

View from the Chair; Business Newsletter; 29 August 2023 Geraldine McGahey, Chief Commissioner, Equality Commission NI

What does ‘reasonable’ mean in ‘reasonable adjustments’?

Reasonable adjustments have been a part of life here under the Disability Discrimination Act since 1995. Employers and service providers are bound by a legal duty to consider them when it comes to accommodating disabled customers and service users, in recruitment practices and in the workplace.

The DDA is unique in that the reasonable adjustment duty for service providers is an anticipatory one, in other words, you need to think before it happens, what if I had a client in a wheelchair, how would I provide our service to him or her?

For employers, it is wise to consider the reasonable adjustment duty to make sure that disabled people can access jobs and workplaces as easily as non-disabled people. For example, if I have a deaf person coming for a job interview, how can I make it an opportunity for them to compete on an equal basis with everyone else?

There is some very good news on reasonable adjustments, however, and that is I can tell you what you should consider when you’re trying to assess what a reasonable adjustment should be – it’s in the DDA itself. And what’s even better, I can give you two very recent examples from our legal caseload that prove that they don’t need to cost a lot.

First, what does the ‘reasonable’ in ‘reasonable adjustment’ mean? When it comes to making reasonable adjustments for people with disabilities, how specific can we be?

It means that you need to be able to show that the change you’re thinking of would be practical and would actually help someone with a disability. Will it work and will it help overcome the disadvantage or barrier faced by a disabled person?

Consider the financial costs, and other costs, such as potential disruption to your business. If you are a large employer with large resources, the consideration will be different than if you’re a small business.

The nature and size of your business needs to be considered too, and the effect of any adjustments on other employees. Changes such as wide doorways and toilet provision could benefit more than a single employee.

You are more likely to come up with a good solution if you consult a disabled person about his or her needs and seek expert advice where appropriate. If the disabled person has a solution, or they can use their own equipment at work, take that into consideration too. Refer to the guidance given in the [DDA Code of Practice \(pdf\)](#) on our website. Use trial periods to test the effectiveness of potential solutions and keep an open mind on possible solutions. Review any adjustments you make to ensure they are still doing the job and still needed.

These two recent settlements demonstrate that reasonable adjustments don't always have to be multi-step, complex arrangements.

First, I give you a public sector service provider who was asked numerous times by a visually impaired benefits claimant to provide his correspondence in 18-point type. Unable to read letters about his payments in standard typeface, and fearful that he would miss something important, he called on a taxi driver to read them out to him, giving a stranger access to his most private financial and personal information. This would have cost pence to implement and would have given the benefits claimant some dignity and privacy. The simplest of reasonable adjustments.

A second one was a part time sales assistant in a busy retail setting who has rheumatoid arthritis, fibromyalgia, osteoarthritis of the spine and high blood pressure. Because of these conditions, she cannot stand for long periods. With her former employer's agreement, she had used a chair for the last seven or eight years when working at the checkouts and had a chair on the shop floor to use when in pain or fatigued. The chair was provided by the woman herself and did not have any special modifications. But when a new employer took over the shop, the store manager decided not to allow the chair and did not follow a recommendation from Occupational Health that said she should have a chair to help her at work. The store manager would neither allow her to use her own chair nor expedite the provision of a special chair sourced by the company. This ended up with the woman resigning because of the failure to provide and allow her to use a chair and her treatment by the store manager. Again you can see this would have been simple to resolve, and yet it was handled in such a way that it ended up costing the employer almost £18,000 compensation and the loss of a very experienced member of staff.

So to summarise, a reasonable adjustment will remove or reduce the disadvantage experienced by someone with a disability – the employer should talk with the disabled person and not make assumptions. To stay on the right side of the law, you need to show how you have considered an adjustment in the context of your own business and how you came to your decision to provide or not to provide it. It will most likely be practical and affordable and will not harm the health and safety of others in the workplace or business.

As we've seen from these examples, it's often just doing something differently or allowing a little flexibility that can make all the difference to a disabled customer or

employee. Worth bearing in mind when you're thinking about how to make reasonable adjustments!

More detailed guidance on the reasonable adjustment duty is available for [service providers](#) and for [employers](#).