

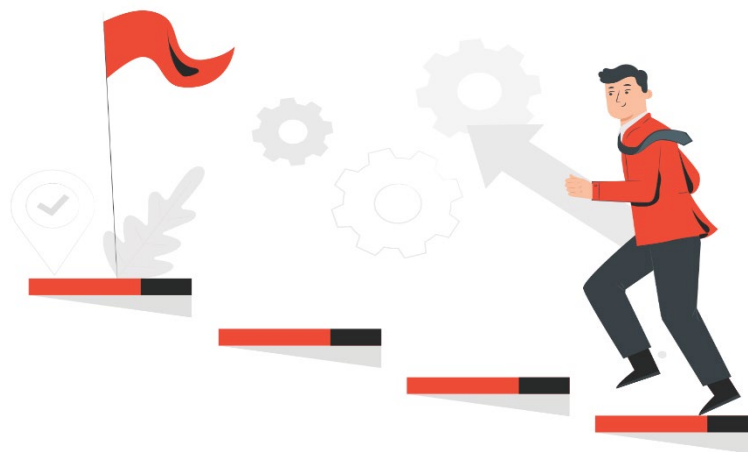


Employers' Guide to Workplace Accommodations

Workplace accommodations are adjustments made at any stage of the employment journey that allow a person with a disability to apply for jobs, interview, and fully perform the duties of a position.

Consider the following facts on making workplace accommodations:

- Accommodation needs will vary widely from person to person and relate to the individual, the environment, and the tasks or tools needed to perform a task/job.
- An employer is not obligated to provide the exact accommodation preferred by the individual. Consultation with the individual must take place before accommodations are implemented.
- The need for accommodations cannot be a factor in considering an applicant's merits.
- An accommodation may be needed at any stage in the employment relationship, including pre-employment (e.g., testing, interviews), establishing a work environment, training, employment, and promotion.
- The probationary period should start after the employee has been accommodated.





Examples of Common Accommodations

Most accommodations are easy to introduce and cost very little. Some persons with disabilities may even be able to provide their own accommodation. Workplace accommodations can come in many different forms. Here are some examples:

Accommodation Form	Accommodation Examples
Change workplace facilities to be more accessible.	Install an accessible door opener and improved lighting.
Create flexible or modified work schedules.	Put in place flexible work hours, frequent breaks, and self-paced workload.
Restructure work or daily tasks.	Divide larger tasks into smaller ones.
Acquire or modify equipment, software or devices needed to do a job.	Provide computer screen magnifier, voice input or speech recognition aids, and ergonomic chair.
Provide assistance through a support service or person.	Use an ASL interpreter.
Change work locations.	Provide quiet workspace and option to work from home.



Shared Responsibilities

According to the [Ontario Human Rights Commission](#), employers and employees have specific roles and responsibilities throughout this process.

Employee Responsibilities



A person with a disability is not required to disclose their disability if they can perform their work without an accommodation, and they do not pose a danger at work to themselves or others.

An employee who requests a workplace accommodation is required to:

- make their accommodation needs known to the employer, preferably in writing;
- answer questions or provide information to the employer on their limitations, which may include information or documentation from a health care provider;
- discuss potential accommodation solutions with the employer;
- collaborate with experts when assistance is needed to manage the accommodation process;
- work with the employer on an ongoing basis to manage the accommodation process;
- meet performance standards and job requirements once accommodations are put in place; and
- discuss disability and associated needs only with those who need to know.



Employer Responsibilities



An employer may ask questions about an employee's ability to perform the functions of the job, but does not have the right to ask for specific information about the disability such as the diagnosis.

Whenever possible, an employer must attempt to provide accommodations without requesting information that is not absolutely necessary. Typically, the employer does not have the right to an employee's confidential information, unless the information clearly relates to the accommodation being requested or more information is required to make a proper assessment.

Employers are also required to:

- be aware that a person may need an accommodation even if they have not requested one;
- accept a person's request in good faith;
- obtain the opinion of an expert or further advice, if needed;
- only request information related to the nature of the limitations disclosed;
- examine alternative approaches and possible accommodation solutions;
- keep a record of accommodation requests and documenting what actions were taken;
- maintain confidentiality and respect the dignity of the person requesting accommodation;
- process and implementing accommodation requests in a timely manner; and
- cover the cost of any medical information or documentation being requested.



Undue Hardship

The [Ontario Human Rights Commission](#) states that “the needs of persons with disabilities must be accommodated in the manner that most respects their dignity, to the point of undue hardship.” An employer has an obligation to accommodate all disabilities up to the point of undue hardship. There are three considerations that are used to determine whether an accommodation would cause undue hardship: cost, outside sources of funding (if any), and health and safety regulations (if any). Let’s look at these three considerations a little more closely.

Cost

An employer may experience undue hardship if the cost of the accommodation need is so great that it affects the sustainability of the business or changes its essential nature. Therefore, if the accommodation requires the business to fundamentally change what it does, this could be considered undue hardship. The cost must relate to the accommodation and it must be quantifiable. The sizes and financial resources of each business will be different; therefore, an undue cost is assessed differently in a small business than a larger one.

Outside Sources of Funding

If an organization was looking to offset the costs of a potential accommodation, it would have an obligation to consider outside sources of funding. Before being able to claim undue hardship, the organization would have to demonstrate that it took advantage of any available sources of funding, which may be accessed through government programs. A person seeking accommodation is also expected to avail themselves of any outside sources of funding to assist with expenses related to their accommodation. If the cost is too much for the employer to cover at once, there may be options to spread it out over time or create a reserve fund.



Health and Safety

As part of the legal requirements of Ontario's health and safety laws, employers have an obligation to protect the health and safety of all their employees, which includes persons with disabilities. Therefore, if a requested accommodation poses a significant health and safety risk, this could be considered undue hardship. In this scenario, the right to be free of discrimination must be balanced with health and safety concerns.



For more information on strategies for minimizing the chances of undue hardship in your organization, please explore the Ontario Human Rights Commission's [Policy on ableism and discrimination based on disability](#).



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- The Job Accommodation Network provides a comprehensive database of [accommodation examples](#) by disability type.
 - Accessible Employers offers a helpful [Workplace Accommodation Guide](#).
 - Mental Health Works provides information on [accommodations for mental health](#).
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References

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Related DCOI Resources

Students' Guide to Workplace Accommodations.

Service Providers' Guide to Communicating with Students about Workplace Accommodations.

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