

# Removing barriers: A guide for reasonable accommodation of disabled people in Aotearoa



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A joint publication by New Zealand's Independent Monitoring Mechanism established under Article 33 of the United Nations Convention on the Rights of Persons with Disabilities (Disability Convention). New Zealand's Independent Monitoring Mechanism consists of the Disabled People's Organisations Coalition, the Human Rights Commission and the Office of the Ombudsman.

### **The Disabled People's Organisations Coalition (DPO Coalition)**

Members of the DPO Coalition:

- Association of Blind Citizens of New Zealand Incorporated
- Balance Aotearoa
- Deaf Aotearoa Tāngata Turi
- Disabled Persons Assembly New Zealand
- Muscular Dystrophy Association of New Zealand Incorporated
- People First New Zealand Ngā Tāngata Tuatahi.

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Language Line and New Zealand Sign Language (NZSL) Interpreter.

If you are Deaf or hard of hearing, or have a speech impairment, you can contact the Commission using the New Zealand Relay Service. NZ Relay is a telecommunications service and all calls are confidential.

[www.nzrelay.co.nz](http://www.nzrelay.co.nz)

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# Removing barriers: A guide for reasonable accommodation of disabled people in Aotearoa

## Te turaki i ngā ripa tauārai: He aratohu mō te manaaki tōtika i te hunga hauā i Aotearoa

Removing barriers: A guide for reasonable accommodation of disabled people in Aotearoa Te turaki i ngā ripa tauārai He aratohu mō te manaaki tōtika i te hunga hauā i Aotearoa is available in alternate and summarised formats, including an accessible online Word version, Braille, audio, te reo Māori, Easy Read and NZSL. Use your internet connected device, such as your mobile phone to activate the QR code on the cover. This will allow you to access these other formats.

**Cover image:** Two young women – Pearl Kaptein-Kirker and Hope Cotton – signing to each other, as they stand facing each other in the foyer of a building.

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# Introduction

Reasonable accommodation is a key concept in the Disability Convention. It is the practice of making changes which support disabled people to live their lives on an equitable basis with others. This may be at work, in rental accommodation, using public facilities and services, or engaging with a government agency or business.

In a nutshell, providing reasonable accommodation is about removing environmental barriers, creating a fair and equitable platform to ensure full participation for disabled people. To do this, changes may need to be made to an environment or setting — a workplace, place of education, retailer, healthcare facility, rental accommodation, leisure space, or service.

If we as a society prioritised accessibility and universal design (the creation of buildings, products and environments that are accessible to everyone) we would significantly progress equitable access. But even with improved accessibility individuals may still experience barriers and will still have a need for, and the right to, reasonable accommodation.

Reasonable accommodation can provide many opportunities for disabled people in a number of areas. At first glance 'reasonable accommodation' might be seen to be about housing or physical accommodation. However, the concept is much broader, and has the power to enhance disabled people's lives.

Understanding around disability changes and evolves over time. Reasonable accommodation is born out of the social model of disability. Previously, a person's impairment was seen as needing to be fixed for them to fit into society (medical model of disability). The social model sets out that society must remove the barriers it has created that prevent disabled people being able to participate fully. Now, disabled people are aware of their right to participation on an equal basis with others (human rights model of disability).

Disabled people have a right to request reasonable accommodation. This guide can be used to build an understanding of what reasonable accommodation is, and how it can be requested and put in place.

Anyone running a business or offering a service will find this guide useful to understand the concept of reasonable accommodation and their responsibilities to disabled people to ensure inclusion is a reality. When in place, reasonable accommodations offer disabled people the opportunity to live their lives independently with confidence and dignity.

Almost one in four New Zealanders identify as being disabled. Making reasonable accommodation a reality for disabled people benefits everyone. Doing this enables disabled people to enjoy their rights. In turn, everyone benefits from the wealth of experience disabled people bring to their roles as members of staff, clients, or customers.

Reasonable accommodation is a right. All New Zealanders – disabled and non-disabled people – have a right to be included. It is the fair thing to do.

