

What You Should Know About Accommodation in the Workplace

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If you have a disability and you need some modifications or adjustments to your hours, your work environment or your duties, so that you can do the job that you are being paid to do, then you should know that you are entitled to request accommodation at your workplace. And your employer is required to go through the process with you to put the right modifications in place.

What is Accommodation for a disability?

The word Accommodation in the context of the workplace is a very misunderstood word.

Because it has a legal definition, many people have lost sight of what the word actually describes. The Oxford English dictionary gives the best definition:

Accommodation is: The process of adapting or adjusting to someone or something.

That's it – no more complicated than that. And the great thing about this definition is that it defines it as a *process*, not an end result or a thing.

There is however, a legal definition that requires employers to offer Accommodation to a job applicant or an employee with a disability who requests it. Each province has a human rights code that has a definition of accommodation. And for those companies that must comply with the federal human rights code, there is also a definition. What they all have in common is this:

- The accommodation measures must be reasonable.
- The accommodation measures must be related to a disability.
- The accommodation measures must be necessary for the employee to be able to do the key duties of their job. (i.e. the minimum tasks required of the job).
 - The accommodation measures should not be simply for your convenience.
- The accommodation measures cannot cause undue hardship.
 - This means that the actions the employer would have to take to put in place accommodation measures would not result in a significant difficulty (usually related to health and safety) or expense for the employer.
- The employer and the employee (or job applicant) must both cooperate in the process of deciding what accommodation measures would work best.

So what do you have to do?

Once you make a request for accommodation due to a disability, you will be expected to:

- Cooperate in providing information as quickly as possible to your employer. This might include answering questions or providing information regarding your abilities and, or restrictions or limitations, and will probably include information from health care professional(s), where appropriate, and as needed;

- Be willing to try different measures on a trial basis so that you and your employer can see if the Accommodation measures are right for you;
- Participate in the development and regular review of an Accommodation Plan; and
- Let your manager or supervisor know when the accommodation measures in your Accommodation Plan are no longer needed or need to be updated, and cooperate with any discussions or assessments to make changes to your Accommodation Plan.

So what do you *not* have to do?

You do NOT have to disclose your diagnosis to your employer. You need to provide information on what accommodation measures you need in order to do your job, but you do *not* have to tell your employer that you have HIV-AIDS, or depression, or any other episodic disability.

And what does your employer have to do?

When you make your request, your employer will be expected to:

- Participate in discussions on possible accommodation solutions;
- Collaborate with subject matter experts, both internal to the company and external to the company where applicable, who may be requested to provide input or services. This may include a need to consult with appropriate medical or disability specialists in the process.
- Collaborate with you to develop an Accommodation Plan
- Demonstrate flexibility throughout the process as well as show a willingness to explore creative or innovative solutions (within operational requirements and only up to the point of Undue Hardship). Flexibility may also be required in the administration of policies, procedures and working schedules or conditions.

What does Accommodation look like?

One size does not fit all. There is no phrase that describes the accommodation process any better. This is because each individual with a disability is unique. Moreover, the accommodation process is designed to reach a solution that is unique to that individual. Nonetheless, there are categories of accommodation measures that might be part of an Accommodation plan.

1. Work station access and adjustments:
 - a. This might include changes to your work area design or changes to the way in which you access your workplace and all facilities, or changes to technology and equipment such as a headset for your phone or software that helps to read documents out loud for you.
2. Hiring and employee practices:
 - a. This might include changes to the procedures used for testing, selection, training, promotion and termination.
3. Work procedure adjustments:
 - a. This might include changes to the specific requirements of your job, such as
 - i. modifying or restructuring your duties,
 - ii. modifying your working hours,
 - iii. adopting flexible work practices (See Fact Sheet: See Fact Sheet: Flexible Work Options – Knowing what to ask for.)
 - iv. relocating your job or your work station, and
 - v. modifying policies in the workplace.

4. Providing specific services, facilities, aids or equipment:
 - a. This might include providing interpreters, particular equipment, attendant services, a quiet place for rest or assistance with particular aspects of a job.
5. Reassignment of an individual employee:
 - a. This might include a change of position or the reassignment of specific tasks to another position.

How do you approach your employer to request Accommodation?

First of all, remember that this is the law and that your employer is required to go through the process to determine what accommodation measures you will need. But that probably isn't the first thing you want to remind your employer about. Approaching your employer with good information, some thought and a cooperative attitude is more likely to get you what you need without having to rely on the legal obligations. Of course, if your employer is not cooperating or refuses to discuss your request, then you can remind them of their legal obligation.

1. Do your homework: Explore what kinds of options might be reasonable in your workplace.
 - a. What kind of accommodation do you think you might need?
 - Usually, for anyone with an episodic disability, flexible work practices are the best options for accommodation (See Fact Sheet: Flexible Work Options – Knowing what to ask for.)
 - Any of the other kinds of accommodations above might be helpful as well.
 - Even if you don't know what the right solution is, suggest something that you can try for a trial period.
 - Remember that you can ask for as many accommodation measures as you believe are necessary (not just convenient).
 - b. Are there certain operational requirements in your workplace that have to be met? For example: customer service hours or health and safety measures.
 - c. How would these operational requirements be impacted by the kind of accommodation you are requesting?
 - d. Would the work of any of your colleagues or co-workers be affected by the accommodation and how will that be managed?
2. Put your request in writing and ask to discuss it in person with your manager or supervisor.
 - a. Your request should include the answers to the questions in number 1, and
 - b. Be sure to state that you are willing to discuss and try different options and that you looking forward to being able to work to your full potential with the accommodation measures in place.
3. Refer your employer to information that will help them help you:
 - a. Ontario Human Rights Commission: <http://www.ohrc.on.ca/en/learning/duty-accommodate>
 - b. Managing Episodic Disabilities in the workplace: New e-learning modules
 - c. JAN – Job Accommodation Network <https://askjan.org/links/atoz.htm>