

DCIF Project – Accommodation Tool 6: Developing Approaches to Accommodations

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Tags

Who is this for?

High priority:

- HR Professionals

Practical Information:

- Senior managers and executives

What guidance does it provide?

- Developing an understanding of different thought processes behind nuanced accommodation approaches
- How to develop an accommodation strategy and HR policies that best suit your organization
- Break down of 5 fundamental approaches to adopt in developing an accommodation strategy
- Access to useful, fillable checklists and relevant documents to support your accommodation process

Take home points

- There is no set formula for accommodation.
- Here are a few fundamental approaches to consider when creating an inclusive and accessible accommodation process and implementing change through HR policies:
 - **Approach 1: Standardized** - is a process that is simple, straightforward, and efficient. As best practice, an employer and an employee with a disability should work together to determine and implement appropriate accommodation measures
 - **Approach 2: De-medicalized** – This approach means they will not ask for medical ‘proof’ of a disability. It also reflects an understanding of disability through the social model of disability, where societal barriers are what cause the experience of disability.
 - **Approach 3: Individualized** - Employers may be tempted to assume that if one accommodation works for a person with a specific type of disability, the accommodation will be suitable for a different worker with the same disability. However, two employees with the same disability may have very different needs. The way that workers experience disability differently calls for a flexible **and individualized approach** to accommodations.
 - **Approach 4: Proactive** - Accessibility means that an organization has taken steps to ensure that everyone, no matter what their background, language, disability, or personal needs, can feel comfortable in the workspace and productively engage in the services.

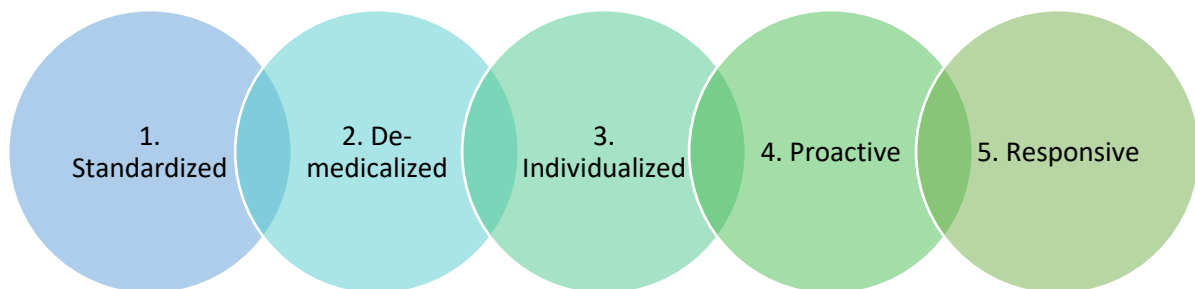
- **Approach 5: Responsive** - This approach should be used adjacent to all approaches in the accommodation process. The best practice is to address an employee's needs as quickly as possible.

Creating an Inclusive and Accessible Approach

In some circumstances, the best way to ensure the dignity of persons with disabilities may be to provide separate or specialized services” -Ontario Human Rights Commission²

There is no set formula for accommodation. Each of your worker’s needs are unique and must be considered afresh when an accommodation request is made.³ At all times, the emphasis must be on the individual and not on the nature of their disability or reason for requesting an accommodation. Blanket approaches to accommodation that rely solely on categories, labels, and generalizations are harmful and moreover, will not lead to successful implementation of accommodations.⁴

Here are a few fundamental approaches to consider when creating an inclusive and accessible accommodation process and implementing change through HR policies:



1. A **Standardized Approach**

As best practice, an employer and an employee with a disability should work together to determine and implement appropriate accommodation measures. But first, it is important to develop a framework to ensure the core stages of the accommodation process are the same for everyone. Following actions will help you develop an effective accommodation infrastructure, thereby creating a disability inclusive workplace:⁵

1. **Collaborate with your employees with disabilities.** The accommodation process will not succeed if it is one way. It is essential for the employer and the employee to work together in a collaborative manner to find the best solution.
2. **Develop actionable policies and processes.** Create disability inclusive accommodation policies and procedures and review them routinely to ensure they contain best and promising practices. The Job Accommodation Network (JAN) has composed an easy to use [Flowchart](#) to help handle accommodation requests clearly.
3. **Develop resources to support your process.** A strong accommodation framework should include a structured process for communication and documentation of accommodation requests (within the organization and externally, as such with an applicant for a job). This is critical in ensuring that all applicants, candidates, and workers have access to the adjustments and supports they need to thrive. Prepare all forms ahead of time and make sure they are readily available within local folders and team sites or make physical copies available to all employees.

