

## **Factsheet: Reasonable Accommodations and the Workplace Fairness Legislation (WFL)**

In summary: The provision of reasonable accommodations should be enshrined in the WFL to support Singapore's goal of improving employment outcomes for persons with disabilities and comply with Singapore's obligations under the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

### **What are reasonable accommodations and why are they important to disabled employees?**

Reasonable accommodations are essential and necessary modifications or adjustments that enable persons with disabilities to perform the tasks of a given job. Examples of reasonable accommodation include making existing facilities accessible to a disabled employee; the provision of auxiliary aid devices, readers or interpreters; and flexible work schedules. They are not "special treatment" but aim to ensure that persons with disabilities are not disadvantaged by inaccessible work environments and practices.

Under Article 27(i) of the CRPD, Singapore is obliged to ensure that reasonable accommodations are provided to persons with disabilities in the workplace. Doing so will also help Singapore achieve the [Enabling Masterplan 2030's goal](#) of increasing the employment rate of persons with disabilities from 30% to 40% by 2030. A more inclusive workplace can also benefit Singapore's economy by attracting the best companies - [which employ more disabled workers](#) - to invest in and operate here.

While reasonable accommodations are mostly associated with persons with disabilities, they can also help create a more inclusive workplace for everyone – such as working parents or individuals from various religious demographics.

### **What are the Tripartite Committee on Workplace Fairness' concerns about enshrining reasonable accommodations in the forthcoming Workplace Fairness Legislation (WFL)?**

In its [Final Report](#), the Committee rejected calls to enshrine the provision of reasonable accommodations in the forthcoming WFL citing that "what is a reasonable accommodation can be difficult to define clearly" and that including reasonable accommodation provisions in the WFL may "risks creating a more litigious workplace".

With respect, the Committee's concerns may be overstated. For example, the UN Committee on the Rights of Persons with Disabilities (the committee at the UN that assist countries in implementing the provisions and standards of the UNCRPD) have issued [recommendations](#) on how governments can design laws that assist employers on how to clearly and practically assess what is "reasonable". For instance, when assessing an accommodation request, employers can take into account criteria such as access to funding sources (if the accommodation requires financing) and availability of assistance and support in implementation (if an employer is unfamiliar on how to implement a particular accommodation) – and based on the answer to such questions, it can help determine if the accommodation request is reasonable.

Pertaining to the concern of reasonable accommodation provisions leading to a more litigious workplace, there are procedures that can actually assist in avoiding litigation and minimising miscommunication. For instance, in other jurisdictions, employees requesting accommodations must first engage with their employers in an "[interactive process](#)" where the employee and employer work together to come up with a viable solution to ensure that the employee is able to perform their job duties effectively. Litigation is ultimately a measure of last resort in situations where an errant employer refuses to participate in the interactive process or offer accommodations that are reasonable.

While the Committee's recommendation to issue a [Tripartite Advisory](#) on providing reasonable accommodations to persons with disabilities is an encouraging first step, it may be of limited practical assistance to disabled employees who have no legal recourse against unreasonable employers who refuse to consider or grant their requests for accommodations.