**Reasonable Accommodation in Employment Policy**

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| Last Review Date: | New 2020 |
| Next Review Date: | November 2023 |
| Approved by:  Owner: | Leadership Team [December 2020]  Group General Manager People |

**Purpose**

The purpose of this policy is to define ‘reasonable accommodation in employment’ as it applies at MSD and outline the Ministry’s approach. This policy is to be read in conjunction with the [Reasonable Accommodation in Employment Guidance](https://doogle.ssi.govt.nz/working-here/working-for-us/reasonable-accommodation/reasonable-accommodation-in-employment-guidelines.html).

This policy complements but does not replace MSD’s Flexible Working [Policy](https://doogle.ssi.govt.nz/resources/helping-staff/policies-standards/hr/flexible-working-policy.html) and [Guidance](https://doogle.ssi.govt.nz/working-here/working-for-us/flexible-working/flexible-working-guidelines.html) which outlines our obligations under [Part 6AA](http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM1398200.html) of the Employment Relations Act 2000 (ERA).

**Policy statement**

MSD recognises that each employee has their own individual circumstances and that making reasonable accommodations fosters an inclusive environment which creates equal opportunities for our people to reach their full potential, enabling high levels of trust and wellbeing and building strong communities.

Reasonable accommodation enables employees to get the workplace adjustments they need to perform their job, in a way that is appropriate to them, and can apply from when someone first applies to work for MSD, all the way through to when they finish their employment with the Ministry.

Most adjustments are relatively simple and involve little or no cost, eg demonstrating how to complete a task in addition to providing written instructions. Other adjustments require more thought and/or are provided to address a more specific need, eg adjusting a test in an interview to make it accessible for someone with a hearing impairment or providing documents that are accessible to employees with visual impairment.

MSD’s policy and definition of reasonable accommodations reflect the expectations set out in the [Human Rights Act 1993](http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304467.html), the [United Nations Convention on the Rights of People with Disabilities (UNCRPD)](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html) and the [Lead Toolkit](https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/initiatives/disabilityconfidentnz/lead-toolkit/index.html):

* The Human Rights Act 1993 directs employers to make reasonable accommodations in order to avoid unlawful discrimination and specifically discusses considerations regarding disabled people.
* Article 27 of the UNCRPD further details the rights of people with disabilities to work on an equal basis with others in work environments that are open, inclusive and accessible.
* The Lead Toolkit succinctly describes reasonable accommodations as the creation of an environment in which employees’ specific needs are met.

At MSD, the Reasonable Accommodation in Employment Policy applies to all employees, including those who do not have a disability and may benefit from a reasonable accommodation. As an organisation, we recognise that it’s good management practice to provide reasonable accommodations in the workplace to meet the individual needs of our employees. This helps our organisation attract good employees and assists with retaining experienced staff.

**Scope**

This policy applies to all employees and workers (hereafter “employee/s”) at MSD and includes the provision of reasonable accommodations in recruitment.

**Policy principles**

Our Reasonable Accommodation in Employment Policy and guidance are supported by the following principles:

**Whānau** – we are inclusive and build a sense of belonging by valuing diversity and encouraging everyone at MSD to be who they are

**Manaaki** – we work together with respect, openness and compassion to make accommodations that promote success and wellbeing

**Tika me te pono** – we do the right thing by our people and act with integrity

**Responsibilities**

| **Person/Party** | **Responsibilities** |
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| Employee | Discuss your needs with your manager and follow the reasonable accommodation guidance to make a request for accommodations. Explore available options together.  Follow the Flexible Working [Policy](https://doogle.ssi.govt.nz/resources/helping-staff/policies-standards/hr/flexible-working-policy.html) and [Guidance](https://doogle.ssi.govt.nz/working-here/working-for-us/flexible-working/flexible-working-guidelines.html) to request a change to work hours or environment.  [Register pain and discomfort events](http://doogle.ssi.govt.nz/working-here/keeping-healthy-and-safe/health-and-safety-in-the-workpalce/workstation-set-up-and-the-pain-and-discomfort-programme.html) in the STAR event reporting system. |
| Manager | Engage in regular conversations with applicants and employees about what they need to perform their job and follow the reasonable accommodation guidance. Explore all options available.  Approve reasonable accommodation requests on behalf of MSD and record any reasonable accommodations that have been agreed.  Treat reasonable accommodation requests as a priority to ensure employees have what they need to do their job.  Take active steps to ensure we meet our obligations under the Human Rights Act, UNCRPD and the ERA. |
| One up manager | Decide on review of decisions for reasonable accommodations |

