Workplace adjustments, flexible working & disclosure

A quick guide for people living with Parkinson's & their care partners in Australia

Your right to reasonable adjustments

- The Disability Discrimination Act 1992 (Cth), or DDA, requires employers to make reasonable adjustments to allow you to perform the inherent requirements of your job, unless doing so would cause unjustifiable hardship.
- Reasonable adjustments for Parkinson's may include: modified work hours, reduced or flexible start and finish times, a quieter workspace, assistive technology (voice-to-text software, ergonomic equipment), modified duties, remote or hybrid working, reserved or closer parking, more frequent rest breaks.
- There is no fixed list of what counts as "reasonable." It depends on your job, your symptoms, and the size and resources of your employer.
- Unjustifiable hardship is assessed by looking at the financial cost, the disruption to the business, and the nature of the adjustment. Large employers have higher obligations than small businesses.
- If you ask for an adjustment and your employer refuses, they must be able to demonstrate that the hardship is unjustifiable. A blanket refusal without consideration is likely to be unlawful.

Your right to request flexible working

- The Fair Work Act 2009 (s.65) gives eligible employees the right to request a flexible working arrangement.
- You are eligible if you have worked for the employer for at least 12 months and you have a disability or illness that makes flexible work necessary, or you are a carer.
- Requests must be in writing, stating the change requested and the reasons.
- Employers must respond in writing within 21 days. They can only refuse on "reasonable business grounds," and they must try to find an alternative arrangement before refusing.
- From 6 June 2023 (Secure Jobs, Better Pay Act 2022), employers must genuinely try to reach agreement. Disputes can now be referred to the Fair Work Commission for arbitration if not resolved.
- Common requests: compressed hours, earlier start and finish times, work from home on high-symptom days, reduced hours.

Do you have to tell your employer about your Parkinson's diagnosis?

In most circumstances, you are not legally required to disclose a health condition to your employer.

- **Exception 1:** if your condition creates a genuine risk to your own safety or the safety of others, you may have an obligation to disclose under the Work Health and Safety Act 2011 (Cth) and its state equivalents.

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- **Exception 2:** if your employer asks a specific, lawful question about your ability to perform the inherent requirements of the role, you must answer honestly. Providing false information may affect future insurance claims under the Insurance Contracts Act 1984.
- **Disclosure during employment is a personal decision, consider:** what adjustments you need and whether they require disclosure; how your employer is likely to respond; and the timing relative to any insurance claims you may need to make.
- **Strategic timing matters:** disclosure before making an insurance claim, or before certain employment events, can affect your entitlements. Seek advice before disclosing.

Insurance disclosure: separate rules apply

When applying for life, TPD, or income protection insurance, you have a duty to take reasonable care not to make a misrepresentation to the insurer (Insurance Contracts Act 1984, s.21A, as amended from 5 October 2021).

This means:

- if an insurer asks whether you have a medical condition, you must answer honestly.
- Failure to disclose can allow the insurer to reduce or refuse a claim, or to void the policy.
- Once you have a diagnosis of Parkinson's, you will generally be unable to obtain new life, TPD, or income protection cover at standard rates. Premiums may be loaded, conditions excluded, or cover refused entirely.
- Existing policies you hold before diagnosis are not affected by the diagnosis, provided you were not already aware of symptoms at the time you applied.If you have existing policies, protect them. Do not cancel or lapse cover you already hold.

Do NOT sign a new employment contract without legal advice

- If your employer offers you a new employment contract after your diagnosis, do not sign it without first seeking legal advice.
- A new contract may reduce your entitlements: it could change your classification, reduce your leave accruals, or alter the terms of your employment in ways that affect insurance claims.
- Your long service leave, redundancy entitlements, and access to workplace insurance may all depend on unbroken continuity of employment under your original contract.
- Similarly, do not accept a role change, a variation in hours, or a reduction in salary without understanding how it affects your insurance. Insurers calculate benefits based on your income and occupation at the time of the claim or at a reference period in the policy.
- Signing a new contract can restart certain entitlement periods. Seek advice first, every time.

Applying for new jobs: what employers can and cannot ask

- Under the DDA, it is unlawful for an employer to ask about your health or disability unless the question directly relates to your ability to perform the inherent requirements of the role.
- You are not required to volunteer information about Parkinson's disease in a job application or interview.
- If asked a general health question such as "Do you have any medical conditions?", you are under no general legal obligation to disclose. However, if you provide false information and this later affects an insurance claim, there may be consequences under the Insurance Contracts Act.
- If you are offered the role and need adjustments to perform it, you may choose to disclose at that point and request reasonable adjustments as part of your induction.

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10-steps to take now

1. Check all your insurances. Do you receive a trauma payout on diagnosis? What income protection do you have in place? How much sick leave have you accrued? What TPD and life cover do you hold, inside and outside super? Write it all down.
2. Think about how your symptoms affect your work and what changes would help. Write down the adjustments you think you might need to continue in your role.
3. If you want to request flexible working, do so in writing under the Fair Work Act (s.65). Keep a copy of the request and any response.
4. If you want to request reasonable adjustments, put the request in writing. Keep a record of the response, including if it is refused.
5. Before you disclose your diagnosis to your employer, consider the timing relative to any insurance applications or claims you may need to make. Seek advice if unsure.
6. Use the YOPX app to record your symptoms and how they affect your work. PDF snapshots, together with health professional reports, can support an adjustment request, a workers compensation claim, or an insurance claim.
7. Do not sign any new employment contract or variation without first seeking legal advice. This includes role changes, hour reductions, and redundancy agreements.
8. Do not be afraid to consider a new role. A different position with modified duties, a new employer, or a career change may be a better long-term fit than struggling in a role that is no longer manageable.
9. Start making an exit plan from work. Even if leaving is still years away, having a plan means you know what insurance to claim first, what entitlements to protect, and what financial support to put in place. Do not wait until you are in crisis to think about this.
10. Consider early retirement if you have received financial and legal advice. Early or medical retirement can be appropriate, but the order in which you claim insurance and access superannuation matters significantly. Get advice before making any decision to leave work permanently.

Key Resources

- Fair Work Ombudsman | 13 13 94 | fairwork.gov.au (flexible work requests)
- Australian Human Rights Commission | 1300 369 711 | humanrights.gov.au
- JobWatch (Vic) | 1800 331 617 | jobwatch.org.au
- Disability Rights Advocacy Service | 1800 675 119 | adras.org.au
- Job Access (employer funding for workplace adjustments) | 1800 464 800 | jobaccess.gov.au
- YOPX app | symptom tracking and PDF report | youngonsetparkinsons.org.au
- Parkinson's Australia | infohub | parkinsons.org.au

Infosheet kindly reviewed by Lachlan McGregor, Associate in the Employment and Industrial Law Section at Maurice Blackburn Lawyers.

This information is general in nature. It does not constitute legal or financial advice. Please seek advice from a qualified professional for your individual circumstances. Information current as at 2026

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