

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 with regard to accommodations in the workplace:

- Accommodation needs will vary widely from person to person and relate to the individual, the environment, the tasks or the tools needed to perform a job/task.
- 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.
- An accommodation may not be considered to evaluate the merits of an applicant during selection.
- An accommodation may be needed at any stage in the employment relationship including pre-employment (testing, interviews), work environment, training and/or promotions.
- The probationary period should start after an 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
Changing workplace facilities to be more accessible	An accessible door opener, improved lighting
Creating flexible or modified work schedules	Flexible work hours, frequent breaks, self-paced workload
Restructuring work or daily tasks	Larger tasks divided into smaller ones
Acquiring or modifying equipment, software or devices needed to do the job	Computer screen magnifier, voice input or speech recognition aids, ergonomic chair
Providing assistance through a support service or person	ASL interpreter
Changing work locations	Quiet workspace, working from home

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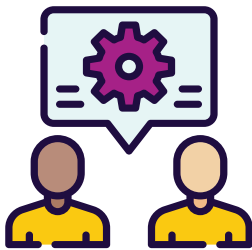
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Shared Responsibilities

According to the **Ontario Human Rights Commission (OHRC)**, 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 the essential elements of the job without an accommodation, and they do not pose a danger at work to themselves or others.

However, an employee who is requesting an accommodation at work, is responsible for:

- Making their accommodation needs known to the employer, preferably in writing.
- Answering questions or providing information to the employer on their limitations, which may include information or documentation from a health care provider.
- Discussing potential accommodation solutions with the employer.
- Collaborating with experts when assistance is needed to manage the accommodation process.
- Working with the employer on an ongoing basis to manage the accommodation process.
- Meeting performance standards and job requirements once accommodations are put in place.
- Discussing disability and associated needs only with those who need to know.

Employer Responsibilities



An employer may ask questions about an individual'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.

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

Additionally, employer responsibility includes:

- Being aware that a person may need an accommodation even if they haven't requested one.
- Accepting a person's request in good faith.
- Obtaining the opinion of an expert or further advice, if needed.
- Only requesting information related to the nature of the limitations mentioned.
- Examining alternative approaches and possible accommodation solutions.
- Keeping a record of accommodation requests and documenting what actions were taken.
- Maintaining confidentiality and respecting the dignity of the person requesting the accommodation.
- Processing and implementing accommodation requests in a timely manner.
- Covering the cost of any medical information or documentation being requested.

Undue Hardship

The **Ontario Human Right 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." There are three considerations that are used to determine whether an accommodation would cause undue hardship, these include 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 need 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 circumstances 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, they have an obligation to consider outside sources of funding. Before being able to claim undue hardship, the employer has to demonstrate that they took advantage of any available sources of funding, which can be found through government programs. A person seeking accommodation is also expected to investigate 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.

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- **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 of their employees, which includes persons with disabilities. Therefore, if an accommodation request could cause a significant health and safety risk, it can be considered undue hardship and the right to be free of discrimination must be balanced with health and safety concerns.



For more information on strategies on how to minimize the chances of undue hardship in your organization, please explore the [Policy on ableism and discrimination based on disability](http://www.ohrc.on.ca/sites/default/files/Policy%20on%20ableism%20and%20discrimination%20based%20on%20disability_accessible_2016.pdf).

[http://www.ohrc.on.ca/sites/default/files/Policy on ableism and discrimination based on disability_accessible_2016.pdf](http://www.ohrc.on.ca/sites/default/files/Policy%20on%20ableism%20and%20discrimination%20based%20on%20disability_accessible_2016.pdf)

- **The Job Accommodation Network** provides a comprehensive database of accommodation examples by disability type — www.askjan.org/soar.cfm
- **The Canadian Council on Rehabilitation and Work** provides examples of Assistive Technologies — www.ccrw.org/learn-more/accommodation-examples
- **Accessible Employers** offers a helpful Workplace Accommodation Guide — www.accessibleemployers.cawp-content/uploads/2017/12/Workplace-Accommodation-Guide-Final.pdf
- **Mental Health Works** provides information on common accommodations for mental health — www.mentalhealthworks.ca/mental-health-accommodations

Sources:

Ontario Human Rights Commission: 13. Duty to Accommodate — www.ohrc.on.ca/en/policy-preventing-discrimination-based-mental-health-disabilities-and-addictions/13-duty-accommodate

Government of Canada: Duty to Accommodate: A General Process For Managers — www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/diversity-inclusion-public-service/working-government-canada-duty-accommodate-right-non-discrimination/duty-accommodate-general-process-managers.html