

Obligation and Irony In Workplace Accommodations

A Case Study In a Large Corporate Office

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Abstract

This paper reports a multiple-perspective case study of a worker with a severe visual impairment and the accommodations that she received and made in a workplace that was considered a leader in hiring and accommodating workers with disabilities. Data for the study consisted of observations in the offices of this large corporation, interviews with the focal individual as well as with her supervisor, a colleague, and a human resources professional. Standard qualitative analyses were guided by six facets of negotiating accommodations derived from an extensive review of literature across a number of disciplines. The six facets are: (a) access and disclosure; (b) structural affordances; (c) social context; (d) motivation; (e) understanding of social policy; and (f) cognitive problem solving. By attending to these six facets, we demonstrate the ironies that abound in workplaces that emphasize providing accommodations, primarily structural accommodations, while ignoring the process of negotiating accommodations proactively. Ironies also arise in the use of technology to provide structural accommodations while ignoring the power of technology to educate coworkers and supervisors about social policy and to enable ongoing collaborative and cognitive problem-solving as a way of negotiating accommodations. Perhaps the policy should promote duty to negotiate as well as duty to accommodate.

Résumé

Cet article analyse sous plusieurs angles le cas d'une travailleuse aux prises avec une déficience visuelle grave en rapport avec les aménagements effectués, par l'employeur et elle-même, dans un milieu de travail considéré comme un chef de file en matière d'embauche

et d'aménagements pour les travailleurs handicapés. Les données utilisées dans cette étude proviennent d'observations effectuées dans les bureaux de cette vaste entreprise, d'entrevues avec la travailleuse concernée ainsi qu'avec son superviseur, un collègue et un professionnel des ressources humaines. L'analyse qualitative standard effectuée par l'auteur repose sur six aspects relatifs à la négociation d'aménagements, établis à la suite d'une minutieuse analyse de la documentation pertinente dans une variété de disciplines. Ces six aspects sont : a) l'accessibilité et la divulgation; b) les ressources structurelles; c) le contexte social; d) la motivation; e) la compréhension des politiques; et f) la résolution de problème cognitive. En nous appuyant sur ces six aspects, nous avons montré l'ironie qui règne dans certains lieux de travail qui se targuent d'offrir des aménagements, principalement d'ordre structurel, alors qu'ils omettent de négocier des aménagements de façon proactive. Cette ironie se manifeste également dans l'utilisation, par les entreprises, de la technologie pour offrir des aménagements structurels, alors qu'elles n'ont pas recours à la puissance de cette technologie pour informer les collègues et superviseurs au sujet des politiques sociales et pour faciliter l'établissement d'un processus coopératif et cognitif de résolution de problèmes visant à négocier des aménagements. Les politiques devraient peut-être faire la promotion de l'obligation de négocier parallèlement à l'obligation d'effectuer des aménagements.

Introduction

Approximately 12% of Canadians, 3.6 million, report that their activities are limited by disabling conditions and employment rates for Canadians with disabilities (44%) are lower than employment rates for those without disabilities (78%) (Canadian Council on Learning, 2007). The past twenty years in Canada have seen a growing awareness of the rights of people with disabilities to participate in all aspects of society including employment. This awareness has been accompanied by an information explosion — legislation, policy documents, and resources — aimed at informing employers, human resource personnel, and individuals with disabilities about workplace accommodations. With the internet and online communication, documents about social policies and their implementation can be accessed from almost every workplace in the country; however, it is not clear that the technology has been exploited to ensure a high level of awareness of social policy in critical areas like workplace accommodations. This multiple-perspective case study of an adult worker with a severe visual impairment offers a rare window into the obligations and ironies that characterize the working life of a highly capable employee in a large corporation that has provided workplace accommodations. Ironically, Mary can clearly see the problems that arise when supervisors and co-workers are unaware of the social policies that spell out the duties of the workplace to accommodate. Mary's case raises two questions: who is making the accommodations; and should the duty be to negotiate as well as to accommodate?

This paper begins by reviewing social policies on workplace accommodations and introducing the research on negotiating such accommodations. This is followed by a six-facet model of negotiating workplace accommodations based on an extensive interdisciplinary review of research. The six facets guided the collection and analysis of the data in this case study of workplace accommodations.

Workplace Accommodations: The Social Policy

For more than two decades, Canadian workers with disabilities have been entitled to have their needs accommodated, short of undue hardship to the organization, in a manner that respects their dignity and allows them to perform the essential duties of their job (*Canadian Human Rights Act*, R.S.C. 1985, C. H-6, s. 15.2, as amended). In response to this policy, researchers argued for a change from individualistic to socio-political policy to shift the focus from improving the vocational skills of people with disabilities to improving social environments so that they adjust to the needs of people with disabilities (e.g., Jongbloed & Crichton, 1990). Although the workplace, in the case described in this paper, is a provincially regulated company, we have chosen to provide a thorough account of social policy in Canada by describing the relevant federal and provincial policies on workplace accommodations.

