

Workplace adjustments decision-making table

Support for Queensland public sector managers and delegates.

Decision making

When undertaking an assessment of a workplace adjustment request, the employee and manager (or other decision maker) will need to work together. Decisions must be made in consultation with the person making the request in a way that genuinely considers their input.

Employees would need to be mindful their original request may not be available or possible to implement. Some work areas may have constraints (such as security restrictions) that require collaboration with specialist teams (such as IT) to find suitable options.

Factors that can be considered by managers when they receive a request include:

Factors	Explanation
Determining if it will be effective	<p>What is being requested? Does the solution address the accessibility barrier?</p> <p>Will it enable the employee or prospective employee to participate more in employment, perform better or meet the genuine occupational requirement/s of the role at work or during a recruitment process?</p> <p>Is the requirement itself (that the person has barriers to meeting) truly inherent to meeting the demands of the role (a “genuine occupational requirement”), or is it a requirement that was arbitrary, a result of an unknown or obsolete decision made in the past, or a traditional or generalised expectation unrelated to the work of the role? Can the role still serve its intended purpose if the requirement is shifted, adjusted or removed?</p> <p>To make a determination:</p> <ul style="list-style-type: none"> consult with the employee about their experience of the barrier in question to understand the functional impact to them and their work discuss if the proposed solution will support them to participate, perform better or meet the genuine occupational requirements, and work with human resources teams to assess whether the requirements are up-to-date and still appropriate before rejecting the request.
Impact	<p>Would the request cause disruption to the workplace? To what extent? For how long? Would it ease disruption?</p> <p>Would it cause harm to the person or another person if implemented?</p> <p>Is there an option that would be better at mitigating the barrier? Are there reasons the person did not request that option? For example, they are already practiced at using the software they requested.</p>

	<p>If the requested adjustment would cause unjustifiable hardship, what else could mitigate the barrier without causing unjustifiable hardship?</p> <p>Who may need to assist in the decision about what may or may not be possible to implement? Who may need to assist (if anyone) in the implementation of the adjustment? Such as IT, Work Health and Safety, or Facilities.</p>
Cost	<p>Investigate the cost of the request and how the entity may fund it. Policies/procedures on workplace adjustments should indicate how this will work.</p> <p>Is the cost appropriate considering the entity's size and the type of work it does?</p> <p>Is this a request that should be referred to JobAccess? (i.e. Either because the cost can be better managed by JobAccess, or because the person would then be able to keep the equipment/software/etc if they moved to a new job.)</p> <p>Centralised budgets may provide managers with more flexibility to support adjustment requests by removing the impact on operational budgets.</p>
Benefits	<p>What benefits would the adjustment provide, including to the applicant, clients, future employees, and/or to the person's colleagues? For example, colleagues will be better able to communicate with the person when the employee has software that allows them to read communications much more easily.</p>

Consideration of human rights

Where a particular adjustment cannot be met without incurring unjustifiable hardship and cannot be supported, every effort should be made to provide alternative adjustment/s.

Under section 58 of the [Human Rights Act 2019 \(Qld\)](#) in relation to making a decision, managers have an obligation to:

- act and make decisions in a way that is compatible with human rights
- give proper consideration to human rights when making a decision.

In the majority of cases, the most relevant human right will be the 'right to equality before the law' in section 15 or the 'right to privacy' in section 25. When assessing if an adjustment request, or part of a request, is compatible with human rights, managers should consider the following questions:

1. What human rights are relevant to the decision?
2. Are any human rights being limited by the decision?
3. If human rights are being limited, are the limitations reasonable and justifiable?

A decision should be considered on a case-by-case basis in the context of the specific application because it is possible that some rights may be engaged in one application that are not engaged in another.

[File notes](#) must be kept to record the basis of any decision, especially a decision to reject an adjustment request or part of a request. They must include a clear description of how the manager has considered the human rights of the applicant in making their decision.

For more information, see the [Human Rights in decision-making guide](#) on the [Queensland Government Human Rights Portal](#).