

Reasonable Accommodation Explained

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One of the challenges that many people face in thinking about the CRPD is in relation to what constitutes a reasonable accommodation. So in this audio, I would like to briefly provide a breakdown of what is a reasonable accommodation and how to think through if something constitutes a reasonable accommodation or not.

To start, I ask that you look at Article 2 of the CRPD, which defines reasonable accommodation. And I will now move into breaking the definition down into 4 elements that I would like you to keep in mind at all times.

The first element to consider is, is this possible accommodation necessary and appropriate. So element one, necessary and appropriate?

The second element is a modification or adjustment element to modification or adjustment.

The third element is if it is in a particular case. So does it apply to a specific person?

And finally, the fourth element, I want you to remember is, does this possible accommodation impose a disproportionate or undue burden on the duty there?

In trainings, I often use specific examples where we go through each one of these elements to determine if something meets the threshold of being a reasonable accommodation. So in this audio, I am going to use my own case to help you better understand reasonable accommodations.

I am legally blind, and I use a screen reader for employment situations. I use a screen reader on my computer. So let's start with element one. Is it necessary and appropriate for me to use a screen reader so that I can access all of the information I need to review on my computer? The answer is clearly yes. As I cannot read information on the computer, and I do need the information to be read out loud to me by a screen reading technology. So element one the answer is yes.

So let's move on to element two. Is it a modification or adjustment? Well, as most people use their own vision to read information on a computer screen and do not require a screen reader to help them access the information. Then yes, it is a modification or adjustment so that I am able to access the information in the same manner as others who are using their computers in an employment setting. So since we have established that element one has been met this is a necessary and appropriate accommodation. And element two has been met that this is a modification and or adjustment to the typical way that most people work with computers. Then we move on to element three which is is this in

a particular case? Well, yes, the answer here is clearly yes. As the particular case is me. I am the specific person we are talking about here.

So after meeting the first three elements, the next element I want you to keep in mind is element four. Does this impose a disproportionate or undue burden on the duty bearer and this is an element that creates a lot of questions when I'm conducting these trainings in person. So the easiest answer that I want to provide and happy you keep in mind as you continue to learn more about reasonable accommodations is. To date, the CRPD committee has made it very clear that it is very hard for a duty bearer to prove that an accommodation is disproportionate or an undue burden. So although this is a topic that we can go into further, in future audio sessions, I want you to take the overall idea of that, to date, it is very hard for a duty bearer to prove a disproportionate or undue burden.

So again, let's go over from the four elements. element one, is an accommodation necessary and appropriate. Element two, is it a modification or adjustment to a practice policy or program? Element three, is it in a particular case? And element four, does it impose a disproportionate or undue burden on the duty bearer? I hope that this audio helps you as you review the various modules in this training program. And you can think through whether something constitutes a reasonable accommodation or not as you go through each module. Thank you.