As early as 1990, the Supreme Court of Canada had interpreted human rights statutes to include the duty to accommodate in cases of adverse impact discrimination in *Central Alberta Dairy Pool v Alberta (Human Rights Commission)*, [1990] 2 S.C.R.489. The *Canadian Human Rights Act* was amended in 1997 to include the duty to accommodate because people with disabilities should "have their needs accommodated ... without ... discriminatory practices" (s.2). However, the *Act* specifies that, under conditions where it is not possible to accommodate the individual, a practice is not discriminatory if it is based on a *bona fide* occupational requirement (s. 15(1)). Similarly, the *Employment Equity Act*, R.S.C.1995, C. 44, as amended, describes the duty of an employer to make "reasonable accommodations." However, section 6(a) of the *Act* stipulates that employers are not obligated to "take a particular measure to implement employment equity where the taking of that measure would cause undue hardship." Clearly, balancing the rights of individuals with disabilities to receive accommodations and the rights of workplaces to avoid undue hardship is complex. The website of the Ontario Human Rights Commission (OHRC) reports that almost one-third of the complaints it receives are filed on the grounds of disability and most are about employment. OHRC's introduction to *Policy and Guidelines on Disability and the Duty to Accommodate* reviews the history of the duty to accommodate and suggests "[a] proactive approach to disability accommodation is therefore necessary" (<http://www.ohrc.on.ca/english/publications/disability-policy.shtml>; March 6, 2007).

Technological developments during the past two decades have resulted in guides and resources for workplace accommodations, developed in many countries, appearing on the internet. Consequently, they can be accessed from almost every workplace in Canada to assist employers in informing all their employees about the organization's duty to accommodate. Examples include *A Place for All* (Canadian Human Rights Commission, 2003), *Tapping the Talents of People with Disabilities: A Guide for Employers* (Conference Board of Canada, 2001), and the websites of advocacy organizations like the Equal Employment Opportunities Trust in New Zealand (<http://www.eeotrust.org.nz/>).

Researchers have argued that modern communication tools have the potential to promote electronic dialogue about critical policy issues (Dale & Newman, 2005). Mitra (2001) made the case that cyberspace offers opportunities for marginalized voices to express themselves. However, Dale and Newman (2005) found many deterrents to meaningful participation in online "discourse on critical social welfare issues" (p. 103), including participants who were ill-informed or reluctant, inadequate access and connection speed, and "linearity" (p. 103). It appears that technology has not been exploited to ensure a high level of awareness of social policy in critical areas like workplace accommodations. Recognizing that employers have a duty to accommodate and that the internet communicates relevant social policies and implementation strategies, we set out to document, from multiple perspectives, the critical process of negotiation that occurs between a worker with disabilities and a workplace recognized for its willingness to hire and adjust to the needs of workers with disabilities.

Negotiating Workplace Accommodations: The Research and a Model

Accommodations, which refer to "changes in all components of the job" (Gates, Akabas, & Oran-Sabia, 1998, p. 265), can be characterized as structural, social, and cognitive; structural accommodations are made more frequently than social and cognitive accommodations (Chappell, Higham, & McLean, 2003). Gates (2000) observed that accommodation appears to be "the delicate point" at which the needs of workers with disabilities "must harmonize with the workplace [and] supervisors and coworkers to insure that the gaps in functional capacity ... do not interfere with meeting job requirements" (p. 86). This implies that the onus still rests with persons with disabilities to adjust to the needs of the workplace (Jongbloed & Crichton, 1990), although it is the workplace that has the duty to accommodate.

Our research group conducted an extensive multi-disciplinary review of research on workplace accommodations in many fields including education, psychology, rehabilitation therapy, sociology, social work, disability studies, policy studies, epidemiology, nursing, and psychiatry. From this process, we developed six facets that contribute to the negotiation of accommodations for workers with disabilities

(Hutchinson et al., 2007). Each facet is necessary but not sufficient, and it may be necessary to make each facet enabling through the enactment of natural supports or through direct intervention. Natural supports refer to resources including coworkers that are available in a setting, which may be provided spontaneously or through facilitation to enhance a person's acceptance, integration or satisfaction. Direct intervention refers to a more formal provision of support including, for example, a job coach. The six facets are: (a) access and disclosure; (b) structural affordances; (c) social context; (d) motivation; (e) understanding of social policy; and (f) cognitive problem solving. The rest of this section briefly reviews research germane to each of these six facets.

