



A MANAGER'S TOOL FOR HAVING ACCOMMODATION DISCUSSIONS

APRIL 2023

ABOUT TRUCKING HR CANADA

As a national, non-profit organization, Trucking HR Canada advances modern HR solutions for the trucking and logistics workforce. One of our strategic priorities is to make a company's job easier by delivering a comprehensive collection of up-to-date guides, reports, templates and more to support effective human resource management, recruitment and retention efforts.

Visit truckinghr.com to find out more.

DISCLAIMER

The information contained within does not constitute legal advice. Trucking HR Canada, and all content contributors, bear no responsibility for any circumstances arising out of or related to the adoption, or decision not to adopt, any of the recommendations contained in this document.

WANT MORE?

Visit the **HR Resource Library** on Trucking HR Canada's website for up to date, practical HR management guides and tools designed specifically for trucking and logistics employers.



INTRODUCTION

To help equip fleet employers confidently handle conversations in which employees disclose a disability and request accommodations, THRC has developed “A manager’s tool for having accommodation discussions.”

This tool includes:

1. A summary of best practices that will help supervisors prepare for accommodation conversations.
2. Examples of questions and prompts that you can use when discussing accommodation requirements.
3. Helpful guidelines to follow at work and in the community when referring to persons with disabilities.

1 BEST PRACTICES FOR APPROACHING ACCOMMODATION DISCUSSIONS

Once an employee has disclosed a disability and made their need for accommodation known, the employer initiates next steps to find the right accommodation solution for the employee.

The following guidelines will help managers as they prepare for and begin the accommodation process.

Engage with the Employee

A responsive and action-oriented style of management is the most effective during the accommodation process. Goals for an accommodation discussion may include:

- Identifying barriers that the employee is facing.
- Reviewing ideas that the employee has about what accommodations or solutions may be appropriate for them.
- Providing an overview of the accommodation process so that the employee understands the steps and what will happen next.

Maintain Confidentiality

It is critical to respect the privacy of the employee during and after the accommodation discussion.



Additionally:

- Accommodation information should only be shared on a need-to-know basis.
- Medical information should be kept in a file separate from the employment file.
- The way an employee completes their work may need to be modified as a result of the accommodation. Other employees may be told of the change, but not the reasons why the change was made.

Medical Information

The employee requesting an accommodation will advise the employer that they have a disability and the employer is required to take the request for accommodation in good faith. As a standard of practice, employers should limit any information requests from the employee to their limitations or restrictions. The employer should not ask the employee about the disability that causes these effects. This will generally be sufficient to assess needs and determine the appropriate accommodation.

Treat Each Request as Unique

Every individual is unique as is the accommodation that they may require. Two people with the same condition can experience it in very different ways and what might work for one person may not work for another. The company should start fresh with every request and avoid a one-size-fits-all approach.

Document Conversations

To demonstrate that the *Duty to Accommodate* has been fulfilled, managers should consider documenting the discussion, as well as any considerations and/or actions taken in relation to an accommodation request. Record keeping is a good practice and will serve as a reference should any questions or concerns arise through the accommodation period.

Keep the Discussion Going

This generally isn't a one-and-done conversation. A good practice for managers is to follow up with the employee to confirm that the accommodation is still effective, as job conditions and the health of the employee can change over time. While these conversations can be uncomfortable, consider the following recommendations:

- Don't avoid conversations because you are worried you might say the wrong thing. It is best to engage the employee in conversations and to ask questions as issues arise.



- If you make a mistake, apologize and ask if there is a better way to communicate or interact. Building a good and trusting work relationship with the employee will make these discussions easier over time.

Question: How do I handle an accommodation discussion with an employee that has been with the company for many years?

Answer: The guidelines for discussing accommodation requirements are generally the same for everyone, whether a new or tenured employee. However, be aware of assumptions or misperceptions you may have about the tenured employee. For example, don't assume that because you have known them for a while that they will be comfortable disclosing or discussing an accommodation requirement with you.

2 HAVING DISCUSSIONS ABOUT ACCOMMODATION REQUIREMENTS

Discussing a disability can be uncomfortable, both for the employee and for the supervisor. Remember to be empathic in your approach and focus on how to address the accommodation request. Schedule ample time so the conversation is not rushed. While not required, you may find it helpful to have an HR Representative in your organization present for the conversation.

The following prompts may help guide appropriate, respectful and effective accommodation conversations with employees.

Starting the Conversation

- What would you like me to understand before we discuss the best accommodations for you?
- I am here to support you and work with you to provide an accessible workplace that meets your needs. Can you share with me how I can best help with that?
- What concerns or questions do you have about the accommodation process? If I don't know the exact answers, I will find them out...we are exploring this together.

Gathering Information

- What currently prevents you from doing your work as you would like?
- What is getting in the way of your productivity?
- Is there something that would make you feel more equipped to do _____ ?



- Thank you for trusting me with this information. I will keep this confidential and hope I can continue to maintain your trust by giving you the support you need. Is there anything else you would like to discuss before we continue?

Identifying the Most Effective Accommodation

- What do you believe is the best accommodation for you?
- You say that you feel/ experience _____. Let's do some research and inquiry into what accommodations may fit this situation.
- Would it be helpful to brainstorm some accommodation options to consider?

Finalizing the Accommodation Plan

- Based on what you've told me it seems like option _____ may be helpful. What do you think?
- It looks like option _____ might work but you seem unsure. Why don't we try this option for a month and then review to see if that accommodation is working for you. If not, we can make modifications.
- To ensure this accommodation continues to meet your needs and to keep our communication open, lets schedule some regular 1-1's. Would that be helpful and work for you?

