UN WOMEN

ACCESSIBILITY AND REASONABLE ACCOMMODATION

What's the Issue?

Persons with disabilities have the same rights as anyone else to participate in society, including: to attend school, to have family and friends, to have work, and take part in social, political and cultural life and events. However, in practice, persons with disabilities are often not able to enjoy these rights and participate. Instead, they find themselves excluded and discriminated against, and face a variety of barriers such as:.

ATTITUDINAL BARRIERS: prejudice and stereotyping because of the disability.

ENVIRONMENTAL BARRIERS: including infrastructural physical, communication, technological and information barriers like absence of ramps, lifts, or space for wheelchair manoeuvring; inadequate light and signage and different information formats for persons with visual, hearing and intellectual disabilities.

INSTITUTIONAL BARRIERS: failure to address attitudinal and environmental barriers and to make provisions for persons with different disabilities in legislation, policies, strategies and national or organizational plans, data, etc.

Disability inclusion, then strives to remove all barriers and to ensure persons with disabilities enjoy all human rights, such as equal and equitable access to services, as available to others. The UN Disability Inclusion Strategy defines Disability Inclusions as the meaningful participation of persons with disabilities in all their diversity, the promotion of their rights and the consideration of disability-related perspectives, in compliance with the Convention on the Rights of Persons with Disabilities.

Accessibility and reasonable accommodation are important pillars of disability inclusion. They contribute to remove barriers to information, communication, services, products and devices. Accessibility and reasonable accommodation benefit everyone and society; and contribute to ensuring that persons with disabilities are able to live independently and participate fully in all aspects of life.

This Brief primarily focuses on reasonable accommodation and accessibility with the objective to develop a greater understanding of these in institutional contexts; to strengthen organisations and institutions' internal awareness and capacities; and to promote a more detailed attention to accessibility and reasonable accommodation in the intersection with gender. For an update on examples and good practices of accessibility audit, please download the Brief on accessibility audit.

What do we mean by Reasonable Accommodation and how it relates to accessibility?

REASONABLE ACCOMMODATION is defined by the Convention on the Rights of Persons with Disabilities (CRPD) as the "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 of exercise on an equal basis with others of all human rights and fundamental freedoms."

The word REASONABLE in the term reasonable accommodation does not refer to "imposing a disproportionate or undue burden" as it follows in the CRPD definition. If that were the case, it would mean that the same adjustment would be "reasonable" if it was in a context with lots of resources, and not "reasonable" in a context without resources. However, the REASONABLE in reasonable accommodation refers to the first part of its definition: that it is a necessary and appropriate modification. If it is relevant and effective and appropriate, then it's a reasonable accommodation. The assessment of whether or not it is an undue burden might change if a context has more or less resources.

In the United Nations Disability Strategy (UNDIS), reasonable accommodation is presented as an anti-discrimination measure that enables persons with disabilities to exercise their rights on an equal basis with others. It is therefore the legal and/or policy side of an organisation or institution that determines and implements commitment to accessibility.

Reasonable accommodation usually works on a case-by-case basis and refers to the requirement of an individual person who may request modifications and/or forms of support in specific circumstances. It is usually provided to ensure the individual can participate in for example, capacity building and training, travel and transportation, meetings, consultations and events, and workspaces, as well as considerations in the management of camps in refugee/displacement settings. The assessment of whether it is an undue burden might change based on the context, including the resources available.

Reasonable accommodation can be temporary, for example, a removable ramp for small steps or thresholds, computer screen-reading software, or a sign language interpreter for a specific event or for as long as a consultant or employer with hearing disabilities requires assistance. It can also become systematic modifications that benefit a wider range of people, including those with disabilities, that may or may not have cost implications, for example, infrastructural adaptations like permanent ramps or elevators in a building, or adjustable working desks and ergo-dynamic chairs. It may also involve structuring working days differently, for example, arranging for flexible working hours or providing a quiet break or work room/space in an office.

Accessibility and reasonable accommodation are linked. Accessibility standards can be implemented progressively and with more permanent features, anticipating such and similar reasonable accommodation requests in the future. Reasonable accommodation can contribute to better accessibility and the more accessible and inclusive an entity is, the less reasonable accommodation will be required.

The CRPD also introduces UNIVERSAL DESIGN in its Article 2 Definitions 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 specialized design. Universal design internalizes accessibility. However, it does not exclude the provision of assistive devices for particular groups of persons with disabilities where needed.

Gender considerations in Reasonable Accommodation

Accessibility and reasonable accommodation can be a different process and experience for women with disabilities relative to men with disabilities. It is important to recognize that in many contexts, men are considered the norm and women deviate from the norm. Physical adaptations are more likely to be modelled on the male physique (there are several examples ranging from car safety to the number of gender-assigned toilets in a building and construction of wells and other mechanical structures that are built with the male proportions in mind).

