Principles for having conversations about workplace adjustments

When preparing and holding a conversation about workplace adjustments, there are some key principles to keep in mind

Principle	Managers	Employees
Avoid assumptions	<p>Ask yourself if you hold any preconceptions or assumptions about disabilities and who should get adjustments.</p> <p>Remember, equity in employment is a right, not a privilege or favour.</p>	<p>Don't go into the meeting assuming the worst outcome.</p> <p>It is okay if your manager has concerns about your workplace adjustments.</p> <p>Clearly explaining what you need and how it will help you perform your role will help to alleviate concerns.</p>
Be empathetic and understanding	<p>It may be daunting or scary for some employees to request a workplace adjustment. They may not feel comfortable sharing their needs, may be concerned about your response or how you will treat them, or may have faced discrimination in the past.</p> <p>Approach the conversation with empathy. Work to understand the employee's needs, the barriers they face, and what has worked for them in the past.</p>	<p>This may be the first time your manager is having a conversation about workplace adjustments. They may be uncertain of what to say or how the adjustments will work.</p> <p>You may be best placed to explain how different adjustments may or may not support you to perform your role. Be patient and understanding if your manager reacts with uncertainty or hesitation.</p>

Be open minded

It is important to be open minded about what can work for the employee and for you. A proposal may seem unworkable at first, but just because it has never been done in your agency doesn't mean it can't be done.

You may need to think creatively to get the best outcome for all parties.

Think creatively and work with your manager to find the best solution for both of you.

Be prepared to consider all proposed alternatives, even if they are not what you initially envisioned.

Questions managers could ask

To understand an employee's needs:

- What do you need to perform in your role?
- Are there any barriers that you are facing, or you may face in this role? If so, what are they?
- What would work best for you?
- Has there been anything that has worked for you in the past that might work for you in this role?

Once an employee has discussed what they need:

- How can we make that adjustment work?
- Would an adjustment like.... work for you?
- Have you considered trying...?

Once you have agreed upon adjustments for the employee:

- Would you need additional training for this adjustment?
- Is there anything you need while the workplace adjustment process is underway?

When finishing up the conversation:

- To clarify, your proposed workplace adjustments as I understand them are....
- I will put what we have spoken about in an email to you by... Does this work for you?
- These are the actions I will be taking after this meeting.... What actions will you be taking?
- Let's schedule a regular check-in every... to discuss the progress of your adjustment and how you are getting on. Does this work for you?

To gain consent:

- I may need to speak with other teams in our agency to get your workplace adjustment organised. Are you comfortable if I share your personal and health information about your disability and adjustment with them, if it is necessary?

How to respond if a conversation is not going well

Sometimes a conversation does not go well, and it will be unproductive to continue. If this happens, there are some steps you can take to get the workplace adjustment back on track.

- Offer to re-convene, but don't let too much time go by. This allows all parties some time to process their emotions, collect their thoughts, and seek advice from relevant sources.
- Consider having someone from your agency's HR team, your own one-up manager or a senior executive attend the re-scheduled meeting to support discussions. If this option is chosen, ensure that all parties are informed and are comfortable with that person attending to the meeting.
- As a manager, you may wish to seek guidance from your HR team to help you understand what workplace adjustments are feasible for your team. You must remember to keep any disclosures of health condition or disability confidential.
- As an employee, you may wish to connect with your agency's disability employment network (DEN) or seek guidance from your HR team. You may also wish to bring a support person to the next meeting.



