

# DCIF Project – Accommodation Tool 7: Breaking Down the Accommodation Process

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## Tags

### Who is this for?

High priority:

- Direct managers
- Corporate cross-departmental managers

### What guidance does it provide?

- If you are a manager looking to accommodate a worker with a disability, follow the 5 steps recommended to ensure that the accommodation is accessible to all
- How to ensure the provision of **assistive technology** in the accommodation process is inclusive and accessible

### Take home points

- Workplace accommodations are modifications made at any stage of the employment journey that enable all workers to fully participate in employment.
- While accommodation in most cases is straightforward and simple, it can sometimes be a lengthy and complex process. In any case, it is important that the accommodation process be effective and respect the dignity of accommodation seekers.
- **Assistive technology** is essentially a service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive device.
- Even before a request for an accommodation is received, an employer must inform all employees and job applicants that accommodation measures are available within the organization.

## Workplace Accommodation Process

*Workplace accommodations can be made at any stage of the employment journey to enable workers to fully participate in employment.<sup>1</sup>*

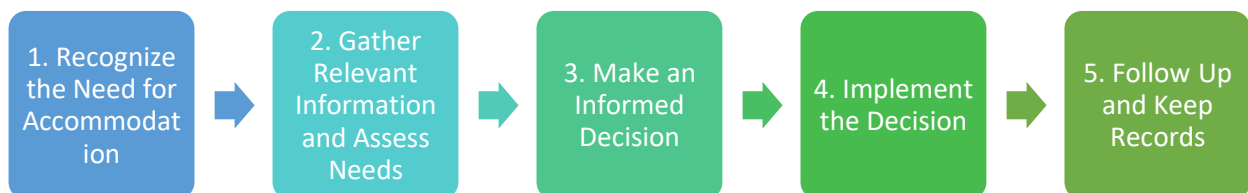
Although the accommodation can often be straightforward and simple, sometimes, the accommodation process may be timely or challenging to implement. Nonetheless, it is essential that the accommodation process, as well as the selected or agreed upon accommodation, supports the employee and ensures that their barriers to employment are mitigated or removed. When both the employer and the worker with a disability understand their roles and responsibilities, the process is more likely to be successful. Clear, transparent policies and practices must be in place so that you can meet and exceed your legal duty to accommodate.<sup>2</sup> When the accommodation process is effectively addresses your workers' needs, everyone wins.

Carleton University has developed some promising practices to consider when designing and delivering a workplace accommodation process:<sup>1</sup>

- 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 and during accommodations are implemented
- As accommodations are an iterative process, they will need to be checked routinely and potentially adjusted at the initial implementation period and over time as the needs of the worker change
- 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 (i.e., during recruitment, testing, and interviews), work environment, training and/or promotions
- A worker's probationary period should start after they have been accommodated

### A Five-Step Guide to the Accommodation Process

The Treasury Board of Canada Secretariat has authored a resource on the duty to accommodate for employees and managers in the federal public service. as developed an in-depth, step-by-step framework to guide the accommodation process:<sup>3</sup>



#### Step 1: Recognize the Need for Accommodation

- The duty to accommodate is not about employee preferences; it is about removing discriminatory barriers that are prohibited by the *Canadian Human Rights Act*.
- An employee or candidate has requested accommodation.

- You are aware that accommodation may be needed.
- A third party acting on behalf of the employee or candidate has requested accommodation.
- A request does not have to be in writing, and self-identification is not required to receive accommodation.
- Once a need has been identified, the onus is legally on you as a manager to accommodate.

#### Step 2: Gather Relevant Information and Assess Needs

- All accommodation documents must be kept confidential and separate from all human resources files.
- Ask the employee or candidate what type of accommodation is needed. If applicable, ask the individual to provide supporting documentation, e.g., from a doctor.
- Find out about your organization's requirements and processes.
- Document your steps and keep your organizational contact informed.
- Consult other resources if needed (your organizational contact, health professional or other functional specialists).
- Assess the work environment of the employee to determine the best way to meet the request.

#### Step 3: Make an Informed Decision

- Each person has unique needs. Work in partnership with the individual to find a solution.
- Take the time to review the request, understand the needs and review supporting documentation to find the most effective, practical, and cost-efficient solution.
- Work with all interested parties, including the employee, the employee representative, functional specialists and, if necessary, co-workers for successful accommodation.
- Document the accommodation agreement according to your organization's processes and keep your organizational contact up to date on a timely basis.

#### Step 4: Implement the Decision

- Accommodation is about removing barriers to enable an employee to perform and contribute fully to the organization.
- Put in place the appropriate mechanisms to implement the agreed-upon approach.
- Advise the individual of the rationale behind your decision, particularly if the request is denied based on a bona fide occupational requirement and/or undue hardship for the employer.
- Ensure that the individual is aware of all available recourses
- Consult with the individual regarding the best approach to explaining the accommodation to anyone affected by the measures, if necessary.