Reasonable accommodation also potentially affects women and men differently. In employment, employers tend to be more amenable to adapt physical space which suits the men with physical disabilities in higher positions than granting changes in flexible working hours and job functions that affect more women with disabilities in lower-level contingent jobs. Studies from the late 1990s through to 2014 in the United States indicate that, when

some type of reasonable accommodation was provided, women were 13% less likely than men to find the accommodation effective. Evidence also suggested that women self-accommodated, i.e., opted for or were pressured to provide their own accommodations. Anecdotal evidence in the context of women with disabilities standing for election points to requests for reasonable accommodation (if not with that definition) in form of transport support for assistants being turned down for women more often than for men.

In development or humanitarian programmes, anecdotal evidence suggests that such gendered approaches may be similar. When there is a cost associate to it, and budgets for reasonable accommodation are limited, men with disabilities may be more likely to be invited for consultation and provided with transport and other support than women with disabilities. There may also be less information about the opportunities for and rights of reasonable accommodation conveyed to women with disabilities than to men with disabilities on assumption of leadership and value or perceived priority.

Therefore, it is important to monitor and track reasonable accommodation requests and expenditure disaggregated by gender, age and disability and determine if there are patterns of disparity based on gender, age, and disability. Disaggregation may also be of interest to monitor priorities for or exclusion of specific impairments. This information will also inform planning and using resources more effectively, by providing accommodation based on the needs.

It is important to balance the need for disaggregation by disability against the rights of confidentiality and voluntary disclosure of disability. Current practice and advice is not to ask about disability type over concerns with associated stigma and discrimination when disability is disclosed. Instead, when requesting information to provide reasonable accommodation, focus should be on the nature of the barriers and nature of reasonable accommodation needed. A question about the type of disability, if included, should only be optional.

Examples from development/humanitarian organizations and agencies

Some development organizations may have relevant policies, standards or guidance if disability inclusion is part of their organizational strategy. For example, Save the Children has produced a Disability Inclusion Policy and is in the process of finalizing a self-assessment tool for country office to rate themselves on various categories regarding inclusive culture, programmatic inclusion, and partnership with organizations of persons with disabilities. In each category, reasonable accommodation is an element against which disability inclusion is rated.

The **International Foundation for Electoral Systems** (IFES) recently gathered information about the election administration process in 13 Eastern Partnership and Western Balkans countries since 2020 related to their commitment to ensure inclusion of persons with disabilities in all parts of the electoral process. Based on the result that none of the 13 countries had a disability inclusion policy, IFES, supported by the USAID, developed a handbook with information on international and regional standards supporting disability rights, as well as instructions for Electoral Management Bodies in charge of managing election processes on how to develop a disability inclusion strategy that also covers reasonable accommodation.

UN Disability Inclusion

The UN Disability Inclusion Strategy (UNDIS) includes a specific indicator on reasonable accommodation and highlights three measures that are necessary to ensure

that reasonable accommodation is available to persons with disabilities:

1.   A policy or strategy addressing reasonable accommodation must be in place.

2.   Funding must be available.

3.   The provision of reasonable accommodation must be tracked and monitored.

A table outlines how to approach reasonable accommodation as a starting point; how to meet the requirements as set out in the strategy; and how to exceed requirements.

Some United Nations organisations have been advised by disability specialists in the development of

reasonable accommodation policies to include a tracking mechanism. The purpose is largely administrative, like monitoring progress of requests, maintaining records, and to generating anonymized reports for UNDIS (see next section). Also, tracking the number of requests from international and national staff can help identify gaps and ensure more equity.

Budget management issues are still being explored. There is a probable trend towards a central budget, as well as budgets by office or department. Paying attention to reasonable accommodation costs can help monitor potential inequity for cost-bearing in this area. However, since reasonable accommodations does not always and automatically bear a cost, the focus should also be on changing the work culture and ways of working, for example reviewing guidance on working from home, flexible working hours etc.

Recommendations to track and report on reasonable accommodation include:

- The number and types of reasonable accommodations (e.g., flexible working, accessible equipment/software, modified work procedures, etc.) that have been requested and whether they were approved or denied.

- Level of transparency: where and how information on RA is made available

- Job type, gender, and region of the requesting party.

- Reasons for denials.

- Time taken to process requests (in number of days).

- Sources of technical assistance (on reasonable accommodation requests).

The UN Women Disability Inclusion Policy for personnel addresses reasonable accommodation. It states what it covers, what is not covered, who is responsible, and what is the procedure. The UN Women policy applies to the areas of:

- Recruitment and selection.

- Career development and training opportunities.

- Performance management

- Employment retention and return to work

- Working environment

Important elements are not only the policy itself but also how reasonable accommodation is approached, for example, how confidentiality about a reasonable accommodation request is handled and if disclosure of disabilities is managed. A tracking mechanism on reasonable accommodation requests should be in place as a control and planning mechanism, and part of monitoring and evaluation processes. In addition, reasonable accommodation should also include interagency collaboration.