- a. **Accommodations during recruitment:** Develop a form that all applicants can access to indicate what they need to compete fairly on the basis of skill and potential. Please see the sample [recruitment accommodation form template](#).
 - b. **Accommodations on the job:** Once successful candidates are hired and onboarding begins, be sure to schedule a conversation with them around your company's accommodation policy and the overall accommodation process. Take the opportunity to walk through the specific workplace supports, tools, and resources that you can provide, such as a [workplace accommodation passport template](#). For more information on accommodation passports, please visit the [Accommodation Tool 10 - Supporting the Development of Accommodation Passports](#).
4. **Develop checklists.** Process checklists can be helpful to manage the accommodation process. Refer to JAN's sample onboarding and accommodation checklists for inspiration and create your own based on your organization's context and policies.⁶ For more information, please visit [Accommodation Checklist](#) and [Accommodation Checklist – Disclosure of Medical Information](#).
 5. **Communicate and educate.** Consistent, clear, and respectful communication is essential for a successful accommodation process. Provide accessibility and disability inclusion training to all workers so they feel confident when supporting colleagues with disabilities and navigating the accommodation journey.
 6. **Track requests.** Tracking accommodation requests is an integral step of the accommodation process that enables an employer to better understand the needs of their workforce. As well, through tracking, you can schedule routine follow-ups and evaluate whether previously agreed upon accommodations are still working for employees.

*Pop Up: A **Standardized** Accommodation approach is the foundation of the remaining 4 other approaches. This guidance can and should be implemented in conjunction with the other recommended approaches.*

When developing an accommodation approach, unions can be involved as much as an employee desires. A union's role can be but is not limited to:

- Representing and assisting workers during the accommodation process
- Offering suggestions on successful accommodations informed by their ground-level understanding of job tasks
- Aiding in determining appropriate accommodation alternatives
- Protecting the interests of ALL its members, by ensuring that an accommodation does not create undue hardship for any members

As a result of union members direct knowledge of job responsibilities, they are often aware of details and demands of many jobs and work arrangement in a workplace. Employers and unions who collaborate in the development of accommodation plans and processes will tend to have more sustainable and satisfactory accommodation outcomes.

2: A **De-medicalized** Approach

Tools and resources used to evaluate and respond to accommodation requests are typically designed for people with physical disabilities. In other words, these policies, processes, and tools are focused on the medical aspects of disability, rather than the functional abilities of the employee.⁷ With this approach, employers will find it challenging to support the diverse needs of their workforce, including people with invisible disabilities (e.g., mental health, addiction, chronic fatigue, etc.).

Disability confident managers centre the accommodation process around addressing and removing the barriers the employee faces in the workplace by:

- Taking the emphasis off of medical diagnoses and labels
- Investing resources in identifying workplace barriers and corresponding solutions
- Instead of asking a worker to ‘prove’ their need for an accommodation, leading with trust
- Protecting and promoting confidentiality and privacy of workers

Pop-Up: The provision of medical information by workers with disabilities – the type or scope of information, and with whom it is shared – may implicate the privacy of workers. In rare situations where a person’s accommodation needs are complex, challenging, or unclear, the person may be asked to cooperate by providing more information, up to and including a diagnosis. In such situations, an employer must be able to clearly justify why the information is needed.⁸ To balance this, both employers and workers should act in good faith.

The Importance of Good Faith

If your worker approaches you seeking an accommodation, engage in good faith:⁸

- Organizations should not by any means diagnose illness or “second-guess” the health status of an employee
- Organizations cannot substitute their own opinion for that of medical documentation provided by a health professional
- Organizations must not ask for more confidential medical information than necessary because it doubts the person’s disclosure of their disability based on its own impressionistic view of what a disability should “look like.”

Take a look at this example from the Ontario Human Rights Commission: A woman discloses to her co-workers that she experiences depression. Later, she presents a doctor’s note verifying that she is being treated for a “medical condition” and indicating she requires a week off work. While the employer knows that the woman has said she is depressed, it is his view that she doesn’t appear to be sad or distressed. As a result, he refuses to provide the accommodation unless she provides more information about her diagnosis. This is a violation of her rights.⁹

Pop Up: An employer should be able to explain why it is requesting particular information about a person’s disability and how this relates to the accommodation.

A Rule of Thumb

The best practice of disability confidence encourages employers to take a de-medicalized approach. This means they will not ask for medical ‘proof’ of a disability. It also reflects an understanding of disability through the social model of disability,¹⁰ where societal barriers are what cause the experience of disability.