#### Step 5: Follow Up and Keep Records

- You should respect the dignity and privacy of the person being accommodated. Communicate only what you need to those who need to know.
- Regularly follow up with the individual and modify the accommodation if necessary.
- Document any changes and provide pertinent information to your organizational contact on a timely basis, respecting privacy, and confidentiality.
- Integrate accommodation needs into future human resources and business planning.

#### Intersectionality Avatars

**Taylor:** I have been bullied my whole life. I have always been shy, always scared to take up space. How could I not be? What I saw was that there were clear roles for girls and boys. I was neither, so I felt I did not deserve anything. All this caused anxiety, existential questions about my self-worth, fear of social

situations and more. I later found out that this was called gender dysphoria.

My manager was amazing with me when he noticed that I was struggling working face to face with clients as a bank teller. Instead of firing me, he suggested I opt for the universal supports and employee benefits the company offers to everyone. I used the company's Employee Assistance Program for counselling and began seeing a psychologist. Therapy helped me understand myself much better and find my voice, which in the end increased my job performance.

#### A Union's Role in the Accommodation Process:

Unions do not have an automatic right to participate in the accommodation process. The participation of unions may happen:

- Where the union plays a role in the policy or rule that is discriminatory or inhibits accessibility
- Where the union's agreement is necessary to implement the accommodation
- Where no alternative solution can be found between the employee and employer
- Where the employee specifically requests the union's involvement

When and if unions are involved, they can help review policies and practice to remove barriers, guide employees through the accommodation process, facilitate implementation of the accommodation, and support the employee. They ensure that an accommodation solution doesn't conflict with the collective agreement.

## Additional Resources to Guide You

### Job Accommodation Network (JAN)

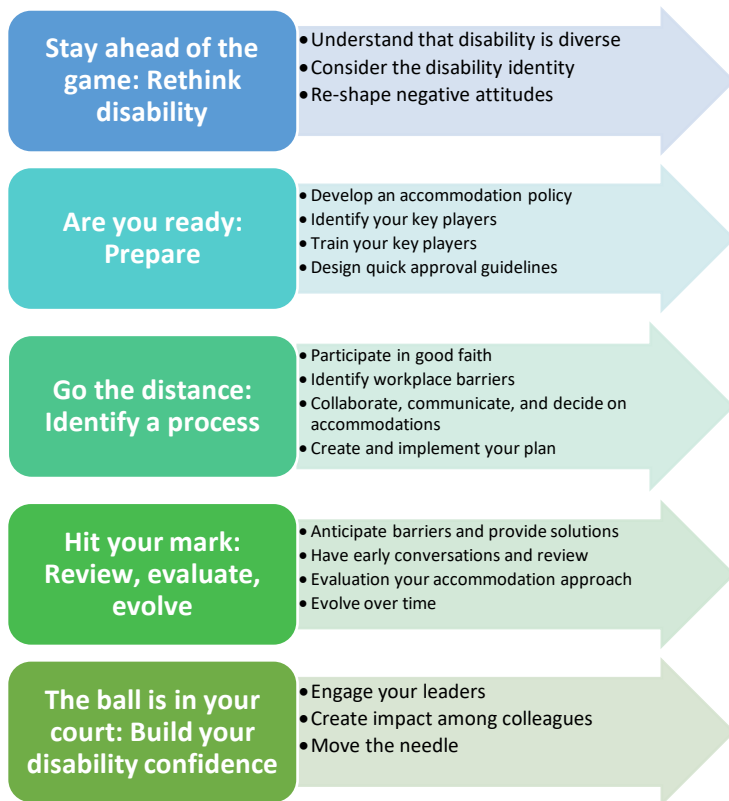
JAN's Workplace Accommodation Toolkit is a free, comprehensive online resource for employers seeking to move beyond basic compliance to create more disability-inclusive workplaces. The Toolkit provides guidance and resources for developing or updating accommodation policies and processes while leveraging the best proven practices available to date. The Toolkit contains actionable accommodation policies and processes from leading U.S. businesses, a suite of accommodation forms, training presentations, and role play videos modeling inclusive behaviors. Although based in the United States, the guidance provided is transferable and competent in providing best and emerging practices for creating an inclusive workplace for people with disabilities during all phases of the employment life cycle for all businesses.

To read the fulsome toolkit, follow this link to see the JAN's Workplace Accommodation Toolkit:

<https://askjan.org/toolkit/index.cfm>

### Accommodation and Inclusion Management (AIM) Playbook

The Accommodation and Inclusion Management Playbook (CCRW, 2021) offers a blueprint to anyone who is interested in advancing accessibility through the deployment of workplace accommodations. Using a research-informed and intersectional approach, the playbook showcases five carefully crafted recommendations, or 'plays', to guide a manager's thinking when engaging in an accommodation process with an employee. The Playbook is written to bring to life practical, accessible, and actional information to increase knowledge and demonstrate authentic, lived experience from business leaders and persons with disabilities in a streamlined and continuous fashion.



