

Sydney Opera House Policy

Title:	Workplace Adjustments Policy
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Authorisation:	Chief Executive Officer
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Superseded Policy:	N/A
Accountable Director:	Director responsible for people matters
Responsible Officer:	Human Resources Operations Manager

1. STATEMENT OF ORGANISATIONAL COMMITMENT

The Sydney Opera House (SOH) is committed to creating an inclusive Workplace. By ensuring SOH's Workplace is safe, accessible and free from barriers or disadvantage, SOH promotes a positive culture and enhances productivity. Inclusion enables genuine participation and contribution, regardless of visible or invisible individual differences.

2. CORE PROPOSITION

- 2.1. The Workplace Adjustments Policy (Policy) establishes a consistent approach that encourages Adjustments and supports the full participation of SOH employees (employees) in the Workplace. This Policy outlines the responsibilities and procedures for requesting and implementing Adjustments.
- 2.2. SOH is required to make Adjustments unless it causes SOH unjustifiable hardship to do so, or where, even after Adjustments are made, the employee would still be unable to carry out the Inherent requirements of their role.

3. DEFINITIONS

- 3.1. **ADA** – Anti-Discrimination Act 1977 (NSW).
- 3.2. **Adjustments** (being reasonable workplace adjustments) – changes, modifications or alterations to a work process, procedure or environment to enable a person to:
 - Perform the work they are employed to do.
 - Work productively.
 - Work in a safe environment.
 - Be included in the Workplace.
 - Increase their engagement and motivation to improve performance and ultimately meet the Inherent requirements of their role.

This definition uses the term “reasonable” as this is the legal term used in the DDA. Refer to section 5 for more details and examples of Adjustments.

- 3.3. **DDA** – Disability Discrimination Act 1992 (Cth).
- 3.4. **Disability** – includes both temporary and long-term physical, mental health, intellectual, neurological or sensory differences which, in interaction with various attitudinal and environmental barriers, may hinder full and effective participation in society on an equal basis with others.

This definition aligns with the social model of disability in which societal barriers are considered obstacles to a person's equal participation, not their impairment. Also note that the term “disability” has specific meanings when used in the ADA and DDA.
- 3.5. **Inherent requirements** – characteristics, elements or requirements that are essential to performing a particular job determined by the specific circumstances of a person's employment and role, including the terms of the employment contract and the nature of the work of SOH. See 6.16-6.19 for further information.

3.6. **Workplace** – a place where an employee carries out work or work-related activities.

4. SCOPE

4.1. This Policy applies to all employees at any time during employment, with a particular focus on those employees:

- With Disability and/or a particular physical impairment or other characteristic that affects their full participation in the Workplace.
- Who have been injured, which could result in temporary Disability, whether or not the injury meets the definitions of disability in the DDA and ADA.
- Experiencing health issues identified through a health assessment related to an SOH offer of employment or assignment. See SOH's *Fitness for Duty Policy*.

4.2. This Policy also applies to candidates who may request an Adjustment during an SOH recruitment process.

4.3. While this Policy does not apply to volunteers or contractors and their employees, SOH will comply with its obligations under anti-discrimination legislation in relation to them.

4.4. This Policy does not address SOH's obligations under the *Workers Compensation Act 1987* (NSW) or the *Workplace Injury Management and Workers Compensation Act 1998* (NSW). Additional and different obligations may apply in relation to employees who have a work-related injury or illness. Refer to SOH's *Injury Management and Return to Work Policy* for information on how SOH supports employees who have suffered an injury or acquired an illness at work or related to work.

5. OVERVIEW

5.1. SOH must manage its legal responsibilities under both the *Work Health and Safety Act 2011* (NSW) and under discrimination legislation to ensure that all employees can participate fully in the Workplace, without creating an unacceptable risk to their health and safety or the health and safety of others in the Workplace.

Under the DDA and the ADA, it is unlawful to discriminate against a person on the grounds of disability, including where the person has a relative or associate with a disability (as defined in those Acts). It is also unlawful to discriminate against a person on the basis of their responsibilities as a carer (as defined) under the DDA and the ADA. Under the Sex Discrimination Act 1984 (Cth), it is unlawful to discriminate against a person because of their family responsibilities, including caring for a dependent child or an immediate family member (spouse, adult child, parent, grandparent, grandchild or sibling).

5.2. Adjustments may range from no-cost options, such as varied work schedules or frequent rest breaks, to Adjustments with substantial costs, such as specialised equipment. These are funded through SOH's portfolio budgets, noting section 5.3.

5.3. Financial support may be available through the JobAccess Employment Assistance Fund (EAF), provided the eligibility criteria are met. The EAF is a reimbursement scheme that helps NSW public sector agencies and employees access Adjustments, services and training. It also provides a free Workplace Modification Assessment to identify what Adjustments are required for an employee with Disability to perform their job. This support is available to new and existing employees, including when their role or disability changes, or when new modifications could increase their productivity. For more information, visit the JobAccess website.