### **Everyone**

In this guide we use the term 'everyone'. It is used as an umbrella term to encompass all those who have responsibilities to make and consider reasonable accommodations for disabled people when requested. Everyone, in this guide, means all government agencies, businesses, retail outlets, educational facilities, service providers, health facilities, private rental accommodation, detention facilities, and everyone else. Everyone has a right to be included. Everyone has the responsibility to make inclusion a reality.

# What does reasonable accommodation mean?

Reasonable accommodation is a way to uphold the rights of disabled people to live their lives on an equitable basis with others. Reasonable accommodation is a key concept in the Disability Convention. Article 2 of the Disability Convention defines reasonable accommodation as:

- *necessary and appropriate modification and adjustments*  
This means changing the environment to enable a disabled person to do particular tasks or participate.
- *to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms*  
This means disabled people can take part the same way, and have the same opportunities as non-disabled people. A person should not be excluded because of their disability.
- *where needed in a particular case*  
A reasonable accommodation may need to be made for just one person to do something, although it should be noted that once in place it may support others.
- *not imposing a disproportionate or undue burden*  
This means that the suggested accommodation should be based on fair principles and not put anyone, or any organisation, at risk or undue cost or inconvenience in the circumstances. A request for a reasonable accommodation can be seen as reasonable but also as a burden at the time of request. It is important in a situation like this that it is not the disabled person that is the burden, rather the circumstances.

It is important everyone is aware of their obligation to provide reasonable accommodation. This includes in the areas of education, employment, provision of public information and services, access to facilities, the provision of goods and services, the built environment and housing.

Disabled people can request a reasonable accommodation if they consider they are excluded or disadvantaged by the way a system or service operates.

Once requested, it is a matter of working out a solution with the disabled person. There may be more than one way to remove a barrier, and the solution needs to work for everyone involved.

A number of factors may need to be considered when providing reasonable accommodation, and these will vary from person to person, case by case. For example:

- a person with low vision may not be able to read a brochure due to the size of the text and poor colour contrast. The reasonable accommodation would be providing the information in a larger font, and adjusting the colour contrast;
- a wheelchair user cannot move around a clothing shop easily. The reasonable accommodation could be a matter of moving clothing racks to create an accessible pathway through the shop; and
- a Deaf person is attending a presentation so the organisers book a New Zealand Sign Language interpreter to attend the session.

There are many examples where reasonable accommodation has benefited the person requesting a modification, as well as society more broadly. Find out more in [Appendix 1](#).

Making a reasonable accommodation generally costs very little or nothing at all. It can be as simple as changing attitudes, ways of communicating or offering information, or improving accessibility. Some of these things are common courtesy. At other times more fundamental changes may be required to ensure systems are reasonably designed to accommodate disabled people.

# Removing barriers to ensure equal access

Disabled people have the right to live their lives free of discrimination. Society and systems often discriminate against disabled people. In some situations, not providing reasonable accommodation equates to discrimination.

## Barriers and solutions

There are many examples of different types of barriers that make it difficult, sometimes impossible, for disabled people to participate in day-to-day life. Many can be overcome with a straight-forward reasonable accommodation. These include, but are not limited to, the following.

### Architectural, structural and physical

These include features of buildings and spaces that make it difficult for disabled people to access and use or move around in.

#### Examples

- **Barrier:** The main doorway in a privately rented house is not wide enough to accommodate a wheelchair user.  
**Solution:** The tenant and the landlord discuss the possibility of another access-way being created or the doorway being widened.
- **Barrier:** A desk is too high for someone of short stature.  
**Solution:** Lower desk or purchase an ergonomic desk.
- **Barrier:** A set of stairs are the only practicable access, either to a building or within a building.  
**Solution:** If a staff member or client is using a wheelchair or crutches and the office is on an upper level, the reasonable accommodation might be to relocate the office to a ground level space.

- **Barrier:** The fire alarms and other emergency notification systems are audible but not visual.  
**Solution:** A reasonable accommodation is fitting visual alarm systems to ensure Deaf people using the premises can be alerted in an emergency.

## Environmental

Disabled people have the right to navigate private and public spaces comfortably and effortlessly. Consideration should be given to how this can be done, both inside and out.