**Definitions**

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| **Word/ phrase** | **Definition** |
| Reasonable accommodation | Adjustments in the workplace to ensure a person can perform their job.  Reasonable accommodation refers to creating an environment intended to ensure equality of opportunity to meet an employee’s needs in relation to a disability or family commitments and particular practices of an employee's religious or ethical beliefs[[1]](#footnote-1).  Reasonable accommodations can include – but aren’t limited to – providing instructions in writing as well as verbally, demonstrating how to do a task, reallocating aspects of the job to another employee, changes to lighting and desk arrangements, facilities, equipment or software. In some instances, more than one accommodation may best suit a person’s circumstances. However, MSD only provides work-related and additional specialised equipment for an employee’s main place of work, which is defined as an MSD office unless otherwise stated in the conditions of employment.  Reasonable accommodations should be fully explored before considering whether an employee can no longer work and the medical retirement process is initiated.  When considering what is reasonable, factors to take into account include:   * how effective the adjustment will be in assisting the employee to perform their job * whether it’s practical to make the adjustment * the financial or other costs of the adjustment * how much disruption, if any, will be caused to our services or our people. |
| Flexible working arrangements | Arrangements can be:   * formal – a recurring work arrangement which impacts pay or involves changes to employment terms and conditions such as working hours, pattern or location. * informal – an agreement between manager and employee to have flexibility over when and where they carry out their work subject to meeting position responsibilities and deliverables.   This is covered by MSD’s Flexible Working [Policy](https://doogle.ssi.govt.nz/resources/helping-staff/policies-standards/hr/flexible-working-policy.html) and [Guidance](https://doogle.ssi.govt.nz/working-here/working-for-us/flexible-working/flexible-working-guidelines.html). |
| Workstation assessments | A formal workstation assessment is conducted once pain and discomfort has been registered in the STAR event reporting system. An occupational therapist will complete a report that recommends the height of desk, chair and monitor and may recommend equipment such as a personalised chair, mouse or document holder.  A formal workstation assessment is not required for reasonable accommodations to be made. As well, a health practitioner may recommend specialised equipment or other accommodations to ensure a person’s wellbeing in the workplace.  Conversations about health and safety can complement discussions about reasonable accommodations. |
| Support Funds | [Support Funds](https://supportfunds.co.nz/) is external funding, specifically for disabled employees, that can be applied for by the employee (rather than the employer) to cover the "cost of disability” – that is additional work costs that are a direct consequence of a person’s disability.  Support Funds are particularly useful for more expensive specialised requirements that are unlikely to be used again when the person leaves MSD. Items typically covered by Support Funds are specialised equipment or software, and New Zealand Sign Language (NZSL) interpreters. Any equipment or software belongs to the employee so they can move with the employee if they change roles or employers.  Support Funds do not cover disabilities covered by ACC. |

**Related policies**

* Flexible Working [Policy](https://doogle.ssi.govt.nz/resources/helping-staff/policies-standards/hr/flexible-working-policy.html) and [Guidance](https://doogle.ssi.govt.nz/working-here/working-for-us/flexible-working/flexible-working-guidelines.html)
* [Health and Safety Policy](http://doogle.ssi.govt.nz/documents/working-here/keeping-healthy-and-safe/health-and-safety-policy.pdf)
* [Equal Employment Opportunities Policy](http://doogle.ssi.govt.nz/resources/helping-staff/policies-standards/hr/equal-employment-opportunities-policy.html)
* [Rehabilitation Policy](http://doogle.ssi.govt.nz/resources/helping-staff/policies-standards/health-safety-security/rehabilitation-policy.html)
* [Car Parks at Ministry Sites](http://doogle.ssi.govt.nz/resources/helping-staff/policies-standards/hr/car-park-policy.html)
* [Domestic and Family Violence Policy](http://doogle.ssi.govt.nz/resources/helping-staff/policies-standards/hr/hr-policies/domestic-violence-policy/domestic-and-family-violence-policy.html)

**For more information see:**

* [Reasonable Accommodation in Employment Guidance](https://doogle.ssi.govt.nz/working-here/working-for-us/reasonable-accommodation/reasonable-accommodation-in-employment-guidelines.html)

1. As described in [guidance](https://www.employment.govt.nz/workplace-policies/employment-for-disabled-people/reasonable-accommodation-measures/#:~:text=Reasonable%20accommodation%20is%20the%20term,in%20relation%20to%20a%20disability.) on Employment New Zealand’s website explaining ‘what reasonable accommodation means’. [↑](#footnote-ref-1)