



## Importance of Reasonable Accommodation Atwork Place.

### KEYWORDS

Visually Impaired (VI), Reasonable Accommodation, Persons with Disabilities (PWD), United Nation Convention on Rights of Persons with Disabilities (UNCRPD), Equal Employment Opportunity Commission (EEOC) American With Disabilities Act (ADA)

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#### ABSTRACT

*Reasonable Accommodation is a broad term derived from the American with Disabilities Act 1990 subsequently it was adopted by other countries in a convention called UNCRPD. The term is related to the nonhandicapping work environment clause framed by the Government of India in the PWD Act of 1995. The present article is an attempt to explore various ways and means with respect to work place modification in order to make the VI persons more productive. modification in the schedule of work, provision of qualified readers and interpreters, provision of assistive technology and equal treatment to the Visually Impaired along with their sighted counterpart to ensure them equal benefits and privileges during the course of their employment can make them more skill and competent to discharge their duty efficiently. Further restructuring of their sitting arrangement, flexibility in work timing, and grant of leave for their treatment should be taken into consideration as a part of reasonable accommodation.*

*It is very clear that, if the disability related needs of the Visually Impaired employees could be address by the way of reasonable accommodation they can be considered as the efficient human resource of the Country. So the Government should move in a right direction to meet the crisis of the Visually Impaired employees by providing them long term work place solution within the Institutional frame work of the welfare government.*

#### Introduction:

The Constitution of India ensures equality, freedom, justice and dignity of all individuals and implicitly mandates an inclusive society for all including persons with disabilities. Article 16 of the Constitution of India guarantees Equality of Opportunity in matters of Public Employment.

Placing the Visually Impaired persons in employment is an important priority for both the state and centre. If adequate opportunity is provided to them at right time they can be excellent, dedicated and loyal to their work.

Attitude of suspicious superstitions and believe in "Karma" this later gave away to an attitude of pity. A more positive thinking emerged when a large number of people were affected by World war. This was further reinforced by changes in the attitudes, dictated by the advance of rationalism, humanitarianism and democratic values. The new deal to handicapped has resulted in the Philosophy of rehabilitation which implies " the restoration of Handicapped to the fullest physical, mental, Social, Vocational and Economic usefulness

As a result of this changes many new concept were emerged for the welfare of Persons with Disabilities the provision of Reasonable accommodation at work place is one of the important concept to provide equal opportunity to the Visually Impaired persons to accommodate them in the working environment.

Reasonable Accommodation is a progressive legal term derived from the USA the American with Disabilities Act which came into existence in the Year 1990 adopted the principle of Reasonable Accommodation to provide equal opportunity to the Employees with Disabilities on an equal basis with others. Subsequently it was adopted in the Year 2006 by the UN Convention on rights of Persons with Disabilities to provide equal opportunities to the Persons with

Disabilities to accommodate them in the work environment.

Reasonable Accommodation in general means certain changes in the work environment or doing the things in such a way that enable an individual with disabilities to enjoy equal employment opportunities with others According to Article 2 of United Nation Convention of Rights of Persons With Disabilities Reasonable Accommodation means " Necessary or appropriate adjustment and modification not imposing a disproportionate or undo burden, where needed in a particular case, to ensure to Persons with Disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedom" This article also says that, denial of reasonable accommodation to a persons with Disabilities is also Considered as discrimination. The functional definition of Reasonable Accommodation has been recognized by the Government of India in the Rights of Persons with Disabilities Bill 2014 which means

An accessible barrier free and congenial work environment is very much essential for a visually Impaired employee to perform his allotted functions efficiently with his co-workers at his work place. It not only enable a visually Impaired person to maintain a dignified working life But also increases the productivity of that organization in which he is employed.

Article 27 of the UNCRPD asked the States to recognize the rights of Persons with Disabilities and provide them the opportunities to work with others on an equal basis.(a) this includes the right to work in a freely chosen environment that is open accessible and acceptable by persons with disabilities.

Section [c] of the said article asked the States to ensure reasonable accommodation to Persons with Disabilities at work place

Then question arises what is reasonable accommodation and why it is important in work environment for visually Impaired persons. Reasonable Accommodation is the combination of 2 words reasonable and accommodation if it appears to be flexible or plausible it is reasonable and accommodation must be effective to cater the requirement of an Individual.

