

# 2023 Accommodations in the Workplace Report



There are many factors driving a growing number of requests for workplace accommodations: the Pregnant Worker's Fairness Act (PWFA) recently signed into law, the lingering impact of long-haul COVID, aging workforces, and the growing number of adults receiving and embracing their neurodiversity diagnoses. These add to the ongoing accommodations requests coming from the nearly 40 million employees with disabilities working today.<sup>1</sup>

Guardian found that for **70%** of employers they surveyed, ensuring compliance with the ADA is a top challenge for their organization.<sup>2</sup>

With the complexity and nuance of the laws surrounding the Americans with Disabilities Act (ADA) and now the PWFA, it can be hard for employers to know how to stay compliant. Unlike the Family and Medical Leave Act (FMLA) that has very clearcut deadlines and expectations, the ADA is notoriously vague and inconsistently applied.

When you combine the complexity of the law, a growing rise in requests, and a large, distributed workforce, it creates a perfect storm of challenges for those ultimately responsible for providing accommodations.

Even with the most well-intentioned and hardworking HR departments and frontline managers, organizations can easily leave themselves open to the risk of legal action — particularly if there is not a formal accommodations team or process in place.



If the U.S. Equal Employment Opportunity Commission (EEOC) receives a complaint from an employee, they could decide to open an investigation. This alone can lead to bad press and other reputational harm. If probable cause is found for a lawsuit, a company could face major fees and damages.

**A notable 2021 case against Walmart for violations of the ADA resulted in an award of over \$125 million in damages.**

Smart organizations are now taking a more intentional approach to workplace accommodations. Not only are they more likely to stay compliant, robust accommodations and inclusion programs can also bring many benefits for organizations.

In a study by the Conference Board, companies with inclusive cultures for those with disabilities were found to experience higher levels of employee engagement, satisfaction, and loyalty <sup>4</sup>. This should come as no surprise - employers gain loyalty by ensuring employees are heard and needs are met.

## **A 2018 Deloitte report on disability inclusion found that: <sup>3</sup>**

Companies that are disability-inclusive had **28% higher revenue**, **30% higher profit margins**, and **twice the net income** of their peers.

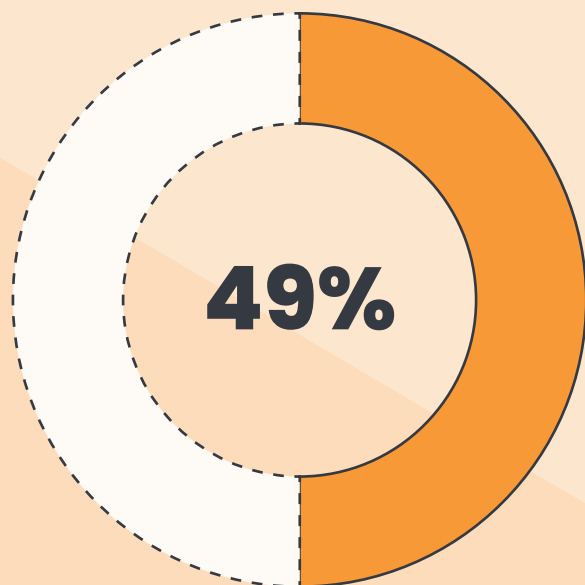
Staff turnover is nearly **30% lower** when a well-run disability community outreach program is in place at an employer.

People with disabilities often bring **sought-after skills** to workplaces, including problem-solving, agility, persistence, forethought, and a willingness to experiment — all of which are **essential for innovation**.

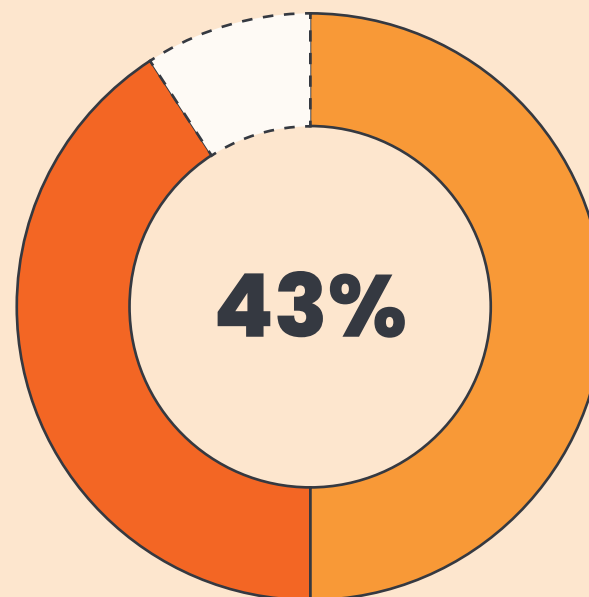
<sup>3</sup> Deloitte, 2018 "Getting to Equal, the Disability Inclusion Advantage"

