

Summary

Reasonable accommodation of persons with disabilities in New Zealand



The Independent Monitoring Mechanism (IMM) has published a comprehensive [guide on Reasonable accommodation](#). The IMM is the group monitoring the UN Convention on the Rights of Persons with Disabilities in New Zealand and is made up of the Office of the Ombudsman, the Human Rights Commission and the Convention Coalition Monitoring Group.

'Reasonable accommodation' is an important concept in the United Nations Convention on the Rights of Persons with Disabilities (the Convention). It means to make a change that is reasonable to accommodate the need of a person with a disability.

'Reasonable' means that the change requested is:

- » needed;
- » not too difficult to make; and
- » not cost prohibitive.

Reasonable accommodation removes barriers so disabled people can study and work, access information, use services and get where they want to go; just like everybody else.

What is reasonable accommodation?

The Convention defines reasonable accommodation as *'necessary and appropriate modification and adjustments, not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights*

and fundamental freedoms'. It recognises that disabled people face many barriers to participate fully in everyday life, and many of these barriers can be removed. Barriers include:

- » **Architectural and physical** eg, narrow hallways which do not fit motorised wheelchairs.
- » **Information and communication** eg, print too small for someone with a vision impairment.
- » **Attitudinal** eg, assuming somebody with a speech impairment cannot understand directions.
- » **Technological** eg, a website that does not support screen-reading software.
- » **Systemic** eg, a recruiting process which is not open to some persons with disabilities.

Reasonable accommodation can help to overcome or eliminate these barriers. It should be provided in all aspects of life so disabled people are not disadvantaged by the way a system or service operates. Accommodating disabled people's needs generally costs very little and often nothing at all. It can be as simple as changing attitudes, providing another means of communication, or improving the physical accessibility of a space.

When to provide reasonable accommodation

Types of reasonable accommodation are guided by the Human Rights Act 1993 which makes it unlawful to discriminate against a person because of their disability. Factors to take into account when requesting, or providing reasonable accommodation include:

- » Will the requested change work?
- » Is it practical to make the change or changes needed?
- » What are the financial implications?
- » How will the requested change affect others? Will it put others at risk?

Reasonable accommodation should be considered on a case-by-case basis. Where it is not possible to make a change, then alternative options should be explored.

Assistance for organisations

Changes made to accommodate disabled people also benefit non-disabled employees, clients, and the public. Your work towards providing reasonable accommodation can also be used to promote your business, in turn engaging a wider audience as you advertise your organisation as one that values **all** people.

It is also worth considering how your organisation's policies and procedures can be revised keeping reasonable accommodation in mind. Think about the services you provide, and how you can actively work to accommodate and assist disabled people, both employees and clients.

If you've taken universal design into consideration when planning and designing

your business practices and physical spaces, requests for reasonable accommodation will be minimal. This is because the concept of **universal design**—designing buildings, products and environments that are inherently accessible to persons with disabilities—effectively creates barrier-free work, services and public places. If the concept of universal design is incorporated at the outset it reduces the likelihood of having to adapt facilities, systems and services at a later date.

Remember, every effort should be made to provide reasonable accommodation when requested. Keep the person informed of what is happening (what can and can't be done), and explore other options if necessary.

Guidance for disabled people when making a request for reasonable accommodation

You have the right to:

- » request reasonable accommodation so you can access the services you need;
- » let organisations know if you face a barrier to accessing or using their system or service; and
- » be able to use the system or service on an equal basis with others.

If you need to ask an organisation to make changes, find out what policies they have in place to help you. Tell them why you are asking for the changes to be made and why things aren't working. Explain what needs to be done, and why these changes will help you. Use the Convention to support your request.

Sometimes the change you've asked for may not be able to be made, but there might be another way to remove or minimise the barrier you're facing.

Remember, if the organisation does not make the change you've asked for or consider other options this can be seen as discrimination. If you feel you have been discriminated against because of your disability, then you can make a formal complaint to:

- » **The Human Rights Commission**
The Commission can provide a mediation service if the Human Rights Act has been breached, and you have been discriminated against. This takes place between you and the person or organisation involved.
- » **Office of the Ombudsman**
The Ombudsman may be able to assist if you have a complaint about the actions of a government agency or local authority. Before you contact the Ombudsman, try to resolve your complaint with the government agency or local authority first by following their complaints procedure. If you cannot sort out your complaint, the Ombudsman may be able to investigate.

We hope this summary provides a useful and practical guide on the concept of reasonable accommodation. We believe it echoes the principles of the Convention and advocates for human rights and fundamental freedoms of persons with disabilities.

Other resources and publication formats

The full IMM guide is available in the formats listed:

- » [Reasonable accommodation of persons with disabilities in New Zealand \(English Word version\)](#)
- » [Reasonable accommodation of persons with disabilities in New Zealand \(English PDF version\)](#)
- » [Easy Read version of Reasonable accommodation of persons with disabilities in New Zealand \(Word\)](#)
- » [Braille \(upon request\).](#)

The summary is available in:

- » [Summary: Reasonable accommodation of persons with disabilities in New Zealand \(Word version\)](#)
- » [Summary: Reasonable accommodation of persons with disabilities in New Zealand \(PDF version\)](#)
- » [Summary New Zealand Sign Language.](#)

Contacts for more information



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