Access and Disclosure

The first facet, access and disclosure, refers to the entitlement of workers with disabilities to participate in workplaces, in combination with their obligation to disclose their disabilities. Before employees can receive workplace accommodations they must disclose their disability to employers, although it is not necessary that this disclosure be made prior to being hired (Canadian Human Rights Commission, 2003). People with invisible disabilities, like learning disabilities or mental health issues, face the dilemma of when and how to disclose their disabilities to employers (Deschamps, 2001; Young, 1996). In a recent study, Canadian and American workers with learning disabilities reported somewhat different experiences; only 20% of Americans disclosed compared to almost 40% of Canadians (Gerber, Price, Mulligan, & Shessel, 2004). The dilemma for workers is that without their disclosure, employers are not required to take any action. Contrast this with the legislation that requires publicly funded schools to be proactive in looking for needs in their students that might require accommodation, and to review the effectiveness of accommodations regularly (e.g., Ontario Ministry of Education, 2000).

Structural Affordances

Structural affordances refer to specific changes made in the physical layout or the organization of the workplace and of the workday, which close the functional gap between what is required and what one is able to do (Gates, 2000). Dowler, Hirsh, Kittle, and Hendricks (1996) found that employers thought 'high tech,' expensive accommodations would be superior to 'low tech,' low cost accommodations. Employers who thought high tech was better than low tech also believed that they could not afford such equipment or structural changes (Colella, 2001; Unger, 2002). However, accommodations often cost much less than employers expect and, in many cases, are free (Canadian Human Rights Commission, 2003). Some accommodations have the unanticipated benefit of making tasks easier for other employees as well (Unger & Kregel, 2002). The most common structural affordances are assistive technology (e.g., computer assisted software, visual processing

equipment, and ergonomic devices) and structural flexibility (like flexible work schedules) (Unger & Kregel, 2002).

Social Context

Social context, the third facet, highlights the importance of social support by supervisors and coworkers (Robinson, 2000). In his classic book, *Work Stress and Social Support*, House (1981) described social support as an interaction between two people involving one or more of: (a) emotional concern; (b) instrumental aid; (c) information; and (d) appraisal, that is, information relevant to self-evaluation (p. 39). While data are inconsistent on how social support is mobilized when stress is encountered in the workplace (Viswesvaran, Sanchez, & Fisher, 1999), recent studies suggest that both instrumental coworker support and affective coworker support enhances job satisfaction (Ducharme & Martin, 2000). After critically appraising the literature, Williams, Barclay, and Schmied (2004) argued that a contextualized approach is necessary to develop interventions or practices that use social support effectively. Supervisors and co-workers are key to social support for accommodations; supervisors assign work and know the essential functions of that work (Gates, Akabas, & Kantrowitz, 1996), while workers with disabilities report feeling closer to coworkers with whom they socialize (Gates et al., 1998).

Motivation

The fourth facet, motivation, is related to job satisfaction and organizational commitment (Maier & Brunstein, 2001). Recent research suggests a clear link from goal-setting and other motivational constructs to successful workplace accommodations for workers with disabilities. In retrospective interviews, successful adults with learning disabilities identified control of one's life as an encompassing theme related to career success (Gerber, Ginsberg, & Reiff, 1992). Two longitudinal, quantitative studies also found that the best predictor of workplace success for adults with disabilities was a constellation of motivational and personal variables, including goal-setting and self-awareness (Raskind et al., 1999; Spekman, Goldberg, & Herman, 1992). Successful use of self-regulatory strategies and accommodations predicts employment satisfaction (Madaus, Ruban, Foley, & McGuire, 2003).

Understanding of Social Policy

Understanding of social policy, the fifth facet, attends to policy conditions and contexts as experienced by policy recipients (Darling-Hammond, 1990) and focuses on how policy recipients seek to understand and incorporate new legislated rules, and the accompanying resources, into their work (Peterson, 1990; Smith et al., 2003). It is important to ask what other conditions, such as competing priorities, might support or undermine the intentions of the policy or might have inde-

pendent effects on the outcomes (Lehmann & Taylor, 2003). At the local level, policy is adapted, not adopted. Employers, supervisors, workers with disabilities, and coworkers act on their own interpretations of social policy and of the resources that can guide the implementation of policy, and such interpretations can be in conflict. Thus by understanding the meaning for those asked to implement the policy, we may understand what has been called “the power of the bottom over the top” (Elmore, 1983, p. 346).