<sup>4</sup> The Conference Board "Defining and Measuring Inclusion, Using Metrics to Drive Progress"

Even better, accommodating workers is not as burdensome or expensive as organizations think. That makes providing requested accommodations a 'no brainer.' A recent study by the Job Accommodation Network (JAN)<sup>5</sup> asked employers about their costs for providing workplace accommodations. They found that:



said that the accommodations they made **cost absolutely nothing** to implement.



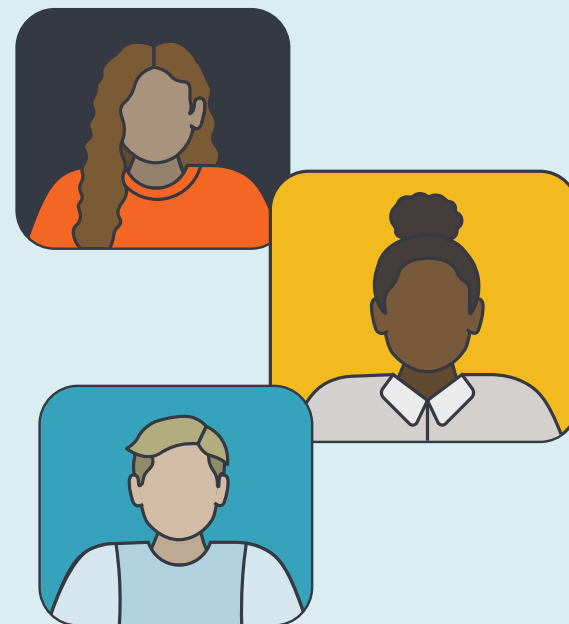
reported that the accommodations involved only a **one-time cost**.

The median one-time cost for these accommodations was just

**\$300.**

Here at AbsenceSoft, we've helped many large organizations take a proactive, supportive approach to providing both workplace and leave accommodations to employees with disabilities. When the right processes and programs are in place, supported by the right technology, both employers and employees see real benefits. A streamlined, supportive employee accommodations program — bolstered by automation and data from technology — can directly improve the overall employee experience and drive bottom line business results.

To better understand current experiences around workplace accommodations, we surveyed **600 workers** at organizations with over **5,000 total employees**. In this report, we provide a fuller picture of both the risks and opportunities presented by today's employee accommodations programs.



**According to the Department of Labor (DOL), reasonable accommodations are intended to ensure that qualified individuals with disabilities have rights in employment equal — not superior — to those of individuals without disabilities. A reasonable accommodation is a modification to a job, work environment or the way work is performed that allows an individual with a disability to apply for a job, perform the essential functions of the job, and enjoy equal access to benefits available to other individuals in the workplace.<sup>6</sup>**

# 1. Most employees feel comfortable requesting accommodations.

**71%** of respondents felt comfortable or very comfortable requesting an accommodation at their organization.

Employees are no longer feeling stigmatized by disabilities or by asking for support to do their best work. This means that requests are likely to increase over the coming years. A study by Gallup found that Millennial and Gen Z workers seek out workplaces that care about their overall well-being, and want to work for leaders who create diverse and inclusive workplaces.<sup>7</sup> To be ready to handle a potential increase in accommodations requests, HR teams should look for ways to streamline and automate their accommodations processes.

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One way to help your leave team improve productivity and efficiency is with leave and accommodations management technology. By implementing a centralized platform:



Employees can submit accommodations requests via self-service portals.



Each case can be tracked and documented in a central location.



HR teams can automate check-in communications to make sure an accommodation is working well.

