

Workplace adjustments decision-making table

Support for Queensland public sector managers and decision makers

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.

The person 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. Where collaboration with a specialist team is required, a manager must always seek the employee's consent first to share their personal information.

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

Factors	Explanation
Legislative requirements	Identify and understand obligations under relevant legislation, such as anti-discrimination, disability discrimination, workplace health and safety requirements. Refer to Legislation requirements and consideration for further guidance.
Supporting information	Is further information required to assess the request or explore alternative options? Liaise with relevant workplace health and safety or rehabilitation teams to request further information from the person's treating medical practitioner, with their consent.
Determining if it will be effective	What is being requested? Does the proposed solution address the accessibility barrier or promote inclusion? Will it enable the person to participate more in employment, perform better or meet the genuine occupational requirement/s of the role at work or during a recruitment process? Is the requirement that the person is struggling to meet truly inherent to performing the demands of the role (a "genuine occupational requirement")? Or is the

	requirement arbitrary, based on unknown or obsolete decision made in the past, or a traditional or generalised expectation unrelated to the requirements of the role? Can the role still serve its intended purpose if the requirement is shifted, adjusted or removed? To make a determination: • 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 making a decision.
Impact	Would the request cause disruption to the workplace? If so, to what extent, for how long, and could it reduce existing disruption? Consider the impact on the person, other team members, and the broader workplace, for example on workflows, productivity and team dynamics. 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. If the requested adjustment would cause unjustifiable hardship, what else could mitigate the barrier without causing unjustifiable hardship? What information is required to support decision-making or the implementation process, and who can provide it? For example, IT may provide technical feasibility advice and options, Work Health and Safety may assess potential risks, and Facilities may confirm physical space requirements.
Cost	Investigate the cost of the request and identify how the entity may fund it. Policies/procedures on workplace adjustments should provide clarity on the process for managing such requests for each entity. Is the cost reasonable considering the entity's size and the type of work it does?

	Should the request be referred to JobAccess? (i.e. either because JobAccess can better manage the cost, or allow the employee to retain the equipment/software/etc if they moved to a new job.) Centralised budgets may provide managers with more flexibility to support adjustment requests by removing the impact on operational budgets.
Benefits	What benefits would the adjustment provide, including to the person, clients, team members and the organisation? For example, team members will be able to communicate more effectively with the person when they have software that makes it easier to read communications.

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](#).