Cognitive Problem Solving

The sixth facet, cognitive problem solving, focuses on how the worker with a disability, the supervisor, and coworkers can engage in a collaborative problem solving process to negotiate for natural supports and for structured interventions in the workplace. Shaw and Feuerstein (2004) developed an eight-step process for collecting relevant information, applying a problem-solving process, and developing accommodations. Gates et al. (1998) adapted an assessment tool to provide case managers with an in-depth understanding of the client’s perspective on key relationships at work, and Gates (2000) pilot tested an intervention that educated the workgroup about what it meant to have a disability. The aim was to create a social environment that compensated for the functional disability. In all these approaches to cognitive problem solving for accommodations, “[t]he person with the disability will need to define the contributing cognitive and physical causes” and communicate these during the problem-solving process (Walls & Batiste, 1996, p. 342).

Conducting the Case

With the assistance of our partner, the Canadian Council on Rehabilitation and Work (CCRW), we clarified our criteria for a case study: accommodations successfully provided for a worker with a physical, sensory, or cognitive disability; an employer who would permit us to observe and interview the focal participant at work; and an agreement to be interviewed from the focal participant, a co-worker, a supervisor, and a human resources (HR) professional in the organization. The CCRW circulated an invitation to workplaces they believed were exemplary at providing accommodations and would be likely to accept the invitation to participate.

A large multinational company expressed interest in participating and we received the names of a focal participant and the other participants (supervisor, co-worker, HR professional). Approximately eleven months of communications passed between our first meeting with the CCRW and the beginning of data collection. During this time, protocols to guide observation were developed based on the cognitive and social dimensions of the Essential Skills framework of Human Resources and Skills Development Canada (<http://srv108.services.gc.ca/english/>

general/home_e.shtml; March 6, 2007). The design of the interview protocol for all participants was informed by the Essential Skills and by the six facets for negotiating accommodations. Semi-structured interviews were conducted using the interview protocol as an informal, flexible guide.

One of the principal investigators collected data during four trips to the workplace over a period of five weeks. Three four-hour visits were followed by a full work day in the workplace. During each visit, the researcher observed interactions among members of the department outside their cubicles and then conducted interviews about the observation. On one occasion the researcher observed the focal participant, who had a severe visual impairment, in her workspace as she used technology to read and to respond to her email. During one visit, the researcher observed a status meeting, involving most of the department members, about a large project. Mary, the focal participant, was interviewed during each visit. Cindy (Mary's colleague), Donna (Mary's supervisor), and Norma (of the HR department) were interviewed during the researcher's last visit to the workplace. Each fifty-minute interview was audio taped and transcribed verbatim.

The data were analyzed by the researcher who conducted the observations and interviews. Initially, codes were developed and coded data excerpts were placed electronically into categories consistent with the six facets of the conceptual model for negotiating accommodations in the workplace (McMillan & Schumacher, 2005). The categorized data excerpts from the focal participant were kept separate from the aggregated, categorized data excerpts of the other participants. Data were scrutinized to compare all instances of negotiating accommodations with the six categories and to discern how well the data were accounted for by the six facets.

Two other researchers read the transcripts and highlighted data excerpts they thought most important to report for each facet, which were subsequently placed in the appropriate categories for the focal participant or for the other participants. There was a high level of correspondence of data excerpts identified independently by the researchers. Our research group used a similar approach for a case study in which data analyses were informed by Hung's (1999) model of epistemological appropriation, in which novice workers become increasingly independent members of a community of practice through a series of self-regulatory experiences with a more experienced mentor (Chin et al. 2004). Stake (2000) has argued that, in developing a population of cases, it is important to use frameworks appropriate to each case to guide analysis.

Understanding Mary's Experience through the Facets of Negotiating Accommodations

The six facets of negotiating accommodations were used as windows we could look through in making sense of Mary's experiences in a workplace that prided itself on

providing accommodations. What we sought was insight into the negotiations that contribute to a workplace accommodating the needs of a worker who happens to have a disability.

Mary's Entry to the Workplace: Access and Disclosure

Mary is a middle-aged woman with a graduate education who worked as a self-employed consultant after completing her studies. While an adolescent, Mary was diagnosed with a genetic condition that resulted in extensive macular degeneration. At the time of the study, her uncorrected vision was 20/400 and her corrected vision with glasses was approximately 20/200. Mary showed that she had difficulty thinking of herself as disabled when she said, "declaring yourself legally blind ... it's a very profound personal decision to make", and "help is OK but don't coddle me; you know, I'm not a victim."