## 2. A majority of employees didn't know everything that is needed to request an accommodation.

Even if an employee clearly needs an accommodation, employers can't make the request on behalf of their employees. According to the ADA, the request must be initiated by the employee. This is why it is incredibly important that your employees know how to request an accommodation if they need one – and make it easy and painless to do so.

# 73%

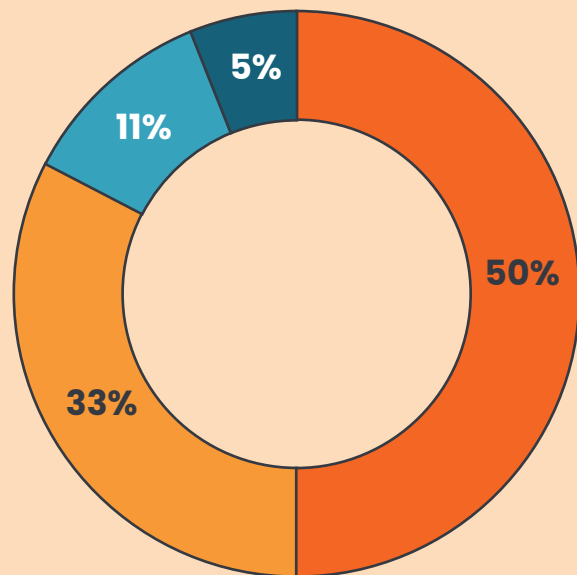
**of employees were only somewhat familiar or not at all familiar with the process for requesting a workplace accommodation.**



The best approach is twofold: training and technology. HR teams should train employees and remind them regularly about the availability of workplace accommodations, and how to make a request if they need one. Accommodations management technology can provide employees with self-service portals to make a request from any device, at any time. Even if an employee emails or calls, an accommodations platform can give HR teams a central location to quickly open a case in just a few minutes.

### 3. Half of employees went directly to their supervisor to request an accommodation.

How did you request your accommodation?




According to our survey results, when employees aren't sure where to go to request an accommodation, they are most likely to just ask their supervisor. Unfortunately, if managers are not properly trained on ADA and accommodations best practices, it can pose a major risk of a lawsuit, delay the process, or generally deter the employee who is needing assistance. Failing to understand employment laws like ADA and FMLA, as well as discriminatory actions — whether intentional or not — are both top reasons managers can land a company in deep legal trouble.<sup>8</sup>



When an employee makes an accommodations request, HR teams and senior leaders should make sure managers know exactly what to do. Managers should not be dismissive of requests — or worse, are not engaging in behavior that could be seen as retaliatory. Over the past decade, the Equal Employment Opportunity Commission (EEOC) reported that retaliation is the most common issue alleged by federal employees and the most common discrimination finding in federal sector cases.<sup>9</sup>

As a best practice, make sure every frontline manager takes every accommodation request seriously and directs employees to the right HR or accommodation management resource.



**11%**  
of respondents reported  
accessing and using an  
online portal

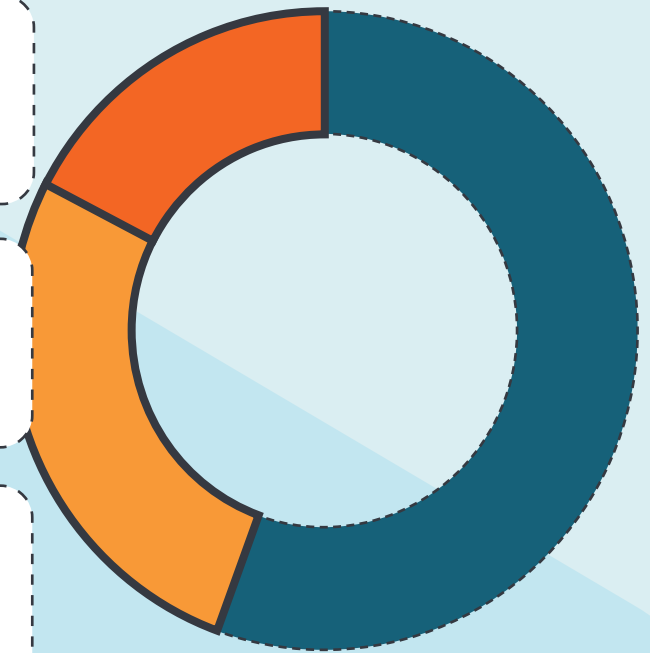
One way to make things easier for managers is to use an accommodations platform that includes employee self-service options. Accommodations platforms with self-service portals make it easy for managers and employees to know how to file a request and access disability resources. Receiving and acknowledging a request is the first step of the interactive process with the employee, which is required by law. Technology can help make sure employers start out on the right path — which is critically important to staying compliant.