These recommendations are broad in nature – representing that disability is diverse and no two employees share the same accommodation experience. As you move through the plays, note that they do not intend to be prescriptive or provide in-depth ‘how-to’s’ to be followed point-blank. Instead, the Playbook outlines a general approach to conducting accommodations grounded in best practice. It challenges readers to apply each play in a tailored, flexible, and thoughtful manner depending on each employee and their specific needs.

**[For more information on the application of AIM plays, please click: <https://ccrw.org/business-solutions/accommodations-aim/>]**

To read the fulsome descriptions of each recommendation, as well as many more tips to support you while facilitating the accommodation process, follow this link to see the playbook **[link playbook]**.

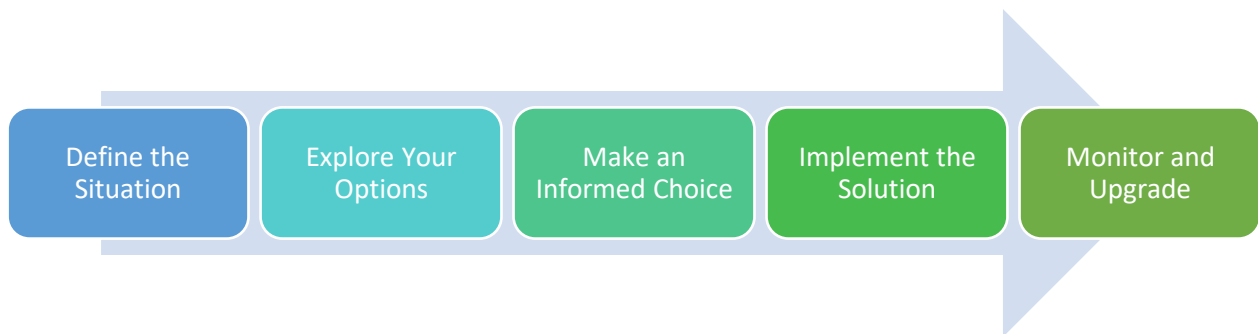
### Assistive Technology's Role in the Workplace Accommodation Process

Assistive technology (AT) can refer to any system or service related to the delivery of assistive products and services<sup>4</sup> Assistive products enable an individual to perform an activity with greater independence. AT devices include "high-tech" products that are highly specialized and/or specifically designed and "low-tech" products that are not readily available to the general population.

Assistive technology may include:

- Evaluation
- Purchasing, leasing, or otherwise providing for the acquisition of assistive technology
- Selecting, adapting, maintaining, and repairing
- Coordinating and using other therapies or services
- Training and technical assistance for the individual with a disability and for professionals and employers

The following steps developed by the Job Accommodation Network (JAN) are helpful when choosing AT to meet the specific accommodation needs of an employee with a disability:<sup>5</sup>



1. **Define the situation:** The first step in choosing AT to accommodate an individual with a disability is to define the situation. An effective way to do this is to determine what job functions need to be accommodated by evaluating the individual's work site, workstation, and work activities
2. **Explore available assistive technology options:** Once the situation has been defined, the next step is to explore available AT options. A good starting point is consulting with the individual who needs the accommodation. Together explore available options to contact
3. **Choose assistive technology: once the prior steps are completed, an informed choice can be made. Consider the following:**
  - a. Is there technical support available?
  - b. Is there a money back guarantee and warranty?
  - c. Is there an option to upgrade with newer versions?
  - d. Is the product compatible with other technology used?
  - e. Is training available?
  - f. Does the electronic infrastructure support interoperability with the AT?
  - g. How will the AT be funded?
4. **Implement assistive technology:** once a potential AT is chosen, the next step is to implement AT, which involves purchasing the product/service, providing appropriate training, and ensuring that the individual with the disability can successfully use the AT.
5. **Monitor and upgrade assistive technology:** providing AT as an accommodation is an ongoing process between an employee and employer. It is important to keep the lines of communication open, monitor effectiveness, and upgrade the AT as needed. Consider the following questions:
  - a. If training was provided, was it effective?
  - b. Is the AT being used properly?
  - c. Is the AT being maintained?

For more information on assistive, please visit [Accommodations Tool 9 - Unlocking the Potential of Assistive Technology](#)

## References

- <sup>1</sup> Carleton University (n.d.). *Employers Guide to Workplace Accommodations*. <https://carleton.ca/read/wp-content/uploads/DCOI-Tipsheets-Employers-Guide-To-Workplace-Accommodations.pdf>
- <sup>2</sup> Ontario Human Rights Commission (n.d.) *Accommodation policy and procedure*. <https://www.ohrc.on.ca/en/policy-primer-guide-developing-human-rights-policies-and-procedures/7-accommodation-policy-and-procedure>
- <sup>3</sup> Government of Canada (2011, November 4). *Duty to Accommodate: A General Process for Managers*. <https://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>
- <sup>4</sup> World Health Organization (2018, May 18). *Assistive technology*. <https://www.who.int/news-room/fact-sheets/detail/assistive-technology>
- <sup>5</sup> Job Accommodation Network (n.d.). *Accommodation and Compliance: Technology*. Technology Topics. <https://askjan.org/topics/tech.cfm>