Generally, the accommodation provider does not have the right to know a person’s confidential medical information, such as the cause of the disability, diagnosis, symptoms, or treatment, unless these clearly relate to the accommodation being sought, or the person’s needs are complex, challenging, or unclear and more information is needed.¹¹

To ensure the accommodation process is efficient and effective for both the employer and worker, review JAN’s resources for the disclosure of medical information.¹²

Other Considerations

- Employer's must be aware that it is a violation of a person's human rights to impose blanket conditions (e.g., get treatment, monitor treatment) to maintain employment
- Employers should bear the cost of any requested medical information or documentation (e.g., cost of doctor's notes, psychological assessments, letters, etc.)
- When no diagnosis is present, employers must make genuine efforts to provide needed accommodations without medical information. This can be for a number of reasons, such as:
 - Many workers who have not worked in the disability or healthcare space will not understand the difficulty that comes with diagnosis
 - Long wait times to get diagnosis
 - Lack of General Practitioners to provide diagnosis
 - Lack of access to specialists
- If a worker does not know what accommodations they may need, it does not mean that they do not require an accommodation - they may require assistance identifying, articulating, and thinking of way to manage their disability
- Be open and confer with other professional and community supports to offer guidance

3. An Individualized Approach

Employers may be tempted to assume that if one accommodation works for a person with a specific type of disability, the accommodation will be suitable for a different worker with the same disability. However, two employees with the same disability may have very different needs; for example, while one employee who is blind reads Braille, another employee with the same disability may not, and require a screen reader instead. The way that workers experience disability differently calls for a flexible and individualized approach to accommodations.

What is an individualized accommodation plan?

An individual accommodation plan is a formal, written way of recording and reviewing the workplace-related accommodations that will be provided to a person with a disability.¹³ Tailor your approach to determining an appropriate accommodation with each worker. Root the process in collaboration and continued conversation about how the worker's needs can be best supported. Elements that must be a part of developing and documenting individual accommodation plans include:

- How the employee can participate in the process
- How the employer can seek outside expert advice to help determine an employee's accommodation needs
- How the privacy of personal information will be protected
- How often the plan will be reviewed¹⁴

4. A Proactive Approach

Accessibility is proactive; accommodations are reactive.

As illustrated in a recent LinkedIn opinion article,¹ there is a world of difference between providing workplace accommodations to workers with disabilities and building a workplace culture that celebrates and continually strives for accessibility. Accessibility means that an organization has taken steps to ensure that everyone, no matter their background, identity, ability, etc., can feel safe and comfortable in

the workspace and productively engage with their work. It is the pursuit of a barrier-free organization, where access is built into products, services, policies, procedures, and more.

Serv Imagine that you are Deaf and you are trying to communicate with the customer service department of an IT company. The well-meaning service rep suggests shifting the conversation to chat. As a Hearing person unfamiliar with the culture and communication of the Deaf community, this might seem like a reasonable accommodation. But it falls far short of accessibility because it assumes that every Deaf customer is as proficient with the English language as they are with their native ASL.

Services like online chat, TTY, or calling through VRS (Video Relay Service) can certainly accommodate many Deaf customers, but it is mere accommodation simply because these are services that the customer must request to use; services that require the customer to carry the burden of communicating in English instead of ASL or going through a third-party gatekeeper like VRS.

To achieve genuine accessibility for the Deaf community, an organization must seek to incorporate authentic cultural understanding. The best way to do this is to employ people from the Deaf community; people who use ASL to communicate; people who can provide the ultimate customer experience rather than just handling the interaction via VRS or online chat.¹

For more information on accessibility in the workplace, please visit [Culture Tool 7 - Embedding Accessibility Into Workplace Culture](#)

In addition to genuine cultural understanding, organizations should look to incorporate inclusive design principles cross-organizationally. Inclusive design aims to offer solutions to all users, across their broad spectrum of intersectional needs, perspectives, and behaviours, and across time:¹⁵

- It welcomes the provision of accommodations and adjustments for anyone who may require them to use features within the built environment
- It explains that an important aspect of design is including a diverse group of people in the design process
- It focuses on building for the present and the future, to promote sustainability in design.

If an environment is accessible, usable, convenient and a pleasure to use, everyone benefits.

To learn more about inclusive design, please visit the [Built Environment Tool 1 - Understanding the Building Blocks of Inclusive Design](#)

5. A Responsive Approach

The best practice is to address an employee's needs as quickly as possible. While providing workplace accommodations can certainly benefit everyone, for employees with disability who require the accommodation to work proficiently and in a supportive environment, it may be the difference between being able to work and being unemployed. Disability confident managers understand that it is not simply a benefit to someone needing that accommodation, it is a necessity.

- Account for flexibility needed in the process
- Be adaptable depending on what is and what is not working
- Recognize that accommodations may need to change over time
- Follow up to assess if agreed upon adjustments continue to be effective for your workers

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