After being self-employed for about ten years, Mary applied for work outside of what she called "my own private cocoon." She disclosed her disability on the job application for a position in the head office of a large multinational company by stating "for employment equity purposes I am a person with a disability who will not need accommodation in an interview." Mary was aware of social policies on duty to accommodate and recognized that this company had a reputation for hiring workers with self-identified disabilities. Donna, Mary's supervisor, recalled reading Mary's application letter, and thinking "she's taking a risk, by saying, 'I'm not like everybody else and I'm telling you up front'" and "it made me curious to want to meet her." Donna added that, given the company's equity hiring policy, "I thought, well hey, I can contribute to that as well if she's the right person." Donna emphasized that the most important factor in her decision to hire Mary was "her credentials."

About eight months before she participated in our study, Mary had been hired by Donna as a senior manager in a head-office department that developed training programs for company employees across Canada. The department of ten employees at three levels (junior manager, senior manager, and supervisor) had expertise in developing training programs, but relied on the requesting department for the content of the training. Mary described introducing herself at her first team meeting with her colleagues as having been self-employed for the past ten years and telling them about her disability by saying "I don't see very well."

Mary described having to disclose her visual disability in a large meeting when she was sitting at one end of a long table and a senior vice-president was sitting at the other end. From where she sat Mary could not see him clearly. The vice-president asked a question and looked down the table. In the ensuing silence, Mary guessed that the question had been directed at her, although she was not sure. After an awkward gap, she looked in the general direction of the vice-president and said,

"I don't see very well." At that point, he re-stated the question, confirming that Mary was expected to respond.

Access and disclosure, which constitute the first facet of negotiating accommodations, clearly provide insight into this case. Mary's willingness to self-identify in her application material caught the eye of the supervisor who hired her, and also set the wheels in motion for accommodations to occur. Further, the CCRW conducted its assessment before Mary started her job so that she could access the workplace.

Accommodations in the Workplace: Structural Affordances

The company arranged for the CCRW to send a representative to Mary's home office to discern the accommodations she had used there and would need in her new workplace. The resulting report stated that Mary required structural accommodations including a large computer screen, a Smart View machine (to enlarge print material on a computer screen), a footrest, and an ergonomic chair. The chair and footrest were intended to replicate a reading position that Mary had used at home; Mary reported that it took eleven attempts before this arrangement was successfully replicated. Mary's pleasure with the structural accommodations was apparent: "I've got this monitor and this expensive machine, and I barely said anything ... they've been very accommodating." When asked if the company had any obligation to follow up after she had received the equipment, Mary replied "I would think so ... and Norma (from HR) did that ... I mean track me for 'x' amount of months and ask 'how's it going?'"

Mary described some of her challenges. Besides adjusting to working outside the familiarity of her home, Mary was dealing with the "sheer volume" of reading associated with her new job, including reports, status updates, and "30 to 50" email messages per day. Reports and updates were often distributed in meetings, but not in large-print. Mary reported that she usually requested an electronic copy so she could see the page in the same format and pagination as her colleagues. Especially in meetings, this made it easier to identify, but not to read, the sections under discussion. Mary described how she experienced glare on the page in rooms lit for the sighted; yet, she did not request a change in lighting at meetings because her colleagues "need light to read" and "I don't understand that my needs are more important than their needs. So how do you negotiate that?"

Mary spoke of the company requiring that the training programs developed by her and her coworkers be JAWS compliant ("Job Access With Speech" screen reading software) because, in her words, "the company has a policy." However, she pointed out that the company had no policy on large print. She thought that "if there were a policy directive, then it would happen." Mary relished pointing out the irony that even the company's "Human Resources Site and Learning Centre" could not be adjusted to provide the large font Mary required.

Adjusted time arrangements in the workplace are usually considered to be

structural accommodations, as are adjustments in the location where work is accomplished. Mary reported benefiting from both of these structural accommodations, but both brought complications. Mary reported that she rarely made plans for the evenings because she found herself working most evenings on "last minute tasks that come out of those 3:00 o'clock meetings." When she was self-employed, Mary had no opportunity to compare her reading speed with that of coworkers, but since joining the company she had "realized that I take longer ... I just know I'm slower." When she was under pressure to meet a deadline, especially on her first big project, Mary worked overtime and received "lieu time off." She asked the researcher: "What would take you three hours [to complete] is taking me four, do I then just claim three [hours]?"

Mary had worked at home a great deal on her first project, which was large in scope with a tight timeline. Mary also found working at home, which was comfortable and productive for her, to be problematic because she knew it was resented by some of her junior colleagues. Although senior managers like Mary could apply through the formal "work at home policy" for this privilege while junior managers could not, Mary had not applied; instead she had "an informal agreement between my manager and me." Donna described the alternative work arrangement process as placing "the onus on the employees to present a workable plan and [to show] how commitments can still be met." She acknowledged that Mary had not submitted such a plan, and that "I left that deliberately informal with her." Donna recognized that coworkers had raised concerns about Mary's inaccessibility and had asked "is she really part of the team...because she's not here?"