## 4. The ADA interactive process was completed **only about half the time** after an accommodation request was made.

**55%** of requests went through the interactive process

**26%** went through some, but not all, of the interactive process

**19%** didn't go through any part of the interactive process



Many requirements surrounding ADA regulations can be vague, but one thing is clear: for every request for an accommodation that is made, employers must undergo an interactive process with the employee. This process should be individualized, because “one size does not fit all.” To stay compliant and support your employees, we recommend following and fully documenting eight steps for every incoming request.

## The Eight Step Interactive Process

- 1 Recognize the accommodation request**  
An employer must be aware of the request for accommodation and respond in a timely manner. Train managers and HR to recognize when a request is being made.
- 2 Gather information**  
As needed, employers should gather information about the employee’s limitations and the specific job tasks and work environment. This may include obtaining medical documentation or consulting with their healthcare provider.
- 3 Search for and explore options**  
The employer must start to look for options that will help address the employee’s limitations. This may require the employer to look at other departments, site locations, or possible role restructuring.
- 4 Ask the employee to suggest an accommodation**  
The employer and employee should discuss and identify possible accommodations that will enable the employee to perform their essential job functions.
- 5 Ask the employee’s healthcare provider for suggestions**  
The employer and the healthcare provider can also work together to identify which accommodations would be more effective.
- 6 Choose the best accommodation**  
After evaluating each option, the employer and employee should discuss and choose the accommodation that is most effective and feasible.
- 7 Implement the accommodation**  
Once the accommodation is chosen, the employer should implement it and ensure that it is working as intended.
- 8 Monitor the accommodation**  
The employer should regularly monitor the accommodation by checking in with the employee and/or provider to ensure that it remains effective and adjust it if necessary.

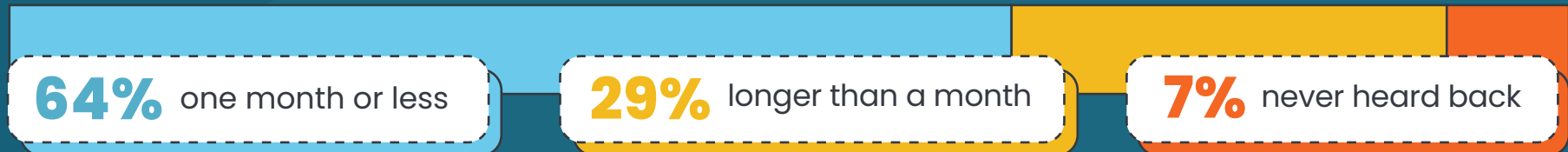
With large HR teams and employee workforces, it can be a challenge to make sure the interactive process is documented and followed consistently every time. Accommodations management technology is often the answer organizations are looking for. With a centralized platform, employers can offer self-service portals to make requesting an accommodation easy, make sure all required information is provided, and ensure the interactive process is recorded at each step.

Solutions like AbsenceSoft provide a centralized system where every accommodation case can be documented and tracked. **The platform's automated checklists and prompts help guide and remind HR team members to perform every step of the process, every time.** Employees feel supported because they can get a status update at any time, provide information easily, and HR team members have more time for conversations that help find the best solution.



## 5. More than a third of employees waited longer than 30 days for a decision – or never heard back at all.

How long did you have to wait for a decision about your accommodation from the date of your initial request?



At the heart of the accommodations process is the human employee with opinions, emotions, and motives. Focusing on the employee experience throughout the life of an accommodations request or interaction is crucial for retention and employee satisfaction.

It is also critically important for HR to attend to incoming accommodations requests in a timely manner.