Common misconceptions

Misconception	Reality
<p>“This will cost too much.”</p>	<p>Workplace adjustments range from no cost, like a varied work schedule, through to substantial costs, such as specialised equipment.</p> <p>Your agency’s workplace adjustment policy should have information on funding for workplace adjustments through existing budgets or additional funding support.</p> <p>What is most important is for people to have what they need to perform their role and participate in the workplace on an equal basis with others.</p>
<p>“The flexible working policy states that you must come in 3 days each working week.”</p>	<p>Flexible working can be one type of workplace adjustment. Flexible working policies do not override an employer’s obligation to provide workplace adjustments where required by law.</p> <p>If a requested or approved workplace adjustment includes flexible working, it should be managed by the employer’s workplace adjustments policy. Flexible working arrangements that are part of an individual employee’s approved workplace adjustment will still apply even if they conflict with workplace attendance requirements for agency employees generally. Speak with your manager or HR if you have any questions or concerns about your workplace adjustment and mandated workplace days.</p>
<p>“You need to explain exactly why you need these adjustments before they can be approved.”</p>	<p>An employer cannot request information about a disability or health condition for an unlawful purpose. However, an employer may be able to require some information to be provided for the purpose of lawfully determining whether an employee would be able to carry out the inherent requirements of a role, or to determine and/or implement an adjustment for the employee. Any information requested from an employee for this purpose must be relevant, not excessive and should not unreasonably intrude into the personal affairs of the employee. Focus on the results that need to be achieved in the role, rather than how the work is accomplished.</p>
<p>“It’s not fair to others in the team.”</p>	<p>Everyone has different needs that will allow them to participate equally in the workplace.</p> <p>Workplace adjustments facilitate equity by removing barriers and enabling an employee to fully participate in the workplace on an equal basis with their peers who do not have adjustment needs.</p>
<p>“If the adjustment does not work it will be a waste of</p>	<p>There will be an initial period of transition when a workplace adjustment is first implemented. Like any new arrangement, it may</p>

everyone's time and money.”

take some time and experimentation to find a solution that works for everyone.

It is important to be patient and have regular check-ins to ensure the workplace adjustment is meeting the need of the employee and the team.

Next steps

What happens next

Once a workplace adjustment has been agreed to it is vital to document it. For a manager, this could be an email to the employee confirming the details of the adjustment, what actions the manager and employee will take and when those actions will be completed by.

For an employee, this documentation could be an updated workplace adjustments passport/request form. This request will need to be formally submitted to the relevant team within your agency to start the review and approval process.

As a manager, you will need the employee's consent to share their personal or health information. This consent is needed even if you are sharing that information with other teams in your agency to progress the workplace adjustment request. Check whether you may have specific responsibilities around confidentiality and employee notifications under your agency's workplace adjustment policy and privacy policy and procedures.

It is important to communicate regularly with the employee during the process. Consider setting up regular check-ins with the employee while the process is underway.

As a manager, you may wish to consider if your team needs additional training to help meet the employee's workplace adjustments (e.g. inclusive meeting behaviours or creating accessible documents).

Ongoing monitoring and evaluation

There will be a transition period when a workplace adjustment is first implemented. This is normal and, like any change, can be managed effectively through some simple steps.

Managers should proactively schedule regular check-ins with the employee to review the adjustment, ensure it is working and understand if the employee needs further or different support. This may also be a requirement under your agency's workplace adjustments policy.

An employee's needs can change over time. Regular check-ins should happen throughout their employment, particularly if circumstances change, e.g. a change in work duties, location, or a change in the nature of the disability or health condition.

As an employee, if your adjustment is not working or you need additional support, let your manager know right away. While it may feel daunting to have regular check-ins, this is part of the process to ensure you are able to work in a safe environment.



Complaints process

As an employee, if you are not happy with the workplace adjustment process or decision and wish to make a complaint there are informal and formal pathways available to you.

Informal options include:

- a manager/HR or other person from your agency reviewing the application and decision
- a Director/senior executive or HR facilitating or mediating a conversation between the employee and manager
- refresher training for the general work area on the requirements of the workplace adjustment policy.

A formal complaint includes:

- lodging a complaint in accordance with your agency's relevant policy or policies
- lodging a complaint with an authority or regulator such as Anti-Discrimination NSW or the Australian Human Rights Commission.

If you wish to make a complaint, your agency's workplace adjustment policy will have more information on the grievance process and your options. Additionally, you can reach out to your HR team to learn what options are available to you.

A list of advice and support services for employees who wish to make a complaint can be found in the Model Policy for Workplace Adjustments.

Any complaints process must be fair, transparent, confidential and timely. It is important the process is made accessible to the employee and that they are supported throughout.

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