5.4. Examples of Adjustments that may be relevant at SOH include the following:

Recruitment

- Providing alternative methods to assess a candidate's capabilities, e.g. a scenario-based written assessment instead of a psychometric assessment.

- Adapting assessment formats, e.g. providing interview questions to candidates in advance and/or additional time for assessment tasks, or allowing candidates to respond in writing.
- Supporting the use of assistive technology and providing access to an Auslan-English interpreter and/or preferred sound amplification devices.
- Ensuring the interview time, assessments and room set-up meet individual needs, e.g. appropriate lighting, reduced noise and suitable seating arrangements.

Workplace practice

- Offering flexible working arrangements, e.g. flexible start and finish times, working remotely and working part-time. If an employee requests this type of Adjustment because of Disability, the request must be managed under this Policy, even if SOH's *Flexible Working Policy* offers similar arrangements. Employees should consult with their SOH Human Resources Business Partner (HRBP), if needed.
- Adjusting how information is communicated in the Workplace, e.g. using accessible meeting spaces, Auslan-English interpretation, Easy Read documents or MS Teams/email instead of phone calls (or vice versa).
- Ensuring documents and web content are accessible to meet an employee's needs, e.g. screen reader capability.
- Providing information in requested formats or allowing additional time for an employee to process information or receive it at preferred times.
- Modifying job requirements, e.g. sharing tasks among team members.

Workplace environment

- Providing access to an occupational therapist and ergonomic assessments.
- Offering workspaces with adjustable lighting, noise-cancelling headphones, or quiet areas to accommodate sensory sensitivities.
- Supplying portable hearing loops.

Assistive technology

- Providing screen readers and screen enlargement applications.
- Using transcription programs, voice recognition software and embedded closed captioning.
- Offering alternative keyboards, mice and other equipment.

6. WORKPLACE ADJUSTMENTS PROCESS

Asking about Adjustments

- 6.1. Managers should regularly ask employees in their teams if they require an Adjustment as part of ongoing conversations or after any known injury or illness, regardless of whether the employee has shared they have a health condition or Disability.
- 6.2. During recruitment and onboarding, SOH's Recruitment team should ask candidates (and employees in the case of role changes) if they require any Adjustment.
- 6.3. SOH will not ask candidates and employees about their health condition or Disability unless it is necessary to determine their ability to perform the Inherent requirements of their role (including working safely), or to determine and/or implement Adjustments.
- 6.4. Managers must ask employees who request an Adjustment whether they require a Personal Emergency Evacuation Plan (PEEP), unless the Adjustment requested is a PEEP, and liaise with the relevant SOH business units to develop a tailored plan.

Requesting Adjustments

- 6.5. Employees are encouraged to discuss any Adjustment request with their manager, HRBP or alternatively, the director of the relevant portfolio. Requests can be made in any format, but should be formalised by submitting an *Adjustment Request Form* (Form) in Encore (access link [here](#)). Employees requiring support to submit the Form should inform their manager or HRBP.
- 6.6. SOH will ensure the information requested on the Form or otherwise is relevant, not excessive and does not unreasonably intrude into the employee's personal affairs. Refer to *SOH's Privacy Management Policy and Plan* or contact SOH's Information Manager for details on how SOH handles personal and health information.

Assessing requests

- 6.7. Once the employee submits the completed Form, it will be received by their HRBP, who must:
 - Discuss the nature of the Adjustment required with the employee (and any groups involved). Each person is an expert in their own Disability, needs and experience, and is often best placed to explain what Adjustments they require.
 - Consider all possible Adjustments and how they might be implemented and funded, consult with the employee's manager and if needed, seek advice from SOH's HR Operations Manager and relevant SOH business units, e.g. Safety and Accessibility, as well as from external sources.
 - If considering declining a request, consult with the employee's director and the director in charge of people matters. In the case of requests from employees with Disability, comply with section 6.12-6.13.

If the Adjustment is declined, SOH will explore alternative options to support the employee.

- 6.8. Once any required consultation has been completed, the employee's HRBP will decide whether the Adjustment request is accepted, as soon as possible and within a reasonable timeframe (or as agreed with the employee). The HRBP must keep the employee updated on the progress of the request and notify them of the outcome via Encore.
- 6.9. For Adjustments requested from candidates in relation to a recruitment process, SOH's Recruitment team will discuss the request with the hiring manager who may consult with relevant SOH business units and will assess the request to determine whether the Adjustment may be implemented. The Recruitment team will file and treat Adjustment requests and outcomes in line with section 8.