Structural affordances, the second facet of negotiating accommodations, showed us how the company viewed the duty to accommodate. Structural adjustments were achieved primarily through the company contracting the CCRW. The assessment by the CCRW recommended the kinds of accommodations that Mary would need in the workplace. For example, a footstool and an ergonomic chair were intended to replicate a reading position Mary had used in her home office. The Smart View machine was purchased and shipped from Switzerland. All recommendations for structural accommodations (i.e. machines and furniture) that affected only Mary were implemented, leaving Mary with the impression that any request she made for personal equipment related to her vision would be filled. Structural affordances were also provided through changes in Mary's schedule and in her place of work, with her being allowed to work at home. However, this was not as straightforward as the provision of specialized equipment, perhaps because it had some effect on her coworkers.

Interactions: Social Context

Observations showed that most of the staff in the office worked independently within their workspaces with little interaction except in meetings. Mary's best

friend within the department was another senior manager but because of the way tasks were assigned, they rarely worked on the same project. Usually a senior manager assumed responsibility for a project and collaborated with those providing the subject expertise for the training program, and these people could be located anywhere in Canada. Mary spoke of occasional social functions held to mark events like the departure of a staff member or the arrival of a baby, and described the team's weekly meetings. When speaking of team responsibilities and team meetings, Donna referred to her responsibility to ensure that Mary was "working to the level of what a manager is supposed to be doing" while making sure that the meetings were "not an uncomfortable or embarrassing situation" for Mary. Overall, Mary described herself as "extremely happy" in her workplace: she liked the work and the people, and felt she had "lucked out" with an "easygoing" supervisor like Donna.

The third facet of negotiating accommodations, social context, enabled us to see the support that Mary felt she received from her supervisor. However, there is some ambiguity with coworkers, who on the one hand, acknowledged Mary's disability, but on the other hand, made few adjustments even to the documents that they distributed at meetings. Also, Mary's preference to work at home had created tension with some coworkers and led to concerns being expressed to the supervisor, but not to Mary. Rather than negotiating on Mary's behalf, Donna reported that she chose to take the issue to Mary with the expectation that Mary would find an appropriate solution. Looking through this window shows that alternative work arrangements can affect the sense of teamwork and camaraderie within a department.

I want to do what I do well

Motivation

The fourth facet of negotiating accommodations, motivation, was rarely apparent in the explicit data in this case but was implicit in what Mary had accomplished and hoped to accomplish. In discussing the past, Mary spoke of her focus and determination to secure a high level of education and competence, and her desire to move into the competitive work force when she felt that her experience as a consultant would ensure that she would be successful. In discussing the future, Mary stated unequivocally, "I have no aspirations to move up" because "I want to do what I do well, get a satisfaction from that, and have some sort of life outside of work." She recognized that because of her extensive educational background, there might be some pressure on her to accept more responsible positions in the organization, and she said, "I don't want to go there."

Mary showed a high level of goal setting and took pride in succeeding on projects with enormous workloads and short timelines. After being self-employed for the previous ten years, Mary appreciated that she had both job satisfaction and

the stability of a regular income, and was “extremely happy” in her position. While her stated reason for not seeking promotion was that she wanted to find a better balance between work and leisure, it is possible that she did not wish to renegotiate her workplace accommodations, a process that would have been inevitable if anything about her role, position, or even her location in the building had changed.

We are an Inclusive Workplace: Understanding of Social Policy

The fifth facet, understanding of social policy, opened a window on individuals’ awareness and interpretation of the policies that guide workplace accommodations. As might be expected, Norma, who worked in HR, appeared to be most knowledgeable about such policies. However, her emphasis was on the company policy; for example, she reported that on all employment postings the company “has a clause that says we are an inclusive workplace ... that invites diversity.” Norma described arranging for the CCRW to conduct an assessment in Mary’s home office and receiving the assessment report within five days. Norma reviewed the report, approved the recommendations, and began the process of procurement, “for the most part, it’s pretty straightforward.” She reported that the employee and supervisor were to review the report, but it was not clear that Donna had reviewed Mary’s report with her.

