



HeartKids

Employment and your heart



Information for people with childhood heart conditions about your rights and responsibilities in the workplace.

Do I have to tell my employer about my heart condition?

No, you're not legally required to disclose your heart condition to your employer. However, it can be beneficial for requesting workplace adjustments for your safety and productivity.

Additionally, employers can't ask about your heart condition unless it poses a risk to your or others' health, or impairs your ability to perform essential job duties safely. If safety risks exist, employers must consider making reasonable adjustments, provided they don't cause "unjustifiable hardship" due to cost or complexity.²

Some jobs impose medical requirements on employees for safety reasons. This includes some roles in the Armed Forces, Police, Fire and Emergency Services. Depending on your condition, some of these roles may not be available to you.

Talking to your employer about your heart condition can be helpful if it:

- Allows your employer to offer you support, like identifying and offering reasonable workplace adjustments
- Helps to create a more supportive environment for you at work
- Enables your employer and co-workers to create a plan for what they would do in an emergency involving your heart or health
- Allows you to take advantage of recruitment opportunities for people with disabilities (if offered), or helps you demonstrate personal qualities, abilities or life experience relevant to the position
- Enables you to explain possible breaks in your employment history

What kind of support can my employer offer?

If you have spoken to your employer about your condition and you require a few reasonable changes to enable you to work safely, your employer is legally required to implement all/any reasonable adjustments, provided this does not cause 'unjustifiable hardship' on the employer. ²

This could include:

- Offering you flexibility in breaks and meeting times to accommodate medical appointments
- Providing a hands-free headset for you to use if treatment has made holding a phone to your ear difficult
- Allocating a private and clean area for you to take medication
- Installing an emergency defibrillator in the workplace.

If you do tell your employer about your condition, you have the right to privacy. They are not allowed to share the information without your consent.¹

Is my condition a disability?

The words 'I have a disability' may not be something you have ever said or thought. It may not be something that you identify with. How you feel and talk about your condition is up to you. However, it is important to understand what disability means in the context of your employment. Often medical conditions are included under disability discrimination laws and equal opportunity employment schemes.

For example, some employers have recruitment policies in place that favour people with disabilities. You may be able to use your experience managing your condition and the adversity you have overcome doing this to demonstrate why you are a good candidate for the role.

Strategies for a Healthy Work Life

- Take regular breaks and check in with yourself about your energy levels throughout the day
- Set and communicate realistic deadlines so you don't create pressure on yourself
- Remember that it's okay to say 'no' sometimes, we all have the right to set work limits if tasks exceed our capacity to deliver them
- Find out what support services are available at your workplace and use the Employee Assistance Program (EAP) for free professional mental health support if on offer

Sam's Story

Growing up, I had my heart set on joining the army. When my condition required open-heart surgery, it meant I could no longer go down the army path.

Receiving that news was life-altering. I struggled with it mentally for a while. With time, you learn to adapt and overcome. It helps you realise how resilient you can be.

Now I never get nervous before a job interview. The way I look at it is, I'm strong enough to overcome open-heart surgery, so a job interview isn't that scary. Sometimes when I'm in an interview, I tell them about my surgery and what I've learnt from it.

Sam, 31 years
Sales Consultant

What is discrimination in the workplace?

Unlawful workplace discrimination occurs when an employer takes adverse action against an employee or prospective employee because of certain personal characteristics or attributes.³ Adverse action includes doing or threatening things like dismissing an employee, altering an employee's position to their detriment, or refusing to employ a prospective employee.³

In Australia, it is unlawful for an employer to discriminate based on someone's disability or medical condition.³

What is not considered discrimination in the workplace?

It is not considered discrimination if your employer takes action when you are unable to fulfill the reasonable requirements of your job or if your condition affects the safety of your colleagues.

What do I do if I think I am being discriminated against?

Sometimes discrimination might occur because your employer or co-workers don't fully understand your condition and what managing it involves. In many cases, open communication can resolve these issues. The first step is to talk to your employer. This may be through your manager, human resources team, or an employee representative.

If your workplace is unable to resolve the discrimination issue, complaints can be lodged at Human Rights Commissions.

Most cases of unfair dismissal can be heard by the Fair Work Ombudsman. These must be lodged within 21 days. You can learn more at fairwork.gov.au.

What is workplace bullying and what can I do about it?

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.³

Examples of bullying include:

- teasing or playing practical jokes
- excluding someone from work-related events
- making unreasonable work demands.

The first step in dealing with bullying is to talk to your employer to try and resolve it. This may be through the human resources department, your manager or union representative.

If this is not successful, you can apply to the Fair Work Commission for assistance.

Resources on Workplace Bullying and Discrimination


Fair Work Ombudsman

 fairwork.gov.au/employment-conditions

Fair Work Commission

 fwc.gov.au/

Heads Up (Beyond Blue)

 headsup.org.au

Do I have a responsibility to tell my superannuation fund about my heart condition?

Every superannuation fund is different and has its own terms and conditions. Carefully read the fund's product disclosure statement and discuss with them whether there are any implications regarding your heart condition.

I need to take time off due to my heart. What do I do?

Talk with your health care team about how much time off you will need, and then have this conversation with your employer. If your employer already knows about your condition, this is usually an easier conversation to have. They may request to see a medical certificate from your doctor.

In Australia, full-time workers are entitled to a minimum of 10 days paid sick leave per year. This accumulates each year of your employment if not used. You may then need to use your annual leave, your long service leave if you have any, and finally, if your employer agrees to it, unpaid leave. Casual employees do not have the same entitlements.

How can I manage my return to work?

Returning to work can be an important recovery milestone. Plan for your return if you can. Try to give your employer as much notice as possible. This gives them the opportunity to arrange support and organise for any reasonable adjustments to be made. You may want to discuss having a phased return to work. This means starting part-time and gradually building back up to full-time.

Samuel's Story

I'm still figuring out how to balance my life alongside my condition. The balancing act that I do between university, work, my social life and family is unique for me. It may not be the same as the balancing act that you take on.

I try to take it easy on myself and not compare myself to others in this way.

Samuel, 22 years
Law student

References

¹ Job Access (2022). Supporting staff to disclose disability. [Online] Available at: <https://www.jobaccess.gov.au/employers/supporting-staff-disclose-disability>

² Australian Human Rights Commission (2022). Know your rights: Disability discrimination. [Online] Available at: <https://humanrights.gov.au/our-work/disability-rights/know-your-rights-disability-discrimination>

³ Fair Work Ombudsman (2022). Bullying, sexual harassment & discrimination at work. [Online] Available at: <https://www.fairwork.gov.au/employment-conditions/bullying-sexual-harassment-and-discrimination-at-work>

Where to find more information and support

Fair Work Ombudsman

 [fairwork.gov.au](https://www.fairwork.gov.au)

A guide to workplace laws in Australia.

Heads Up (Beyond Blue)


 [headsup.org.au](https://www.headsup.org.au)

Resources to promote better mental health in the workplace.

HeartKids

 [heartkids.org.au](https://www.heartkids.org.au)

Learn more about CHD and the support HeartKids can offer you.

 1800 432 785

Call the HeartKids Helpline for support and guidance.

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This fact sheet was reviewed and updated by HeartKids in TBC. The information in this fact sheet is general in nature. It is not a substitute for legal advice from a professional. It is designed to provide an overview of these issues and mainly references federal employment and anti-discrimination laws, rather than specific state/territory information. The law that applies to you also depends on the type of organisation you work for and your employment status. For example, whether you are considered an employee or an independent contractor. If you are having issues relating to your heart and employment, obtain specific advice on the law relevant to you based on your location and your employment status.

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