



PERFORMANCE MANAGEMENT

TOOL 4: SUPPORTING WORKERS WITH
DISABILITIES DURING PERFORMANCE
MANAGEMENT

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TOOL 4: SUPPORTING WORKERS WITH DISABILITIES DURING PERFORMANCE MANAGEMENT

Who is this for

High priority

- Direct Line Managers

Practical Information

- DEI and HR Professionals

What guidance does it provide?

- How to implement accommodation plans and take them into consideration during performance review

Take-home points

- Offering workplace adjustments, flexibility, and accommodations are essential building blocks that help workers succeed in their roles.
- After determining the appropriate accommodations for a worker, further discussions about the how they will perform certain functions of the job is needed. For example:
 - Accessing the workplace/workstation
 - Communicating verbally/written
 - Maintaining focus, organization, or energy level
 - Coping with stress or social situation
 - Specific job-related technological tasks
- Although accommodations are necessary in many cases to promote good performance, when a worker does not give notice of the need for an accommodation until after a performance problem has occurred, reasonable accommodation does not require that the employer to tolerate poor performance or give an evaluation that does not reflect the worker's actual performance.
- Speak with your employee on the best next steps, and ensure enough time is provided to begin the accommodation process an evaluate fairly on performance.

SUPPORTING YOUR WORKERS THROUGH PERFORMANCE MANAGEMENT

Workplace Accommodations and Performance

Disability confident employers recognize the importance of creating a workplace culture and environment that supports all workers. Offering workplace adjustments, flexibility, and accommodations are essential building blocks that help workers succeed in their roles. There are many steps that you can take to foster a culture that supports a worker's choice to disclose their disability. If the need for accommodation has been identified by a worker, be sure to cycle through our comprehensive accommodation tools. Please visit [Accommodations Tool 4 - Protecting Workers' Confidentiality and Privacy](#) to guide the process.

After determining the appropriate accommodations for a worker, further discussions about the how they will perform certain functions of the job is needed. For example, talk to your worker about:

- Accessing the workplace/workstation
- Communicating verbally/written
- Maintaining focus, organization, or energy level
- Coping with stress or social situation
- Specific job-related technological tasks

Managers, supervisors, and HR professionals need to know who to contact within their organization to begin this process. A best practice is to initiate this process as soon as possible after an accommodation need is realized, discuss how a disability may be affecting performance, and identify an accommodation that may enable the worker to perform the essential functions of the job.

The right accommodations can enable a worker to meet the performance standards of the position. At the same time, recognize that accommodation needs may change over time.

REVIEWING CURRENT ACCOMMODATION PLANS

Reviewing Current Accommodation Plans

Discussing the efficacy of accommodation plans is critical to performance management. If a worker experiences a change in environment or role, the identified accommodation plan may no longer be suitable. Only with time and experience can both the employer and the worker develop a better understanding of whether an agreed upon accommodation optimally supports success and skill development on the job. Here are some helpful tips for addressing current accommodation plans:

- Review and consider existing accommodation plans prior to assessing job-related performance
- Stay current and ensure that the implementation of accommodations is consistent throughout the employee life cycle
- We all learn differently – approach each worker to find out what would make the process of performance management more accessible
- Your worker is the expert in identifying their own needs and what accommodations may work best to address those needs – work with your them to decide upon accommodation strategies together

Pop Up: Disability confident employers are observant. They notice if a worker is succeeding with their accommodation, and always strive to validate an individual's hard work. If an accommodation is not working well, reach out to the worker and schedule a time to discuss what changes can be made to better support them.