**Employers can find themselves facing legal action if they:**



take too long to respond to the initial request



don't start the interactive process in a timely manner



delay implementing an accommodation once it is approved

When it comes to workplace accommodations, a 2020 legal case shows that inaction can cost employers a lot. An employee requested a new driving van that had extended legroom to accommodate a disability, causing knee pain and impacting the employee's essential job functions. Over the course of 11 months, the employee's repeated requests for a new van were not addressed, or even properly acknowledged. The court found that the employer's lack of action "[violated their] duty to engage in an interactive process with its employee in an effort to arrive at an appropriate accommodation."<sup>10</sup>

In many ADA cases, ignoring or delaying a response to a request can be considered a discriminatory action, resulting in complaints or litigation.<sup>11</sup>

Accommodations management platforms can automate reminders and prompt next steps – effectively enforcing the interactive process every time.

Adding internal deadlines and timelines to your accommodations processes can help keep your organization compliant by keeping things moving along. This ensures HR team members respond to and process accommodations requests quickly and consistently.

Going beyond compliance, a great way improve the overall employee experience is to manage accommodations in-house if you aren't already. This way, employees are requesting assistance from their own colleagues, and leading to better conversations and more robust interactive process.

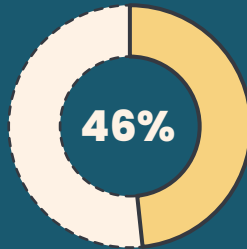
<sup>10</sup> Lexology, "Don't Delay in Providing Reasonable Accommodations"

<sup>11</sup> Law Office of Kyle Ingram, "Delays in Reasonable Accommodations"

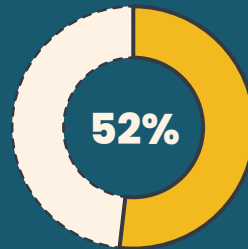
## 6. More than half of respondents had difficulties with the accommodations process.

Employees found it somewhat or very difficult to:

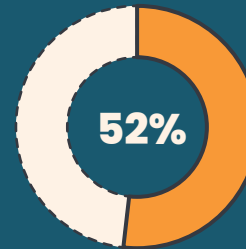
provide medical or other documentation



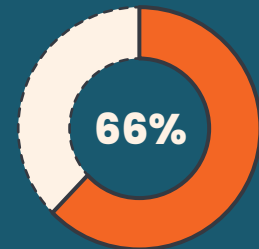
request an accommodation



receive the accommodation



know how the process was proceeding



Throughout the accommodations process, respondents:



**50%**

felt fully supported



**37%**

felt only somewhat supported



**13%**

felt not supported at all

It is very important to have a smooth, seamless accommodations process from start to finish. If your organization is manually managing accommodations, it is all too easy to have a request slip through the cracks or forget to get back with someone. Even the most hardworking and well-intentioned team can easily get overwhelmed with requests, particularly if they are responsible for more than disability and leave.



**Even an unintentional oversight carries major legal risks. A slow response time to an incoming request, combined with lack of transparency and follow-through, can quickly become a devastating lawsuit.**

With the right solutions, workflows, and people in place, your organization can provide a supportive, personalized experience every time a request comes in.

To stay compliant, and provide a better experience for everyone involved, it is important for HR teams to look for ways to streamline and automate their employee accommodations program. These can include taking a close look at internal processes and team structure, along with implementing robust accommodations management technology.



# Conclusion

There are numerous benefits to having a robust, equitable, and personalized accommodations program. If an employee requests an accommodation – especially one that costs little to nothing to implement – it is an easy win to support them with what they need in a timely manner. They will end up more productive and be much more likely to stay loyal to your organization in the long run.

In recent years, there has been a growing movement towards workplace inclusion. Many employers today are implementing organization-wide disability inclusion and awareness programs. These groups and efforts can contribute in important ways to overall employee satisfaction and retention. In 2020, Deloitte found that disability inclusion not only has a positive impact on company culture and brand, but it also improves overall business performance and innovation.<sup>12</sup>

Browse AbsenceSoft's resource library to learn more about the ADA, PWFA, and ways to improve your accommodations program.

[View Resources](#)

Schedule a demo of AbsenceSoft to see a centralized, automated accommodations management platform in action.

[Schedule a Demo](#)