### Examples:

- **Barrier:** Architectural structures such as foyers or elevators that have no tactile or acoustic signalling.  
**Solution:** Reasonable accommodations can be accessibility features installed on the lift consoles, Braille signage in the foyers and lifts, and voice announcements in the elevators and foyer areas.
- **Barrier:** Public services assisting disabled people have poor lighting, are very noisy, and can be crowded.  
**Solution:** Ensure light sources are well-placed so that people's faces can be seen clearly. Where noise is a problem, have an area available to engage with people who are hard of hearing to ensure clear communication away from distractions.
- **Barrier:** An autistic person gets anxious going to shops and recreational facilities during regular business hours due to noise and bright fluorescent lighting.  
**Solution:** The shops and recreational facilities schedule a low-sensory quiet hour once a week and publicises this to the disabled community.

## Information or communication

Disabled people have the right to receive information in a way they can read and understand. Information needs to be provided in a format so that a person can read it independently.

### Examples

- **Barrier:** Print that is too small to be read by a person with a vision impairment.  
**Solution:** Address this by producing a large print version or providing the information in an accessible electronic document.
- **Barrier:** Where information is available only as a printed document, and cannot be read by a blind person.  
**Solution:** Provide the information in another way, such as having an accessible electronic file, Braille, or audio.
- **Barrier:** Information is written using complex language.  
**Solution:** Where possible, use plain language. Complex language can be a barrier to many. Plain language supports people with a learning disability, those with low literacy, and those with English as a second language.
- **Barrier:** Where information is provided only in written English.  
**Solution:** A Deaf person or New Zealand Sign Language user may need the information to be provided in NZSL.
- **Barrier:** Where information is provided by video or live-streamed.  
**Solution:** To allow a Deaf person or New Zealand Sign Language user access to this information, NZSL interpreting is required. Captions should also be provided in real time to support those watching who are hard of hearing.

## Behaviour and attitudes

People's attitudes towards disabled people and about disability can be a huge barrier, by assuming what a person can or cannot do without actually asking the person. A disabled person can also be discriminated against intentionally or unintentionally.

### Examples

- **Barrier:** An employer assumes a person with social anxiety cannot perform a specific task because it is known to be stressful.  
**Solution:** The employer takes the time to discuss the specifics of the task with the employee. It is agreed that while the task can be stressful the employee will undertake the task on a trial basis and a review will take place in a fortnight to gauge whether the employee feels comfortable.
- **Barriers:** Sometimes an assumption is made about a person with a speech impairment not being able to understand directions spoken to them.  
**Solution:** Do not automatically assume that a person cannot undertake a specific task. Find out by asking them, and allow time for them to answer questions, and listen to their response.
- **Barrier:** Deaf people can be subject to undue anger. This can happen when a hearing person thinks they are being deliberately ignored when a Deaf person does not respond or react to something that is spoken to them.  
**Solution:** Do not assume that someone is ignoring you without considering whether they are hard of hearing.
- **Barrier:** An organisation shows a lack of flexibility during a global pandemic and continues to require a disabled team member to report in person to the physical office.  
**Solution:** Talk to the member to find out if they can perform their duties successfully at home, and provide flexibility.

## Technological

Technology can be both life-enhancing and life-limiting for disabled people. If it is not designed using [universal design](#) principles, this can mean those using assistive technology cannot use some websites and apps, and in turn not access the information they need.

### Examples

- **Barrier:** A website does not support screen-reading or text-to-speech software, meaning that a reader using assistive technology cannot access the information they need to read.  
**Solution:** Design the website by following the NZ Government Web Standards to ensure access to everyone, including those using a keyboard only to navigate a website.
- **Barrier:** Electronic documents offer no information for graphics and images, meaning readers using assistive technology are not given the same information as sighted readers.  
**Solution:** Allow access for everyone by adding alternative text to each graphic element to ensure blind readers are given the same information as sighted readers.
- **Barrier:** Use of online meeting platforms that do not have 'pin' or 'spotlight' functions cause problems for Deaf people and NZSL interpreters. Deaf participants need to be able to see the interpreters and others using NZSL. This is particularly important with meetings with large numbers of participants.  
**Solution:** Ensure NZSL interpreters are pinned, and participants at online meetings are aware of the protocols around working with interpreters to ensure an inclusive session.

Please note that new systems and technologies being put in place need to account for everyone's access needs. Although these may meet generic accessibility standards set, there may be occasions when reasonable accommodation is needed to allow access because a person with specific needs is unable to use the system independently.