Avoid Asking/Saying

- X What is your disability?
- X How did you become ill or injured?
- X Are you taking medications and what are they?
- X You don't look like you struggle with _____.
- X This will be a lot of work....

A successful conversation is not only dependent on the questions you ask and the empathetic tone you take, but also your ability to **ACTIVELY LISTEN** to the employee. It is the information they share that will help ensure an effective accommodation has been identified and implemented.



3 GENERAL GUIDELINES FOR TALKING ABOUT DISABILITY

Knowing how to interact knowledgeably and respectfully with employees with disabilities will help you build a more inclusive workplace.

Below are some recommendations to help guide your language.

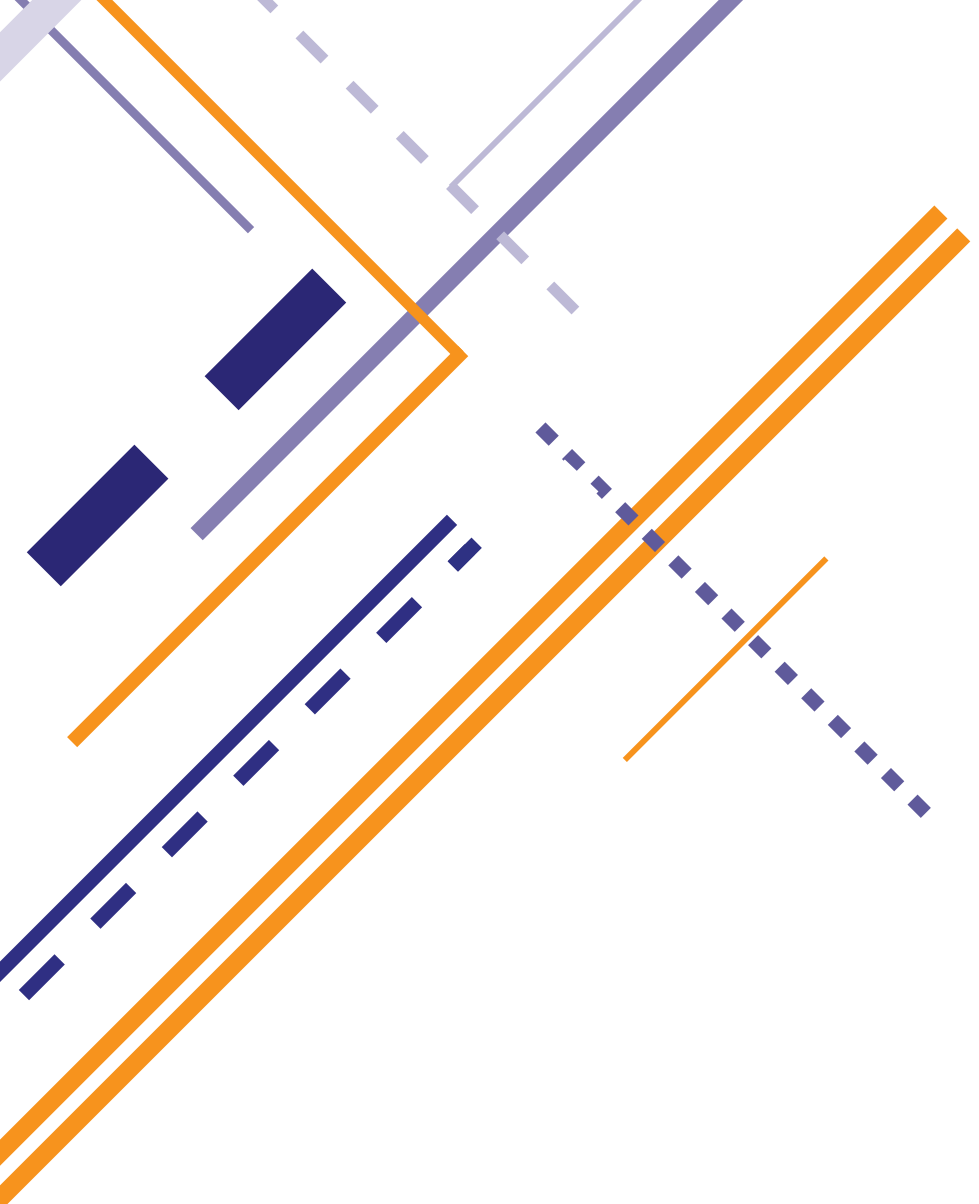
DO

- Only refer to a person's disability when it is relevant to the topic or issue being discussed.
- Use the term "accessible" as opposed to "disabled" or "handicap" when referring to places with accommodations for persons with disabilities. For example, use "accessible parking space" or "accessible bathroom stall".
- Focus on the person versus the disability. For example, rather than using terms such as disabled person, handicapped people, a crippled person, use terms such as people/persons with disabilities, a person with a disability, or a person with a visual impairment.

AVOID

- Labeling persons and putting them in categories, as in "the handicapped", "the disabled", "the deaf" etc. This suggests that their experiences are all the same. Instead, use terminology such as: "a person who has multiple sclerosis".
- Using terms such as "afflicted with", "victim of", "suffering from". These phrases can have negative connotations and disability should not be equated with illness or a disease.
- Portraying persons with disabilities as "brave", "special" or "courageous". This diminishes the strengths, skills and talents they do have.
- Referring to a person with disability as a patient unless he/she is under medical care.
- Call people without disabilities "normal" or "healthy". Use "persons without disabilities" to avoid making persons with disabilities feel less than.





PREPARED BY:



104-720 Belfast Road
Ottawa ON K1G 0Z5

FUNDING PROVIDED BY:

