



## Developing an Accessible Workplace: A Resource Guide for Employers

### Overview

Since passage of the Americans with Disabilities Act (ADA) in 1990, employers have had to make sure that they do not discriminate against job candidates or employees on the basis of an individual's disability. This article explores how employers can make their workplaces accessible to people with disabilities. Areas of discussion include background on the issue; the benefits for employers who hire people with disabilities; how HR can foster the hiring, accommodation and retention of employees who have disabilities; and the costs of making workplaces accessible for such employees. The article also supplies links to information and resources for developing an accessible workplace and complying with the ADA.

### Background

Individuals with disabilities have historically been segregated and isolated. Passage of the ADA, which prohibits employment discrimination against qualified individuals with disabilities, has advanced understanding of the nature of various disabilities and of the fact that people with disabilities can achieve significant personal and professional goals. Nonetheless, preventing discrimination against such individuals in the workplace continues to be a challenge. See [EEOC Targets Hiring Barriers for Applicants with Disabilities](#) and [Eliminating Barriers](#).

Although physical accessibility within the workplace has improved to some degree for employees with disabilities, job prospects remain sparse. A U.S. Bureau of Labor Statistics (BLS) report of 2020 data showed that the unemployment rate for people without disabilities was 7.9 percent, while the rate for people with disabilities was 12.6 percent. See [Persons with a Disability: Labor Force Characteristics Summary](#).

A study by the Job Accommodation Network (JAN) shows that accommodations in the workplace provide consistent employer benefits over time with minimal costs.<sup>1</sup> The study found that providing accommodations to individuals in the workplace resulted in such benefits as retaining valuable employees, improving productivity and morale, reducing workers' compensation and training costs, and improving company diversity. The majority of employers in the study (59 percent) reported that the accommodations they provided had zero cost, and when accommodations did involve costs, the amount typically was only \$500.

See [Employers' Practical Guide to Reasonable Accommodation Under the Americans with Disabilities Act \(ADA\)](#).

## Business Case

Organizations have many sound business reasons for hiring people with disabilities and for ensuring that the workplace is accessible to them. Not the least of the reasons is the beneficial impact on organizational performance that can result from the skills of a diverse workforce. By fostering a culture of diversity—a capacity to appreciate and value individual differences—employers benefit from varied perspectives on how to successfully deal with business challenges. Although diversity customarily refers to differences in age, sex, ethnic background and, in some instances, religious affiliation, diversity encompasses a broader range of individuals' particular attributes and experiences—among them, disabilities. Thus, disability is a component of diversity, and businesses can benefit by taking steps to make certain that people with disabilities are represented in the workforce.

In 2020, there were 24,324 charges of disability discrimination filed through the Equal Employment Opportunity Commission (EEOC)—making up 36 percent of all charges of discrimination. See [Americans with Disabilities Act of 1990 \(ADA\) Charges](#).

## The Role of Human Resources (HR)

Since HR is responsible for ensuring that the talents and skills of all employees are leveraged, HR professionals can and should hold leaders accountable for employing people with disabilities. HR should determine how their organizations' leaders and managers view people with disabilities. If barriers in the workplace prevent any employee from succeeding, HR has a responsibility to address those issues. See [ADA: Compliance Questionnaire](#).


HR professionals need to be familiar with the many resources that can help them reach out to people with disabilities in the labor force. HR should be knowledgeable about the requirements for—and the methods of achieving—accessibility in the workplace for people with disabilities and should be familiar with methods of recruiting, interviewing and retaining such employees.

The [Job Accommodation Network \(JAN\)](#) provides free consulting services to employers on all aspects of job accommodations, including the accommodation process, accommodation ideas, product vendors, referral to other resources and ADA compliance assistance.

Easterseals New Jersey has created a [guide](#) with practical tools employers can use to attract and work with employees with disabilities.

## Accessibility for Candidates

An organization that envisions employing people with disabilities should make sure the concept of accessibility underlies its candidate selection process. The U.S. Department of Labor (DOL) offers online guidance and a checklist for employers that wish to evaluate the accessibility of their facilities for candidates who have disabilities. Among the considerations are the following:

- Are parking spaces close to the worksite entrance?
  - Are there steps or abrupt level changes on the pathway from the parking area to the building's entrance?
  - Are access ramps appropriately graded, and do they have handrails?
  - Are doors at least 36 inches wide for wheelchair access, and are the doors easy to open?
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- Is the human resource office or the place where the application process is administered accessible?
- Would a person with a disability have access to a restroom, a water fountain and a public telephone?
- Are elevator control panels lower than 54 inches from the floor and fitted with raised symbols or numbers?

See [Opening Doors to All Candidates: Tips for Ensuring Access for Applicants with Disabilities](#) and [7 Ways to Make Your Hiring Process More Inclusive and Accessible](#).

### Recruiting Strategies

When filling a job opening, staffing managers should expand their outreach efforts to include qualified candidates who have disabilities and who thus could enlarge the talent pool.

One source of such candidates is the federal [Workforce Recruitment Program](#), which connects federal and private-sector employers with highly motivated postsecondary students and recent graduates who have disabilities. In addition, the DOL's [Office of Disability Employment Policy](#) offers a number of resources for employers seeking candidates.

Other methods of recruiting workers with disabilities include the following:

- Using disability inclusion statements in job advertisements and in the careers section of the organization's website.
- Posting job openings on disability-oriented job boards.
- Ensuring that applications are in formats accessible to all people with disabilities.
- Providing reasonable accommodations that qualified applicants would need in competing for the job.
- Attending disability-focused job fairs.
- Educating all employees, especially managers, about working with employees with disabilities.

Another key recruiting step is to ensure that an employer's human resource systems are accessible to people with various types of disabilities. Many companies have moved toward use of the Internet as their sole means of recruiting, posting job openings, and collecting resumes and applications. For help in making their websites accessible to people with disabilities, employers can tap the resources of the [Employer Assistance and Resource Network on Disability Inclusion](#) (EARN), a free consulting service that is part of the National Employer Technical Assistance, Policy, and Research Center at Cornell University. EARN, which is funded by the DOL's Office of Disability Employment Policy, supports employers in recruiting, hiring, retaining and advancing qualified individuals with disabilities. It does so through confidential consultation and technical assistance, customized training, online resources, and links to state and local community-based organizations serving job seekers with disabilities.

## Interviewing Strategies

When considering a job candidate with a disability, interviewers should avoid questioning the applicant about his or her ability to do the job at the outset. Initial queries should relate to the candidate's skills and experiences. Although the ADA restricts employers from asking specific questions about a candidate's disability, when a disability is obvious or a candidate has voluntarily disclosed a disability, an employer may ask the candidate what workplace accommodations he or she would need in order to do the job effectively. See [Job Applicants and the Americans with Disabilities Act](#).

When interviewing a candidate with a disability, staffing professionals should keep the following in mind:

- The focus should be on the merits of the candidate, and hiring managers should be willing to adapt the application or interview process to the candidate's strengths. For example, an engineer with high-level autism may not be skilled at expressing himself or herself verbally, so a situational interview may not be appropriate. But the candidate may have an outstanding portfolio. In that person's particular field of engineering, his or her accomplishments and experience may be more important than evaluating his or her ability to talk about them.
- Never assume that people with disabilities lack the necessary education, training and experience for employment or that they would not be able to perform essential job functions.
- Workers with disabilities might do things differently, which in fact could mean they fulfill their responsibilities more efficiently and effectively than previous employees in the position.

## Accommodating for Accessibility

Employers that have never hired people with disabilities may overestimate the cost and complexity of making the workplace accessible for such employees, but accommodations need not involve significant extra expense. Often, the employee requires nothing more than considerations like those already provided to others in the organization, such as a flexible work schedule, the ability to telecommute or a restructured workstation. Although sophisticated adaptive equipment can cost more than \$10,000, most accommodations cost very little and often no more than a few hundred dollars—a small expense considering the potential return on the investment. See [Inclusive Design Can Remove Barriers, Prevent Social Isolation](#).

According to the EEOC, "As an employer, you are responsible under Title I of the ADA for making facilities accessible to qualified applicants and employees with disabilities as a reasonable accommodation, unless this would cause undue hardship. Accessibility must be provided to enable a qualified applicant to participate in the application process, to enable a qualified individual to perform essential job functions and to enable an employee with a disability to enjoy benefits and privileges available to other employees. However, if your business is a place of public accommodation (such as a restaurant, retail store or bank), you have different obligations to provide accessibility to the general public, under Title III of the ADA. Title III also will require places of public accommodation and commercial facilities (such as office buildings, factories and warehouses) to provide accessibility in new construction or when making alterations to existing structures." See [The ADA: Your Responsibilities as an Employer](#) and [ADA Update: A Primer for Small Business](#).

A 2016 California law aimed at curbing frivolous lawsuits regarding accessibility under the ADA provides businesses in the state with a 15-day cure period to remedy certain technical violations.

The law also incentivizes businesses to seek out a Certified Access Specialist (CASp) to conduct an inspection by providing that a business will have 120 days from the date of the inspection to remedy any access violations identified by the CASp. The law shields the business from lawsuits during the 120-day period.

HR can help managers understand that accommodations are tools to help ensure that a person with a disability can be productive, just as tools are provided to those without disabilities to ensure their productivity. The tools may be different, but their purposes are essentially the same. For example, an employee with a visual impairment may need a larger computer monitor or a laptop for working at home, while an employee with no disability might need a glare screen for a desktop monitor. Successful organizations invest in all employees and do not limit themselves in finding creative solutions to move the organization forward.

Help with the costs of accommodating and training employees with disabilities can be obtained from various state agencies. For example, if a company changes its computer systems and an employee who is blind needs to have his or her adaptive technology upgraded accordingly, vocational rehabilitation services may help.