## Systemic and economic

Policies, practices or procedures can discriminate against disabled people. In many cases a remedy can be sought through disability responsive training, and changing attitudes through the promotion of disability rights.

### Examples

- **Barrier:** A recruiting process which does not support disabled people to apply for a job, and asks screening questions in a way which implies that they might discriminate against someone based on an impairment.  
**Solution:** Produce information that is available in a number of alternate formats to ensure inclusion. Review candidate questions to ensure they are not discriminatory.
- **Barrier:** An employer not informing staff about mental health or addiction services that are available because they do not want employees to take time off work.  
**Solution:** Ensure staff are aware of the support available when being inducted and promote services accordingly.

**Reasonable accommodation can help remove these barriers, and positive action can remove the barriers altogether!**

# What is reasonable accommodation?

Law and guidance on reasonable accommodation is evolving both in New Zealand and internationally. For those interested in understanding the United Nations Committee on the Rights of Persons with Disabilities' (the UN Disability Committee) position on reasonable accommodation it is worth consulting [General Comment 6<sup>1</sup>](#) which deals broadly with equality and non-discrimination (refer to section D which focuses on the duty of reasonable accommodation).

The Human Rights Act 1993 makes it unlawful to discriminate against a person because of disability in relation to employment matters, provision of goods and services, access to public places and facilities and other specified situations. A lack of reasonable accommodation can be a form of discrimination. People can make complaints of alleged discrimination to the Human Rights Commission which offers a free mediation service to try to resolve complaints.

In September 2022, the UN Disability Committee recommended to the New Zealand Government that it amend the Human Rights Act. While legislation and guidance may be strengthened in future to ensure disabled people's right to non-discrimination, it is important that agencies and organisations understand their immediate responsibility under the Disability Convention to provide reasonable accommodation in all their actions, services and decision-making. Individual requests for reasonable accommodation must be considered and careful thought given to how changes can be made to assist and support the equal and equitable access of disabled people. Such requests for reasonable accommodation should be negotiated to guide to a more participatory process directly with the disabled applicants.

The UN Disability Committee sets out the following key factors to consider when assessing requests for reasonable accommodation:

- Identifying and removing barriers impacting disabled people's ability to enjoy their human rights and be included in society – remembering that reasonable accommodation has the potential to be a collective and/or public good;

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<sup>1</sup> See <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no6-equality-and-non-discrimination>, accessed December 2022.

- Assessing whether a request is feasible/possible from a legal, financial and practical perspective;
- Assessing whether the request is relevant and effective in ensuring disabled people's rights;
- Considering whether a request imposes an undue burden or requires an assessment of what is needed to achieve a specific aim;
- Ensuring a request more broadly achieves the objective of equality and elimination of discrimination against disabled people; and
- Ensuring disabled people collectively do not bear the costs associated with a request.

Any denial of reasonable accommodation must be based on objective criteria which should be analysed and communicated to the disabled person who has made the request in a timely fashion. Again, individual requests for reasonable accommodation should be considered on a case-by-case basis. Every effort should be made to accommodate disabled people. Where a proposed solution is not practical, other options should be explored. A denial of reasonable accommodation can be a form of discrimination, especially if it is not based on objective criteria.

Think outside the box! Remember to work directly with the disabled person who has made the request to find a solution. Most requests for reasonable accommodation cost nothing or very little, and often a closed mind is the biggest barrier to supporting disabled people's inclusion. When people are busy it can be easy to dwell on what seems difficult to achieve, but remember reasonable accommodation is likely to be of benefit to more than just the person requesting it – reasonable accommodation can benefit everyone.

# Universal design

Universal design (also known as inclusive design) refers to the creation of buildings, products and environments that are accessible to everyone. Universal design is defined in Article 2 of the Disability Convention as:

“...the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialist design.”

Encouraging universal design at the outset is one way to try to ensure disabled people are reasonably accommodated. Universal design often removes the need for individual adaption as it promotes widespread access and availability in the development of facilities, standards and guidelines. The concept of universal design encourages thinking about the lifetime of a structure or service during its initial development, along with the types of people who will need to utilise that structure or service over time. Again, this reduces the likelihood of having to make adaptations in future.

