**Reasonable accommodation in employment**

**Information for disabled people and people with health conditions**

***Accommodations*** *are modifications and adjustments made to enable a person to do something.*

Employers provide ‘reasonable accommodations’ to many employees, such as parents caring for young children or other relatives, staff with religious or ethical beliefs, as well as disabled people. It may be for current employees whose situation has changed, or for new employees being recruited.

Successful managers get the best from people by identifying what will assist employees do the best job possible, whether the person has an impairment or not. A reasonable accommodation may be a part of that. Most accommodations are low or no cost e.g. flexible hours; instructions in writing as well as verbal; showing people how do a task.

Under the Human Rights Act 1993, employers must not discriminate against a person because of their disability. An employer is also obliged to reasonably accommodate a person’s disability, including special services or facilities if needed.

The Act doesn’t define what is ‘reasonable’, this will depend on the particular circumstances.

**What is reasonable?**

Factors to be taken into account 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 adjustment, in relation to the size of the employer’s business
* the extent of the organisation’s and other resources
* how other employees might be impacted
* how much disruption, if any, would be caused to the business or other people.
* health and safety (based on a proper assessment, not assumptions).

Considerations include:

* A reasonable accommodation assists in creating equality of opportunity.
* The employer does not have to change the basic nature of the job.
* The easier an adjustment is, the more likely it is to be reasonable. However, just because something is difficult doesn’t mean it can’t also be reasonable. The employer needs to balance this against other factors.
* It may take several different adjustments to address a disadvantage.
* What is reasonable in one situation may be different to what is reasonable in another situation.
* Flexible working patterns or redeployment may be easier for larger organisations with more staff.
* If an adjustment costs a significant amount, it is more likely to be reasonable if the employer has substantial financial resources.
* If advice or support is available, for example, from Job Support or from another organisation, then this is more likely to make the adjustment reasonable.
* The employer can consider the health and safety of all people involved but this should be based on a proper assessment of the risks. The employer should not make assumptions about risks which may face certain disabled employees

The need for reasonable accommodation applies to all aspects of employment including recruitment processes, training, promotion, job protection and termination.

If a disabled person feels an employer isn’t providing reasonable accommodations they can ask the Human Rights Commission to mediate or, as a final resort, make a complaint to the Human Rights Tribunal.

## Extra assistance may be available

When accommodations are identified that aren’t reasonable for an employer to provide (due to cost for example) the person may be eligible for assistance through the government’s Job Support Fund. This covers additional costs that are a direct consequence of the person’s disability.

This could include employment support services , wage subsidies, equipment or a workplace modification grant. To be eligible for Job Support a person must be getting the appropriate market rate of pay for the job.

**Talking about reasonable accommodations with an employer**

### Recruitment processes should be accessible. If information about a job or the application form isn’t accessible, ask for them in a format you can use. Check where interviews are being held and what’s involved. The employer should be able to offer options that will work for you. You may like to take a support person with you.

### Ask about existing policies on accommodations/flexible work practices and what they provide for all staff such as flexible work hours, working from home, additional leave for appointments and work station assessments. Some employers have a van for picking up staff or organise car-pooling.

### Discuss your needs with your employer before you start the job about what you would find useful. Your employer may assume things so be clear about what you need. Workbridge and other organisations can provide expert advice.

### Get expert advice. Workbridge and other organisations can provide expert advice on specialist equipment or accommodations.

* **Most accommodations are low or no cost.** Where there are associated costs, extra support may be available through the Job Support Fund.
* **Talk with your employer regularly** about whether the accommodations are still meeting your needs, especially when your needs change or there are changes to the workplace or the job.

**Some examples of reasonable accommodations**

* Modifying the workplace such as rearranging furniture to ease navigation and improve accessibility.
* Specialised equipment such as non-standard workstations, screen or chair.
* Making information accessible such as providing clear (written) instructions, screen reading software, giving plenty of notice of any planned changes.
* Supports such as physical support, job-specific training, a mentor or buddy, a support person, interpreter services.
* Raising awareness of disability or a particular condition with other employees and/or (with your involvement or consent) briefing colleagues about your needs.
* Flexible working arrangements, for example redistributed duties across a team, breaking down large jobs into smaller ones, allowing you to wear headphones to screen out noise, allowing you to move around and get fresh air

This could also include flexible or shorter hours, flexible rostering or leave arrangements, rostered days off or time off in lieu, regular or occasional working from home and job-sharing.

* Transport.
* Evacuation support.

For more examples see:

* *WorkAble Employers and disabled workers information hub*
<http://www.dol.govt.nz/er/workable/accommodation/index.asp>
* *Making reasonable accommodations*<http://www.workbridge.co.nz/?page=1335>
* *Getting a job*
<http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/08-Sep-2010_11-55-33_AtoZPre-emplGuidelines.pdf>
* Job Accommodation Network (a US resource)
<https://askjan.org/erguide/> .

Expert **advice on reasonable accommodations** is available from Workbridge Their website also has links to other **relevant organisations**.
[www.workbridge.co.nz](http://www.workbridge.co.nz)

**If you think an employer isn’t providing the required reasonable accommodations,** contact the Human Rights Commission:

* InfoLine 0800 496 877 (toll free)
* Fax: 09 377 3593 (Attn: InfoLine)
* Email: infoline@hrc.co.nz (for general enquiries) TXT 0210 236 4253
* <http://www.hrc.co.nz/enquiries-and-complaints-guide/> .