Employers that hire people with disabilities may also be eligible for various federal tax incentives, including the Disabled Access Credit for small businesses, the Architectural and Transportation Barrier Removal deduction, and the Work Opportunity Tax Credit program, all of which are described on the JAN website. See [Tax Incentives](#) and [Tax Benefits for Businesses Who Have Employees with Disabilities \(IRS\)](#).

Employers can realize additional benefits in making accommodations for employees with disabilities in that the accommodations can have cascading effects that help other employees. Voice recognition software, for example, is being adopted widely within workforces because it can be more efficient than traditional keyboarding. In addition, an organization that embraces workplace accommodations for new hires with disabilities may be able to make similar workplace accessibility adjustments for employees who later become disabled. Accommodating such employees and thereby keeping them in their jobs can enable employers to sidestep the probably far greater expenses of hiring and training replacements for those workers.

### Website Accessibility

Employer websites, including careers pages, portals and applications, must be accessible to people with disabilities. Employers must ensure that disabled applicants and employees can apply for jobs, access payroll and benefits information, and obtain other information through the employer's website.

Some of the common difficulties job seekers with disabilities experience with employer websites are:

- Complex navigation and timeout restrictions.
  - Poor screen contrast.
  - Applications that rely on color, graphics or text embedded with graphics to convey directions or important information.
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- Images that convey information but do not have alternative text for individuals using screen readers.
- Applications that cannot be navigated with keystrokes and instead require using a mouse.
- Videos or audio instructions that are not closed-captioned.
- CAPTCHA tests—used to determine whether or not the user is human—that don't include an audio option.
- Lack of information on how to request an accommodation.

The DOL's Office of Disability Employment Policy provides free online resources and toolkits to help employers improve the accessibility of their Web-based job applications for job seekers with disabilities, including a website called [TalentWorks](#).

See:

[6 Ways to Make Your Careers Site More Accessible](#)

[Employers Advised to Make Careers Websites Accessible, Despite Recent ADA Ruling](#)

[Most Fortune 100 Careers Sites Aren't Accessible to People with Disabilities](#)

### Performance Standards

Some employers assume that employees with disabilities cannot be held to the same levels of performance that are applied to employees without disabilities. That assumption is incorrect. According to guidance issued by the EEOC, "An employee with a disability must meet the same production standards, whether quantitative or qualitative, as a non-disabled employee in the same job. Lowering or changing a production standard because an employee cannot meet it due to a disability is not considered a reasonable accommodation. ... An employer should evaluate the job performance of an employee with a disability the same way it evaluates any other employee's performance." See [Applying Performance and Conduct Standards to Employees With Disabilities](#).

When hiring or evaluating employees, HR can use the EEOC's guidance to educate managers that expected levels of performance will be the same for employees with disabilities as for all others and to stress that loyalty, dependability and a desire to do a good job are attributes that are not exclusive to employees without disabilities. Moreover, studies regularly demonstrate that the safety records of employees with disabilities are equal to or better than those of other workers.<sup>2</sup>

Managers unfamiliar with the finer points of ADA regulations may worry that they cannot fire or fail to promote an underperforming employee with a disability, fearing a discrimination suit. However, the reality is that the process for terminating an employee with a disability is the same as that for terminating any other employee. A disabled employee must be able to perform the essential functions of his or her job with or without accommodation.

## Retention Strategies

Organizations should treat employees with disabilities as any other employee with regard to retention. Employers should enable all employees to do their best by providing access to tools, resources, information, equipment and career development opportunities. In addition, onboarding practices have a significant impact on employee retention. Tailoring onboarding specific to new hires with disabilities so that it includes information on procedures for requesting accommodations, for example, can be helpful.

Socialization practices—delivered via strategic onboarding and assimilation programs—can help new hires become embedded in the company and thus make them more likely to stay. Such practices include shared and individualized learning experiences, formal and informal activities that help people get to know one another, and the assignment of more-experienced employees as role models for new hires. See [Recruiting and Retaining People with Disabilities](#).

## Templates and Tools

- [ADA/ADAAA Policy](#)
- [ADA Reasonable Accommodation Policy: Accessible Parking](#)
- [ADA Reasonable Accommodation Policy: Service Animals](#)
- [Accommodating Employees' Disabilities](#)
- [Employing People with Cognitive Disabilities](#)
- [Creating a Mental Health-Friendly Workplace](#)
- [Employing and Managing People with Addictions](#)
- [How to Handle an Employee's Request for Accommodation](#)

## References

<sup>1</sup>Loy, B. (2016). Accommodation and compliance series workplace accommodations: Low cost, high impact. Job Accommodation Network. Retrieved from <http://askjan.org/media/lowcosthighimpact.html>

<sup>2</sup>Virginia Commonwealth University. (n.d.) The realities of hiring people with disabilities fact sheet. *Work Support*. Retrieved from <http://www.worksupport.com/research/viewContent.cfm/589>