Some of the key principles of universal design include:

- **Equitable use** – ensuring the design is useful and marketable to people with diverse abilities;
- **Flexibility in use** – ensuring the design accommodates a wide range of individual preferences and abilities;
- **Simple and intuitive use** – ensuring the design is easy to understand, regardless of the user’s experience, knowledge and language skills;
- **Effective communication** – ensuring the design communicates necessary information effectively and obviously;

- **Tolerance for error** – ensuring the design minimises hazards and adverse consequences of accidental or unintended actions;
- **Low physical effort** – ensuring the design can be used effectively and comfortably with a minimum of fatigue; and
- **Sensible size and space** – ensuring the design is of appropriate size and space that allows approach, reach and easy use, regardless of the user’s body size, posture or mobility.

In an effort to be fully inclusive universal design makes sense. Following these principles from the outset ensures inclusion – for everyone.

# Guidance for disabled people

## Your rights relating to reasonable accommodation

You have a number of rights relating to reasonable accommodation, including the right to:

- make reasonable requests for accommodation to enable you to access the services you need;
- raise concerns if you experience barriers or challenges accessing or using systems and services;
- be listened to and have your concerns taken seriously;
- remind a particular party that providing reasonable accommodation helps to ensure disabled people have the opportunity to be productive, and make valuable contributions to society; and
- request information about actions that have been taken, or have not been taken, in response to your request for reasonable accommodation.

## Tips for making a request for reasonable accommodation

When requesting reasonable accommodation it may be useful to:

- ask about the policies and procedures in place for assisting disabled people. Ask how your request will be considered, and how the outcome will be communicated to you;
- explain how the current arrangements do not suit your needs;
- provide a clear description of the current situation and how it creates a barrier for you;

- explain exactly what accommodations should be put in place to remove the identified barriers to enable your full participation. It is often useful to provide examples of how current arrangements could be improved;
- be willing to identify potential changes that may be needed and discuss what will and will not work;
- identify articles in the [Disability Convention](#),<sup>2</sup> or other legislation that support your request for reasonable accommodation. You can then discuss these with the organisation you are approaching, or refer to them in correspondence;
- remember that in some cases your request could be declined if it is determined it would create an undue burden. In such cases, think about whether you are prepared to discuss other alternatives that may work to solve the issue. Everyone needs to be prepared to discuss and explore alternatives;
- check whether there may be funding available to support your request; and
- when a reasonable accommodation is put in place to support you at work, do make sure this is put in writing, for example in your contract.

You might like to consider using the following structure when communicating your request for reasonable accommodation:

- Describe the reason why you are requesting an accommodation. You may wish to include details of any impairment you have but this is not compulsory.
- Describe the difficulties you are experiencing that interfere with your ability to participate or contribute in the current environment.
- Describe the changes you believe are needed to enable you to do what you need to do.

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2 See <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>, accessed September 2022.

## Making a complaint

Not providing reasonable accommodation to a disabled person can be discrimination. If you have not received a response to your request for reasonable accommodation, or do not feel that enough has been done to support you, you may wish to make a complaint.

### The Human Rights Commission

<http://www.hrc.co.nz>

The Human Rights Commission provides a mediation service if you are concerned about unlawful discrimination or failure to provide reasonable accommodation for disability-related barriers.

The Commission does not make a decision about whether the Human Rights Act has been breached but can provide independent mediation services to support you to resolve your concerns directly with the person or agency involved. If your complaint is not resolved through mediation, or mediation is not able to be offered, the Commission can provide information to you about other options that you may have. For example, the Human Rights Review Tribunal (which is separate from the Human Rights Commission) can consider potential cases of unlawful discrimination and is able to provide remedies in appropriate cases.

There are a number of ways that you can contact the Commission:

**Freephone:** 0800 496 877  
**Email:** [infoline@hrc.co.nz](mailto:infoline@hrc.co.nz)  
**Text:** 021 0236 4253

Human rights enquiries and complaints pamphlets

- Human rights complaints: What you need to know (PDF)  
[https://www.hrc.co.nz/files/1415/9944/9885/HRC\\_Complaints\\_A5\\_Booklet\\_Digital.pdf](https://www.hrc.co.nz/files/1415/9944/9885/HRC_Complaints_A5_Booklet_Digital.pdf)

- Human rights complaints: What you need to know (Accessible)  
<https://www.hrc.co.nz/how-we-can-help/>
- How we can help?  
<https://www.hrc.co.nz/how-we-can-help/>

## **The Office of the Ombudsman**

<http://www.ombudsman.parliament.nz>

The Ombudsman can investigate complaints about the administrative acts and decisions of central and local government agencies.

