
Reasonable Accommodation

A guide to developing policies and procedures to assist disabled people through reasonable accommodation (workplace adjustments)



Reasonable accommodation (also known as workplace support or adjustments) is required by many employees not only disabled people.

The most common reasonable accommodation for everyone is flexible hours.

Purpose

The purpose of this information is to assist government agencies in developing their reasonable accommodation (workplace adjustments) policies and procedures. Most agencies have policies around worksite assessments and flexible working, but these do not include the full range of workplace accommodations that could be available.

It is assumed that all health and safety issues have been addressed, including evacuation procedures and protocols.

What is reasonable accommodation?

The United Nations Convention on the Rights of People with Disabilities defines reasonable accommodation as:

the “necessary and appropriate modification and adjustments not imposing a disproportionate burden, where needed in a particular case, to ensure persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms”.

Government agencies provide reasonable accommodation to many employees, such as staff caring for their children or other relatives, staff with religious or ethical beliefs; as well as supporting disabled staff including staff with mental health conditions. These can apply to a current employee whose situation has changed, or for a new employee.

There is a requirement for reasonable accommodation to apply across the whole employment continuum, this includes:

- job advertisements
- the application processes
- selection interviews
- recruitment procedures;
- on the job training
- promotion
- job protection and termination of employment.

Why provide reasonable accommodations

- Attract good employees – tap into the talent pool
- Retain experienced staff
- Comply with the Human Rights Act 1993

Government agencies can open up their talent pool of potential employees by being prepared to consider accommodations such as: flexible hours, working from home, job sharing, and providing ergonomic workstations.

Providing such accommodations can help government agencies retain an experienced workforce by demonstrating that they value each employee and their ability to contribute and improving the overall morale of the workplace.

It has been identified successful managers get the best from their staff when they identify and accommodate what will assist that employee to do the best job possible, whether they have a disability or not. Most accommodations have little or no cost eg flexible working hours, providing instructions in writing, and showing people how to do a task.

Providing reasonable accommodations for disabled staff ensures government agencies meet their obligations under the Human Rights Act 1993. Employers must not discriminate against a person because of their disability. We are obligated to reasonably accommodate a person's disability, including specific services or facilities if needed.

What is reasonable?

The Human Rights Act 1993 doesn't define what is "reasonable", this will depend on the particular circumstances.

Factors we should take into account when considering reasonable accommodation include:

- the activities or business of the organisation
- whether it is practical to make the adjustment
- the effectiveness of the adjustment in assisting the employee to perform their job
- the costs of the adjustments, in relation to the size of the employer's business
- the extent of the organisation's and other resources
- how employees might be impacted
- how much disruption, if any, would be caused to the business or other people
- health and safety.

Why have written policies and procedures?

- Awareness
- Consistency
- Documentation

Written policies and procedures can help managers implement reasonable accommodation policies and procedures, make sure that all employees are aware of the policies and procedures, help ensure consistency when processing accommodation requests and provides advice on the how the employers' efforts to provide effective accommodations are documented.

Elements to consider in your policy

- Flexible and clear
- Accountability
- Budget management
- Communication
- Document

Keep them flexible and clear

If the goal is to make it easier to provide effective job modifications, then develop flexible policies and clear procedures.

Appoint a responsible person or persons

To prevent requests for accommodations being passed from person-to-person or people managers not knowing where to get started, employers should nominate someone to oversee the reasonable accommodation policy and procedures. Whether it is one person, or a team, may vary from agency to agency, but the important thing is to make someone responsible.

To assist with consistency you may appoint someone to provide advice on what is reasonable or not.

Budget management

Your policy and procedures should also be clear around where the budget sits. It may be centrally held, regionally managed, or with people managers. Where it sits will depend on agency's budgetary delegations.

Note: Workbridge administers support funds on behalf of Ministry of Social Development. Government agencies can access support funds where it is not reasonable for them to fund eg NZ Sign Language interpreters; specialist assessments, braille printers. As applications are made by the employee, the equipment is owned by the employee. Support funds cannot not be used for car parking, large screen monitors, standing desks.

Inform everyone

For policies and procedures to be effective it is important that everyone knows about them. Agencies should inform all employees, including people managers and staff. It is a good idea to include this in the induction material for new managers.

Documenting decisions

It is important to document discussions held with staff and support people, any specialist assessments and decisions made including a rationale for the decision and who is responsible for funding. The policy and procedures should identify any review process should a staff member not agree with the decision.

For an example of a reasonable accommodation policy is available from the Ministry of Social Development. Please contact Anne Hawker on (04) 9784142.

Resources

More guidance, including detailed examples of reasonable accommodations, is available from:

- ➔ **Employment NZ**
<https://www.employment.govt.nz/workplace.../reasonable-accommodation-measures>
- ➔ **Workbridge**
<http://www.workbridge.co.nz>
- ➔ **The Human Rights Commission**
<https://www.hrc.co.nz/.../reasonable-accommodation-guide-focussing-persons-disabilities>
- ➔ **The State Services Commission**
[https://www.ssc.govt.nz/lead/reasonable accommodation](https://www.ssc.govt.nz/lead/reasonable%20accommodation)
- ➔ **Job Accommodation Network (USA)**
<https://askjan.org/Effective>

Notes

Anne Hawker
Principal Disability Adviser
Ministry of Social Development
(04) 978 4142

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