Implementing and reviewing agreed Adjustments

- 6.10. SOH will provide any agreed Adjustment as soon as possible, within a reasonable timeframe (or as agreed with the employee). The HRBP must keep the employee up to date on the progress of the implementation.
- 6.11. Managers should regularly review Adjustments to ensure they continue to meet the employee's evolving needs. If there are changes in the employee's circumstances, such changes in the nature of the issue or a change in work duties or location, SOH must take action to modify the Adjustment as necessary.

Declining an Adjustment request from an employee with Disability

- 6.12. Under the DDA and ADA, SOH is required to make Adjustments for employees with Disability, unless:
 - Making the Adjustment would impose an unjustifiable hardship on SOH (see below).
 - When the employee is unable to perform the Inherent requirements of the role, even with the Adjustments implemented.
- 6.13. If an Adjustment request from an employee with Disability may be declined, in addition to any consultation completed (see section 6.7) the HRBP must consult with SOH's Legal team, to make a decision.

Unjustifiable hardship exception

- 6.14. In determining what constitutes unjustifiable hardship, SOH will consider all relevant circumstances of the particular case, including the following:
- Nature of the benefit or detriment likely to accrue to or be suffered by any person concerned.
 - Effect of the Disability of any person concerned.
 - Estimated cost of the Adjustment and financial circumstances of SOH.
 - Availability of financial or other assistance to SOH.
- 6.15. Determining whether there will be an unjustifiable hardship requires a balancing of potentially conflicting interests. When claiming unjustifiable hardship, the burden of proof lies with SOH.

Inherent requirements of the role and other exceptions

- 6.16. In limited circumstances under the DDA (and similar provisions in the ADA), it may not be unlawful to decline an Adjustment request from an employee with Disability where a person is unable to perform the Inherent requirements of a role even with Adjustments.
- 6.17. SOH must determine the Inherent requirements of each role, and should ensure that job advertisements, role descriptions and employment contracts clearly set out the tasks and/or services the employee will perform, the necessary skills and capabilities to do so, and the circumstances in which the employment will be carried out. This should be done both during recruitment and when new responsibilities are introduced as part of a role re-design.
- 6.18. The following factors should be considered in determining whether a person would be able to carry out the Inherent requirements of the particular work:
- Past training, qualifications and relevant experience.
 - Performance in the role (if already employed).
 - Any other relevant and reasonable factors.
- 6.19. There are other exceptions to the disability discrimination provisions, including that it is not unlawful to discriminate if the person concerned has an infectious disease. In this case, discrimination may be reasonably necessary to protect public health or to comply with other laws or court orders.

7. ESCALATION PATHWAY

Informal internal resolution

- 7.1. If an employee is unsatisfied with the Adjustment process or decision, they are encouraged to attempt to resolve the issue internally in the first instance. This may include:
- Requesting a review of the process and/or decision by their HRBP and manager.
 - Asking the HRBP or director in charge of people matters to facilitate an open and respectful conversation between the manager and the employee.
 - Offering a refresher training session for the work area on the requirements of this Policy.
 - Providing the employee with information regarding SOH's grievance procedure.

Any informal resolution process should be accessible to the employee.

Formal internal resolution

- 7.2. Employees who are unable to resolve the matter informally may formally raise their concern in line with SOH's *Resolving Workplace Grievances Policy* and *Grievance Resolution Procedure*. Grievances will be conducted in a fair, effective and confidential manner in line with the principles of procedural fairness. There must be no victimisation of any employee for raising a grievance about an Adjustment.

External resolution

- 7.3. Employees may also raise concerns with external authorities or regulators, such as Anti-Discrimination NSW or the Australian Human Rights Commission.

8. PRIVACY AND RECORDKEEPING

- 8.1. Some personal information, including health information, may need to be shared in order to assess and implement Adjustments. The nature of that information will depend on the circumstances, with focus on the Inherent requirements of the role and the employee's ability to meet those requirements. All parties involved in the Adjustment process must treat personal and health information confidentially. SOH must not disclose this information unless the employee has provided informed consent, or the disclosure is authorised or required by law.
- 8.2. When collecting personal or health information, SOH will act in accordance with applicable legislative requirements under the *Privacy and Personal Information Protection Act 1998* (NSW) and *Health Records and Information Privacy Act 2002* (NSW). For more information, refer to SOH's *Privacy Management Policy and Plan*.
- 8.3. SOH is responsible for ensuring all records related to Adjustments are secured against loss, unauthorised access, modification or misuse and are otherwise handled in accordance with applicable legislative requirements. For information, refer to SOH's *Records Management Policy*.