Before making a complaint to the Ombudsman, you should try to resolve it with the agency first. Many agencies have a complaints process. If this is not the case, you should contact the head or chief executive of the agency and make your complaint.

If you have already exhausted all avenues and remain dissatisfied, the Ombudsman may be able to help. There are a number of ways you can make a complaint to the Office of the Ombudsman:

- filling out the form on the website  
<https://www.ombudsman.parliament.nz/what-ombudsman-can-help/complaints-about-government-agencies/how-make-complaint>
- writing a letter:  
PO Box 10152,  
Wellington 6143
- writing an email:  
[info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)
- calling the Office:  
0800 802 602
- using New Zealand Sign Language – find out on the link to follow:  
<https://www.youtube.com/watch?v=xrul9AbwwOY>
- using the NZ Relay Service to contact the Office:  
<https://www.nzrelay.co.nz/>

# Guidance for organisations

## Designing for reasonable accommodation

Changes you make to accommodate disabled people can:

- make the services you provide more accessible to a wider market;
- meet your human rights and legal responsibilities with regard to non-discrimination;
- make your premises easy to get around;
- allow staff to respond to the needs of everyone;
- make everybody feel valued; and
- provide a service people want to return to.

Providing reasonable accommodation to disabled people can also:

- benefit the general public;
- broaden your potential reach within the community;
- enhance your public image;
- enhance your competitiveness; and
- promote business and human rights principles.

## Profile your organisation

Providing reasonable accommodation can be used to promote your organisation's profile. For example:

- Advertise your services in ways disabled people can find out about them. Think about the channels you use to do this effectively.
- Let disabled people know what steps you have taken, or will take, to ensure your services are inclusive, and available and accessible to everyone.
- Take steps to ensure that you are communicating effectively with disabled people. For example, provide information in alternate formats such as audio, Braille, large print and NZSL.

## Policies and procedures

Ideally you should make the concept of reasonable accommodation explicit in your policies and procedures to ensure inclusion. For example:

- Consider the needs of disabled people. Promote an inclusive and responsive approach when assisting and supporting disabled people.
- Have policies in place that do not discriminate against disabled people. For example, a no dogs allowed on the premises policy discriminates against disabled people using assistance animals.
- Provide staff with disability awareness and responsiveness training.

## Service provision

Consider whether the services you currently provide proactively seek to accommodate and support disabled people. For example:

- Ensure your premises are easy to get into and get around.

- Check that goods, services and facilities are signposted on your premises. Ensure that they are noticeable, legible and understandable. Check that signage is accessible.
- Review whether the communication technologies you use are accessible and disabled people have flexibility if a particular method of contact does not work for them.
- Ensure service points are visible and easily accessible.
- Consider whether you effectively encourage disabled people to ask for their needs to be met.

**Remember:** Every effort should be made to accommodate disabled people because a failure to do so can amount to discrimination. Where it is not practical to make the accommodation initially requested, alternative options should be explored. It is important to communicate clearly with the person who has asked for reasonable accommodation while considering their request, and advise of any actions you will, or will not, be taking. Be aware of possible funding available to support disabled people.

It is also worth noting that sometimes a person may become disabled temporarily due to illness or injury, and the accommodations you may have made for a disabled person will also support them.

## Resources for organisations

The following links provide useful information that may assist to ensure reasonable accommodation is being provided:

### Employment

Workbridge is the largest New Zealand-owned employment agency for disabled people. It provides information for jobseekers with a disability, employers and workplaces and can be found online at: <http://www.workbridge.co.nz>

## **Ministry of Social Development**

The Ministry has produced a helpful guide for organisations to embed reasonable accommodation in policies and procedures.