A Reasonable Accommodation allows a Visually Impaired person to perform the essential function successfully of his position. It allows a Visually Impaired applicant to have an equal opportunity to participate in the application process and to be considered for a job.

Reasonable accommodation allows Visually Impaired employees to enjoy the benefits and privileges of employment that employees without disabilities enjoy.

In USA to protect the Persons with Disabilities from discrimination in matter of employment and to provide equal opportunity with others an equal Employment opportunity Commission was set up in the Year 1965

The Equal Employment Opportunity Commission defines reasonable accommodation as "any modification or adjustment to a job or work environment that will enable a qualified applicant or employee with disability to participate in the application process or to perform essential job functions" the goal to provide reasonable accommodation to a qualified Visually Impaired person is to allow him to function at his or her optimum level by reducing the impact of disability and environmental barrier which affects his job performance.

For Instance, Blind people do not use light but sighted people use it, installation of light fixtures for the sighted persons is a reasonable accommodation. In the similar way installation of screen reading softwares in the computers at the work place for the Visually Impaired persons is a reasonable accommodation for them.

Thus it is the rights and responsibilities of both the employers and the employees to create a barrier free, conducive and disabled friendly environment at work place. It is the rights of employees to inform the employers about the requirements for smooth discharging of his duties.

Title (I) of the American With Disabilities Act of 1990 requires an employer to provide reasonable accommodation to qualified Individuals with Disabilities who are employees or applicant for employment, unless such accommodation would not cause an undue hardship to an employer to provide such accommodation. In this Act, this word (qualified) is a key word. According to EEOC a qualified Individual with Disabilities is one who meets legitimate skill, experience, education, or other requirements of the employment position that he or she holds or seeks, or who can perform essential function of the position with or without reasonable accommodation.

So this is the legal obligation of an employer in the State of America to provide reasonable accommodation to an employee with disabilities.

Accommodations and the assistive technology are inter-related because it is the modern technology that helps to minimize the limitation of the disability and accommodate them in the multiple changing work environments. Some individuals who are visually impaired will use a closed-

circuit television (CCTV) that is used to magnify printed material onto a monitor. Most CCTVs also have settings to adjust contrast, size and color to meet an individual's needs. Other low vision aids like hand-held magnifiers might be used by someone who is visually impaired to read small print. Telescopes or monocular can be used for distance reading, such as reading print on a projector screen from across a room.

On the computer, some people who are visually impaired will use screen magnification software. This software enlarges the information on the computer screen and can also be adjusted to display different contrasts, sizes and colors. Some screen magnification software also has settings to change the appearance of the mouse pointer and cursor as well as voice output.

Individuals who have less sight might use screen reading software to access the computer. Screen readers translate the information on the computer screen into synthesized speech and can read everything from pop-up messages to hyperlinks on an Internet page. Many individuals who use screen reading software may navigate using keyboard commands instead of the mouse. Refreshable Braille displays can also be connected to a computer so that information on the screen is translated into Braille. Many computer users who are blind choose to use both screen reading software and refreshable Braille displays together so that information can be proofread in Braille for accuracy.

Other assistive technology for people who are blind or significantly visually impaired may include portable note-takers, Braille writers and Braille typewriters to take the place of a pen and paper. Scanners can also be utilized to upload printed material onto the computer.

Because the ADA only protects individuals with "known" disabilities, the applicant or employee is responsible for introducing the need for reasonable accommodation by first disclosing his or her disability. Nevertheless,

In this way, reasonable accommodations make sense from a business perspective in order to best utilize talent and maximize productivity.

the Persons with Disabilities Act of 1995 does not use the words (Reasonable Accommodation) But Section 38 (a) (d) of this Act provides that, the appointing authorities should ensure barrier free, Non-handicapping worksite ,place, machines etc. by making adoption, modification and disabled friendly environment, suitable for Persons with disabilities. Which has been adopted by the consolidated instruction made by the General Administration Department Government of Odisha in paragraph 22 of the resolution No. **34450/Gen Government of Odisha Dated 30th April2013.**

the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labour unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

But the private sector is not covered in the PWD Act of India.