DISABILITY SELF-DISCLOSURE AFTER PERFORMANCE ISSUES

Disability Self-Disclosure After Performance Issues

When a worker does not give notice of the need for an accommodation until after a performance problem has occurred, reasonable accommodation does not require that the employer: [1]

- Tolerate or excuse the poor performance
- Raise a performance rating
- Give an evaluation that does not reflect the worker's actual performance

Example: Ronnie, an IT Operations Analyst does not disclose their Myalgic Encephalomyelitis, even when they begin having performance problems that they believe are disability related. Ronnie's manager has raised concerns about Ronnie's performance and says that if Ronnie does not improve within the next quarter, they will be forced to write Ronnie up. Because of this warning, Ronnie discloses their disability and asks for a reasonable accommodation.

What does a manager do in this scenario?

The manager must begin a collaborative process to discuss Ronnie's request and determine how an accommodation would support Ronnie in fulfilling their duties. Here are important things to remember:

- Ronnie's manager does not need to rescind the oral warning they gave, nor the requirement that Ronnie's performance must improve
- However, the one quarter time period to evaluate the Ronnie's performance should be delayed until a decision has been made about Ronnie's request for an accommodation
- This will allow the manager to better assess Ronnie's performance in a fair and accessible way

What can a manager do when a request for accommodation is being processed?

Requests for reasonable accommodation should be handled expeditiously; unnecessary delays in determining or providing an effective accommodation may cause further harm. An employer may need to determine what happens to a worker while it is handling a request for accommodation:

- Ronnie's manager may decide that Ronnie only performs functions of their job where no accommodation is required
- The manager should also maintain consistent communication with all the necessary parties (e.g., the worker, any HR professional or accommodation specialist who is arranging accommodations) to keep everyone abreast of important updates about the accommodation [2]

WORKPLACE ACCOMMODATIONS AND CAREER ADVANCEMENT

Clarifying Expectations and Performance Standards [1]

All workers have diverse backgrounds and bring unique skillsets to the workplace. Disability confident managers will take the time to identify each worker's needs and various learning styles, and deliver the right supports to help them flourish. Workplace accommodations can not only help workers with disabilities achieve performance standards that are required of them but can also enable them to pursue career advancement opportunities.

Workers with disabilities may require assistance in changing their job responsibilities through career advancement or lateral job changes. In these instances, employers should consider the following:

- What instruction or training can be provided to the worker so that they have the opportunity to advance within the company?
- What inhouse workshops or personal development opportunities do they have access to?
- Is there anything that I can do to support their participation in career advancement (e.g., providing an American Sign Language interpreter, offering alternate formats for training materials, arranging accessible transportation to conferences, etc.)

INTERSECTIONALITY VIGNETTE

Intersectionality Vignette

Sam Lemieux

I'm Sam, a 23-year-old student with experience in customer service. Due to my chronic illness, working long hours in a structured workplace is challenging for me. Employers in the past have told me that I am not working hard enough, and I should be able to last the full work shift because I'm young and am usually upbeat and outgoing. My employer does not know how to support my chronic fatigue, and because of this, it's hard for me to maintain employment for a longer period of time. I also live with a visible disability, and this means that as soon as I enter a room, my disability is disclosed. To have a fair chance at employment, I require accommodations, but this means that I am also at the risk of unfair decisions and assessments based on my disability.

I have a lot to offer, but when there are so many barriers, it's discouraging. If I want something I need to ask. Having an open discussion about accommodations in a consistent manner is essential. This makes sure that any adjustments that have been made to support me, change and evolve, just as my needs are changing and evolving too. Having an open and constant conversation around my performance, and the accommodations that can help, prolong my employment journey.

If one doesn't know their rights, they cannot ask for accommodations or help. It is important to ask for them because all of us have something great to bring to work. We just need a couple of things changed to do so. We need and deserve these things!

REFERENCES

[1] U.S Equal Opportunity Employment Opportunity Commission. (n.d.). Applying performance and conduct standards to employees with disabilities. <https://www.eeoc.gov/laws/guidance/applying-performance-and-conduct-standards-employees-disabilities>

[2] Job Accommodation Network (n.d.). Accommodation and compliance: interactive process. Interactive Process. <https://askjan.org/topics/interactive.cfm>