Reasonable accommodation: A guide to developing policies and procedures to assist disabled people through reasonable accommodation (workplace adjustments)

<https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/lead-programme-work/information-and-support/reasonable-accommodation.html>

## **New Zealand Government Web Standards**

The New Zealand Government Web Accessibility Standard requires core government agencies to deliver online information and services that are accessible to persons with disabilities. The Web Accessibility Standard and related guidance are maintained by the Department of Internal Affairs and can be found online at:

<https://www.digital.govt.nz/standards-and-guidance/design-and-ux/accessibility/>

## **New Zealand Legislation**

The Parliamentary Counsel Office has developed a website that is an authoritative source on Acts, Bills and Legislative Instruments in New Zealand. The website includes a search function and we suggest you use the search terms 'disability', 'reasonable' and 'accommodation'. This tool can be found online at:

<http://www.legislation.govt.nz/searchadvanced.aspx>

## **Whaikaha – Ministry of Disabled People**

Whaikaha has a vision is to improve outcomes for disabled people in New Zealand, reform the wider disability system, and co-ordinate the Government's disability policies.

<https://whaikaha.govt.nz>

Whaikaha also oversees the Office for Disability Issues (ODI) – a strategic and whole-of-government focused policy team. ODI supports implementation of the New Zealand Disability Strategy and the Disability Convention.

<https://www.odi.govt.nz>

# Appendix 1: Further examples of reasonable accommodation

The following are examples of reasonable accommodation in a number of settings and situations. They include examples where the request has been met as requested, where the original request has been considered and an alternative solution found; and, where requests have been denied and the consequences of this decision.

Disabled people should not be expected to come up with a resolution, instead it should be a collaborative process – with the disabled person and the associated parties working together to remove or mitigate barriers to inclusion. Reasonable accommodation once in place, will work to support a range of people with different access requirements and in different situations.

## Advocacy

The request	The response
A person with a learning disability, on an advisory group, requests a meeting assistant during the group’s meetings.	The organisation denies this request, citing costs. The person leaves the group.
A Deaf person wants to participate in a public engagement process which is asking for views via an online survey. The Deaf person asks for the survey to be provided in New Zealand Sign Language.	<p>The organisation says its provision of an NZSL version of the survey will take over four weeks, by which time the deadline for responses will have closed.</p> <p>The Deaf person misses out on having their views heard.</p>

The request	The response
<p>A person with a history of mental health distress asks for a chaperone when having a medical check-up that causes them anxiety.</p>	<p>A healthcare worker on site at the hospital acts as a chaperone during the procedure. The individual undergoing the procedure approves the chaperone prior to the check-up.</p>

## Tangata whenua perspective

The request	The response
<p>Your marae has invited a local organisation to host an all staff wananga. The organisation informs you that one of their staff members has a visual impairment and requires a guide dog to navigate the environment. Traditionally animals were prohibited on the marae.</p>	<p>After discussions with whānau and kaumatua it is identified that some whānau also use guide dogs but have not been visiting the marae because they thought the kurī would not be welcome. The kaumatua agree to allow the kurī onto the marae on this occasion and agree to consider how to allow this to happen more regularly for all whānau. In agreement with the organisation, they decide to host the wananga in the whare kai, where the kurī can be with the disabled person at all times.</p>
<p>The local Raranga rōpū plans to hold a New Year's Day picnic at a beach but some members will not be able to participate because there is no wheelchair beach mat.</p>	<p>Based on these accessibility concerns, a request for an alternative location is made and the rōpū agrees on a different place for the picnic. The rōpū proactively decides to advocate to their local council to purchase a beach mat so future picnics on the beach are more accessible.</p>

## Business

<b>The request</b>	<b>The response</b>
<p>A wheelchair user finds it difficult getting around a hardware store.</p>	<p>The store widens its aisles and checkout lanes to make it easier for all wheelchair users. This action also assists people with low vision, elderly customers, and those accompanied by young children.</p>
<p>A blind shopper finds it challenging shopping in person at their local supermarket.</p>	<p>The cost and efficacy of brailleing the different facets of a supermarket was not going to work. Instead a solution was arrived at whereby a personal shopper could accompany the blind person during their shop.</p>
<p>A wheelchair user asks an organisation to install an elevator because they find using the accessibility ramp provided difficult to use.</p>	<p>The organisation considers and declines this request due to excessive cost. It consults with the person to understand the difficulties they experience when using the accessibility ramp, and modifies the ramp.</p>
<p>A pharmacy places its personal hygiene products on high shelves meaning people of short stature are unable to access them without staff assistance.</p>	<p>A request is made to place these essential items at a lower height, and staff respond by repositioning stock.</p>