However providing reasonable accommodation at the work

place is a fundamental statutory requirement because of the nature of discrimination faced by the Visually impaired employees at the work place. There are certain work place barriers which creates obstacle for a Visually Impaired Employees to performe his duty smoothly. This barrier may be physical obstacle such as inaccessible facilities or equipment, or working procedures or rules concerning when work is performed, when breaks are taken or how marginal or essential functions are performed.

Reasonable Accommodation is a relative term mostly requires the application of mind in terms of behavior and work culture considering the physical limitation of the Visually Impaired Employees. The investigator examine some practical problem faced by the Visually Impaired employees in the State of Odisha which could be easily removed by introduction of technology bringing slight modification in the pattern of work and sensitizing the co-workers and employers about the physical limitations and alternative arrangement required by the particular Visually Impaired employees on his/her work environment.

For example, One of our interviewee who is working in a branch of Kanada Bank at Bhubaneswar as a probationary officer stated that, When he was joined in his job A Hearing Impaired attendant was engaged for him. Being a Visually Impaired person it was quite difficult for him to understand the sign language of that HI Person..

The same person also informed that, the software used by the kanada bank called prognosis is not accessible with Jaws software so he finds it difficult to discharge his duty properly. If all the banking or company softwares could be designed in such a manner can be compatible with Jaws screen reading software. The Visually Impaired persons can access it easily.

Similarly one Visually Impaired person working as a teacher in a sighted School At Jajpur District informed due to non availability of books and study material in Braille it is difficult for him to teach the students of his School. Who could be provided the teaching and learning materials in Braille or tactile form as a part of reasonable accommodation.

One Visually Impaired woman added in her interview that, once she had gone to appear the entrance test of the B.Ed training and she was allotted a sit in the verandah as a consequence of which her scribe felt reluctant to write in the examination on her behalf such in an unfair environment. She could have been provided a safe secured separate room and a hygienic environment to prevent her sufferings from inferiority complex.

One Visually impaired clerk working in kendriya Bidyalaya at Jharsuguda District of Odisha told that, she was given manual money receipt book to be filled up by her during the admission of the students for which she faced much difficulties she has to take a helper on her own cost to manage her duty. Which could have been easily managed through maintenance of receipt book by the help of a computer equip with a JAWS screen reading software.

One Visually Impaired lady Bank employee working in the State bank of India at Ganjam District told that, she is sitting idle as no work is assigned to her on account of her blindness. The employer should engage her suitable work in his establishment conducive to the work efficiency of that Visually Impaired employee so that she will not be considered unimportant at her work place.

The following changes may be done in the work place to provide reasonable accommodation to Visually Impaired employees by making the existing facilities accessible,

- Restructuring the jobs
- Modifying the work schedule,
- Acquiring or modifying the equipment,
- Changing the pattern of test training materials or policies.
- Providing qualified readers or interpreters.

#### **Suggestion:**

The design of products, environment, programmes and services need to be made according to the principle of (Universal Designing) to be usable by all people to the greater extent possible, without the need for adaptation or special design. Universal Design shall not exclude a particular group of Persons with Disabilities as enumerated in the UNCRPD.

The principle of reasonable accommodation should be included in every States legislations.

Employers should take proactive measures to fulfill the requirement of the Visually Impaired employees in a time bound manner.

The Information and Communication Technology need to be more accessible for the Persons with disabilities to make their work environment more conducive.

The Attitudinal barrier should be removed to create a cordial and friendly environment for the Visually Impaired employees to minimize their stress and inferiority complexities.

The work place environment needs to be modified properly for smooth discharge of duty by the Visually Impaired Employee without any physical barrier.

The equipments used by the Visually Impaired employees need to be modified according to his requirement, for instance,

A talking calculator may be provided to a Visually Impaired clerk or accountant in the place of a visual calculator.

Like USA a separate Commission needs to be set up to protect the Visually Impaired employees from discrimination related to employment.

#### **Conclusion:**

After the arrival of the UNCRPD Reasonable accommodation has been widely recognized by the policy makers of the signatory country. In India, during the formulation of the draft bill of the right of persons with Disabilities bill 2014 which has been sent to the Rajyasava select committee for their active consideration has clearly enumerated about the provision of Reasonable accommodation for the Persons with Disabilities. Thus the evolve concept of reasonable accommodation should be adopted by all the central government ministries and state government department for creating barrier free environment for respective Vi employees for persons with visual impairment. More over reasonable accommodation can bring meaning full changes in the life of the visual impaired employees.

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