After initial accommodations had been made, Norma kept the file open but limited her contact to an occasional call to Mary. Although we saw no evidence of actions consistent with this goal, Norma stated that an important goal for the company was “education for all of the department ... so that everybody is aware of the diversity.” Norma was clear; the company’s focus on diversity was grounded in the belief that it was good business practice, enhanced employee recruitment, improved employee retention, and promoted the image of the company as “a good citizen.” Norma stated pragmatically that she liked to have all accommodations “put in place as soon as possible” because “when it comes to performance ... if [employees with disabilities] don’t have all the appropriate tools ... you can’t assess them.”

Cindy, a coworker of Mary, also understood the company’s policy on accommodating workers with disabilities as good business when she said, “The company values their employees and they want us to stay, right?” and “I have friends at rival companies and it sounds like we’re sort of the leading edge [in hiring workers with disabilities].” While Norma and Cindy were aware of the company’s public statements on diversifying and hiring employees with disabilities, neither referred to the larger social policies on accommodations, nor showed any passion about the rights of workers with disabilities. Neither was Donna, the supervisor who had hired Mary, knowledgeable about social policy on duty to accommodate. She demonstrated this when she acknowledged that she was unsure what the law said about an employer “having to accommodate an employee if the employee does not disclose

ahead of time." Mary was surrounded by a culture that expected her disability to have minimal impact on anyone but her, and she appeared to accept these conditions as the price of being part of the workplace, although she was very familiar with social policy on duty to accommodate. Mary described choosing "to pass" rather than insisting on what she knew she was entitled to. Perhaps she feared the price — in terms of working relationships with her colleagues — would be too high.

Through this facet we see a large company, known for hiring and accommodating workers with disabilities, whose employees have little understanding of the social policy that gives rise to company policy. Company policy was interpreted in this culture as extending only to hiring individuals with disabilities and to providing equipment. It did not appear that the policy was expected to have any effect on how individuals with and without disabilities worked together or negotiated their working relationships.

Working it Out with Coworkers: Cognitive Problem Solving

The final facet provides a window into discussion and collaborative problem solving between Mary and her colleagues. Yet in this case, discussion and collaborative problem solving were conspicuous by their absence in the data. Cindy, Mary's coworker, recalled that when Mary arrived she had heard that Mary "did not see well" and that "it was obvious" something was happening because there was "a lot of kerfuffle with people coming in, assessing the space, bringing in monitors, and different chairs." Cindy provided some perspective on the lack of joint problem solving in the department. She recalled bringing copies of a document to distribute at a meeting, soon after Mary arrived, and without discussing it with Mary, returning to her desk to make a copy with a bigger font for Mary. "I felt bad that I didn't think of that in advance, but she seems to work really well around her thing." Cindy believed that "Mary has gotten all the equipment she needs, and, the co-workers, I think we all realize that she has that disability." Although Cindy acknowledged Mary's desire to work at home and could see the benefits to Mary, she reported experiencing times when it would have been helpful to have Mary in the office, for example, to answer a timely question. While Cindy reported, "It's a little easier to be face-to-face, but that's my preference", she did not report discussing this preference with Mary. Cindy added that she had sensed improvements in the company over the past few years so that now "people would feel comfortable enough to bring [their need for an accommodation] up."

Mary described talking with a colleague, on one occasion, about permanently turning off an overhead light to reduce glare. Mary recognized immediately that her colleague was "a little bit concerned ... but she hasn't said anything about it since." Because Mary had recently switched cubicles, she reported that she needed to approach another colleague about changing an overhead light. Mary considered an alternative, task lighting, but said, "I'm not going to ask [Donna about it] now

because she is really stressed and I'm not adding another thing." As reported earlier, when discussing lighting in reference to team meetings, Mary said that her coworkers needed light to read while she needed the lights turned off to reduce glare, but she said she would not put her needs ahead of the needs of others. It was clear that if there were to be changes in the lighting which would affect other workers as well as Mary, the onus was on Mary to initiate the conversations, and Mary was unsure about how to do that, asking the researcher, "how do you negotiate that?"

Mary's supervisor and coworker seemed unaware that they could have helped her to negotiate accommodations by engaging in problem solving with Mary about what she needed in the workplace. For example, in response to a question about advocacy, Donna stated "Mary has never ever suggested that she needs an advocate for anything" because she "does not at all want to make it seem like you have to treat her special." Repeatedly, coworker and supervisor referred to Mary needing to "work things out" as if Mary worked in isolation; it seemed that they needed to complete that sentence to realize that Mary needed to work things out with them, or rather that they and Mary needed to work things out together.