## Education

The request	The response
<p>A student with diabetes enrolls at a school with a blanket policy whereby students are not allowed to eat during lessons. The student requests that they eat when they need to.</p>	<p>The school allows this student to have a supply of food on hand to ensure their blood sugar level is kept at an appropriate and safe level.</p>
<p>A Deaf student requests that pre-recorded lectures to be viewed online are captioned so they can understand what the lecturer is saying.</p>	<p>The lecturer declines this request citing technology limitations. However, the lecturer provides a written transcript of the lecture as a solution.</p>

## Employment

The request	The response
<p>A person with a learning disability cannot read their task list at work and is not sure what all their tasks are.</p>	<p>The task list is written in Easy Read which consists of every day words and images that support meaning. The person can now read and understand their duties.</p>
<p>A construction worker – partially paralysed after an accident – cannot retain their former position due to the physical nature of the job. They request to continue performing parts of the job.</p>	<p>Their employer declines this request for health and safety reasons. However, their employer assists them to find another skilled job within the company.</p>

<b>The request</b>	<b>The response</b>
<p>An employee with low vision advises their manager they have difficulty reading work-related documents published in PDF format.</p>	<p>Their manager arranges for work-related documents to be available in both Microsoft Word and PDF format. The employee can then change the text size using Microsoft Word to suit their needs or use text-to-talk software to read them.</p>
<p>A person with a learning disability working at a nursery was watering some plants on the wrong days.</p>	<p>Employer worked with employee, and found a solution by putting all the plants that needed watering on separate days into coloured containers to support understanding.</p>
<p>A person with a learning disability working in a library had to send out statements. They were unable to fold them to allow the address to be shown in the envelope's window.</p>	<p>A solution was found where the library worker now uses a piece of card the size of the envelope to fold the statement around, ensuring the address is always visible in the envelope's window.</p>
<p>A Deaf employee requests that qualified NZSL interpreters are provided for all work-related internal and external meetings.</p>	<p>The employer and the Deaf employee work together to develop a policy for booking interpreters, so that the process is as hassle-free as possible.</p>
<p>A Deaf employee attending staff training workshops asks for the training to also be provided in video format, with captions.</p>	<p>The trainer films the training sessions and adds captions so it is more accessible for Deaf employees.</p>

<b>The request</b>	<b>The response</b>
A Deaf employee requests an iPhone as their work phone (because they are familiar with the iPhone accessibility features).	The employer denies the request because all work phones must be a Samsung device (as per their procurement rules). However, the employer allows the employee to use their personal iPhone for work purposes.

## Health

<b>The request</b>	<b>The response</b>
A person using mental health services finds it difficult communicating with the service provider.	Working with a health advocate, the person relayed the difficulties they had communicating with the service provider. With permission, the advocate then liaised on behalf of the person with the service provider.
A patient with a prosthetic leg is hospitalised and the bathroom they are allocated does not have a slip-proof mat.	The patient is given access to another bathroom. The hospital orders a slip-proof mat for the ward in case this particular patient returns, or another patient requires a slip-proof mat in future.

## Recreation and leisure

<b>The request</b>	<b>The response</b>
<p>A blind person asks their local swimming pool to provide a lane for swimmers with visual impairments.</p>	<p>Staff at the pool decline due to a very high volume of swimmers leading to already overcrowded swimming lanes. Staff talk with the person about their regular swimming schedule. Staff then ensure there is a free lane available during the times the person is using the pool's facilities.</p>
<p>A patron going to the cinema requests that their therapy dog is allowed to accompany them during a movie.</p>	<p>Staff at the cinema do not have a policy on therapy dogs but do allow blind patrons to be accompanied by guide dogs. Based on the lack of a policy relating to this situation, staff allow the therapy dog to accompany the patron. Management at the cinema work to ensure there is a policy in place in future to avoid potential confusion.</p>

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