9. CHANGING ROLES WITHIN SOH OR NSW GOVERNMENT

Employees who have been provided with an Adjustment by SOH who then move to another role within SOH, or to another NSW Government department or agency (temporarily or permanently), should contact their HRBP if they wish to request the transfer of the Adjustment to their new Workplace. Transfer of an Adjustment will be considered on a case-by-case basis and the following may apply:

- If the employee consents in writing, SOH will share information regarding the Adjustment with the new SOH manager or new department/agency for review.
- The new SOH manager or department/agency may need to review the Adjustment to ensure it meets the employee's needs, the Inherent requirements of the new role and does not cause an unjustifiable hardship to SOH or to the new department/agency.
- If the Adjustment relates to equipment that has been provided through EAF, ownership of that equipment must be confirmed in writing as part of the EAF approval. This will determine who is responsible for maintenance or repairs and what will happen to the equipment if the employee changes jobs. In most cases, any modification or equipment that is portable should move with the employee where practicable.
- If moving to another department/agency, any ongoing or new funding requirements, if applicable, will transfer to, and be the responsibility of, the new employer. Additionally, the employee should refer to that department's/agency's escalation process if the employee is unsatisfied with the Adjustment process or decision.

10. MONITORING AND EVALUATION

SOH is committed to effective monitoring, evaluation and organisational processes that foster an inclusive Workplace. To achieve this, SOH will regularly:

- Review this Policy and its implementation.
- Collect and assess de-identified data to identify trends, patterns and lessons to drive continuous improvement.
- Consult with employees, employee networks and unions to share knowledge and understand issues from an employee perspective.
- Promote an inclusive Workplace that encourages Adjustments.

11. RESPONSIBILITIES

11.1. **Employees** are responsible for complying with this Policy and:

- Talking to their manager (or others as outlined in this Policy) about any Adjustments they may require to perform the Inherent requirements of their role productively and safely.
- Actively participating and cooperating with SOH to assist in the implementation of any Adjustments.
- Keeping SOH informed of any changes to their needs or circumstances that may affect current Adjustments.

11.2. **Managers** are responsible for ensuring that appropriate Adjustments are in place, where required, to support employees in performing their duties safely and effectively, and for:

- Increasing their awareness of available Adjustments to better assist their teams.
- Understanding their legal obligations, including confidentiality and privacy requirements.
- Initiating regular discussions with employees about their needs and what Adjustments they may require in performing their roles.
- Avoiding requiring employees to share any information that is not necessary to implement an Adjustment (noting evidence may be required from JobAccess when requesting EAF).
- Monitoring and undertaking regular ongoing conversations regarding Adjustments (including after any known injury or illness).
- Supporting the Adjustments process by educating their teams on this Policy, as well as building capability and understanding of Disability and other needs and how to create an inclusive Workplace.
- Informing employees of the available escalation and review process, if there is any dispute about the Adjustment or the request.

11.3. **HR Operations Manager** is responsible for overseeing and supporting HRBPs in managing Adjustments.

11.4. **HRBPs** are responsible for:

- Supporting this Policy's implementation, including providing guidance to managers regarding Adjustments.
- Supporting employees that require assistance submitting a Form.
- Acting promptly on requests and maintaining regular communication with the employee throughout the process.
- Consulting with managers (and other SOH stakeholders, depending on the complexity of the requested Adjustment) to respond to requests, notifying employees of the outcome via Encore, and if approved, supporting their implementation.
- Consulting with the employee's director, the director in charge of people matters and SOH's Legal team if an Adjustment may be declined, e.g. it may not be reasonable or cause an unjustifiable hardship on SOH.
- Supporting the transfer of Adjustments when needed.

11.5. **Director in charge of people matters** is responsible for:

- Ensuring a consistent application of this Policy across SOH and that legislative requirements and responsibilities are met.
- Promoting and supporting the use of Adjustments and facilitating conversations about Adjustments between the relevant parties when required.
- Supporting capability uplift for SOH-wide technology solutions.
- Advocating for accessibility to be embedded in all work practices.

- Providing advice on complex Adjustments or that may be declined.

12. RELEVANT LEGISLATION

- Anti-Discrimination Act 1977 (NSW)
- Disability Discrimination Act 1992 (Cth)
- Disability Inclusion Act 2014 (NSW)
- Government Sector Employment Act 2013 (NSW)
- Health Records and Information Privacy Act 2002 (NSW)
- Sex Discrimination Act 1984 (Cth)
- Work Health and Safety Act 2011 (NSW)

13. SOH SUPPORTING DOCUMENTS

- Fitness for Duty Policy
- Flexible Working Policy
- Grievance Resolution Procedure
- Injury Management and Return to Work Policy
- Privacy Management Policy and Plan
- Resolving Workplace Grievances Policy
- Records Management Policy
- Work Health and Safety Policy

Version History

Version	Approved by	Approval date	Effective date	Sections modified
1.0	Chief Executive Officer	13/11/2025	14/11/2025	New policy

APPROVED



Chief Executive Officer

Date: 13/11/2025