Discussion

We set out to conduct a multiple-perspective case study that would inform our understanding of how workplace accommodations are negotiated for workers with disabilities in a workplace recognized as a leader in hiring and accommodating people with disabilities. We learned first that what was outstanding in this workplace was the commitment to providing structural accommodations for workers upon entry. By using the six facets of negotiating workplace accommodations, we were able to show that the workplace meets its duty to accommodate, but that even when the provision of accommodations is prompt, it is still reactive rather than the "proactive approach" that the Ontario Human Rights Commission deems "necessary." Conspicuous by their absence were discussions among equals and collaborative, cognitive problem solving by workgroups to ensure that the workplace and coworkers were accommodating the worker with disabilities. Our data in this case suggest that much more accommodating on the social and cognitive planes was done by the worker with disabilities who "took a pass," chose "not to burden" others, and did not assume the role of broker of negotiations that was "left up to her" by both HR and supervisory personnel.

Mary's decision to pass rather than to draw attention to the need for an accommodation highlights the ever-present challenges that the worker's disability poses in her daily work and in her interactions with others. She continually chose to compromise in order to minimize the attention that her advocacy drew, and to balance her own needs with her perceptions of the needs of others. No one seemed to know who was responsible for speaking with coworkers about the need for

accommodations that affect others besides the individual with disabilities (e.g., dimmed lighting). Gates et al. (1998) also demonstrated the need for systematic involvement of coworkers to create enabling workplaces where responsibility for striking the "delicate point" of "harmonization" (Gates, 2000) rests at least as much with the workplace as with workers with disabilities. Thus Mary's "passing" was a coping strategy that appeared in the absence of cognitive problem solving.

This case demonstrated the organization's responsiveness when Mary declared the need for structural accommodations at the start of her employment, accommodations that affected no one but her. Yet the procedures for ongoing monitoring of her needs were much less clear, and Mary and all other interviewees stated that it fell to her to advocate for accommodations. In contrast, schools in Canada are governed by policies that provide structures for regularly assessing, monitoring, and reviewing the needs of students with disabilities (e.g., Hutchinson, 2007; Ontario Ministry of Education, 2000). The presence of such infrastructure can transform conversations about accommodations into issues of fairness and rights that require shared problem solving.

Those involved in this case were well versed in the company policy on accommodating workers with disabilities, but the extent to which company policy is informed by national social policies (e.g., the *Canada Human Rights Act*, the *Employment Equity Act*, etc.) and provincial social policies (e.g., Ontario Human Rights) is unclear. The motive for company policy on accommodating individuals with disabilities seemed more related to profitability and image than to concern for equity or the law. A recent publication by the Canadian Human Rights Commission (2003) is expressly designed to assist employers in understanding the legal obligations to accommodate, as well as to guide the creation of policies and procedures that, if implemented, might reduce tensions associated with negotiating accommodations in the workplace. This resource is available online and while workplaces pride themselves on being technologically advanced and providing the latest technology for accommodations, they are not using technology to inform their supervisors and coworkers about the social policy which gave rise to the company policy.

While employers have a duty to accommodate, and information about the implementation of this social policy is readily available, the bulk of the duty to *negotiate* accommodations still appears to lie with individuals with disabilities. Contradictions and ironies abound. While the worker with disabilities is provided with and uses imported, adaptive technology with skill, she dare not open a simple conversation about the lighting with her colleagues. Technology may be fundamental to the company's business plan, but it does not contribute to awareness of social policy. Even a company that prides itself on hiring and accommodating workers with disabilities does not seem to be aware of the importance of informing

co-workers and supervisors, if not all employees, about what it means to be an enabling workplace for those with disabilities. Jongbloed and Crichton (1990) argued over fifteen years ago that there is a need to shift from individualistic to socio-political policy. It is critical that we focus on improving social environments, including co-workers and supervisors, so they adjust to the needs of people with disabilities. Perhaps a system that includes a skilled advocate or ombudsperson for workers with disabilities would make such negotiations easier for all involved.

Ironically, workers like Mary, who are very competent but undemanding, perpetuate the emphasis on the skills of the individual and the responsibility those with disabilities feel to "harmonize" with everyone else. Who makes accommodations in this case? Mary does; she accommodates the workplace and her colleagues, rather than the workplace and her colleagues accommodating her. Who has to broker the conversations about accommodations, that is, conduct the negotiations? Answer: it is the most vulnerable person in the workplace; the individual with a disability.

Workplaces have had more than twenty years to meet their duty to accommodate. The data in the case of Mary, seen through the six facets for negotiating accommodations, show us clearly that it is time for social policy that: assigns workplaces a duty to negotiate accommodations; reviews accommodations at regular intervals; and involves coworkers and supervisors in a collaborative, cognitive problem solving process, in which the worker with a disability is a member, not the broker. This is our challenge in an increasingly competitive world that holds growing expectations for policies that ensure social justice and dignity for all in the workplace.

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