

Employer responsibilities and strategies when an applicant or employee discloses a disability

When an applicant or employee discloses at anytime

- Provide verbal and written information about workplace policies, processes and support services for employees with disability
- Asking about the disability at work:
 - Ask the applicant/employee whether they need adjustments to the selection process and/or to do the job, and if so, about the type of adjustments required
 - Do not ask for personal information that is not relevant to the position, and provide the applicant/employee specific reasons for why you need to ask disability-related questions
- Considering their ability to do the job:
 - Don't assume they cannot do the job because of their disability and don't exclude an applicant/employee on the basis of disability only
 - Consider whether the person could perform the inherent requirements of the job with workplace adjustments – do this in collaboration with the applicant/employee
- Making adjustments:
 - Make a list of adjustments needed to allow the person to participate equitably in the selection process and/or carry out the essential duties of the role
 - Organise and/or oversee that necessary adjustments are made within a reasonable timeframe, and keep the applicant/employee informed of the progress and adjustments
 - If you decline a request for a reasonable adjustment, you must under the Disability Discrimination Act demonstrate that the adjustment would constitute 'unjustifiable hardship' to the employer
- Handling personal information:
 - Treat information about an applicant/employee's disability confidentially – no information can be shared without express consent from the applicant/employee
 - Share information about an applicant/employee's *adjustments* (not disability) with only people who need to make the necessary adjustments or who will be directly affected by the arrangements

When an applicant discloses during application process

- Ensure all potential candidates can access the position information
- Provide information in a range of accessible formats
- Accept applications in various formats
- Shortlist according to job suitability, not disability – focus on capacity to fulfil inherent job requirements
- Ask all applicants whether they need any adjustments to the interview process and implement reasonable adjustments
- Host all interviews in the same accessible location
- Provide precise information about interview arrangements
- Share information about adjustments only with those who need to know
- Remind interview panel to consider applicant based on merit

When an applicant discloses at interview

- Make adjustments to the interview process if needed (eg. extra time, rearrange setting)
- Ask the applicant whether they need adjustments to the interview and/or to do the job. If so, ask about the type of adjustments required
- Don't ask for personal information that is not relevant to the position
- Remind interview panel to consider applicant based on merit
- Be considerate in your approach and language use e.g. treat all applicants consistently, avoid using louder voice, ask before providing assistance

When an applicant or employee discloses during offer of and/or throughout employment

- Ask the employee directly about how their disability affects them at work and discuss reasonable workplace adjustments
- Implement reasonable adjustments
- Seek further advice if adjustments would constitute unjustifiable hardship
- Ensure terms and conditions are the same for all employees e.g. salary, duties, performance requirements, WHS protection
- Promote, transfer, train and terminate according to skills and talent

When an employee discloses during a disciplinary process

- Stop the disciplinary process
- Ask the employee directly about how their disability affects them at work and consider reasonable workplace adjustments
- Provide a timeframe to implement workplace adjustments
- If poor performance continues after successful implementation of workplace adjustments, the disciplinary process can be recommenced
- An employee cannot be terminated based on disability alone – termination is justifiable if the employer can demonstrate an employee's inability to meet inherent job requirements even with reasonable workplace adjustments