

UN HUMAN RIGHTS REASONABLE ACCOMMODATION POLICY

1. PURPOSE

This policy is designed to provide staff with disabilities and other persons with disabilities linked to OHCHR with reasonable accommodation to perform their duties and participate effectively in the workplace and in the activities and events supported by OHCHR, on an equal basis with others.

2. RATIONALE

This policy emerged from the recommendations of the Strengthening Diversity Task Force approved by the OHCHR senior management team on 8 May 2017 and the mandate of the Secretary-General bulletin [ST/SGB/2014/3](#) to eliminate discrimination on the basis of disability. Staff with disabilities and other persons with disabilities supported by OHCHR may experience restrictions in their equal participation due to the lack of accessibility and reasonable accommodation. It was agreed that as the UN Human Rights Office leading on non-discrimination, further measures will be implemented in OHCHR to provide reasonable accommodation to persons with disabilities, while progressively implementing accessibility.

3. TERMS AND DEFINITIONS

General

3.1 **Staff members with disabilities** include those who have long-term physical and/or mental impairments which, in interaction with various barriers, may hinder their full and effective participation in the work of the Organization on an equal basis with other staff members. Staff members with disabilities include, to the extent of the obligations applicable to OHCHR, staff reporting to OHCHR in any capacity, such as UN staff serving in human rights components in peace missions, Human Rights Advisors and OHCHR personnel on secondment.

Policy on reasonable accommodation for staff with disabilities

Scope

OHCHR will provide reasonable accommodation to all persons with disabilities who request it acting in any capacity under financial or operational responsibility and control of OHCHR, including:

- All OHCHR staff with disabilities at all levels
- Candidates with disabilities applying to OHCHR posts or any type of employment or service provision contract.
- Persons with disabilities supported by OHCHR such as mandate holders from the human rights mechanisms, consultants, interns, panellists and meeting participants, among others.
- UN staff serving in human rights components in peace missions, Human Rights Advisors and OHCHR personnel on secondment.

Entry into force

- 23 February 2018

Signature of HC and date of signature



Review date

- At the end of the OHCHR Management Plan 2018-2021

References, sources and link

- The United Nations Charter
- The Convention on the Rights of Persons with Disabilities
- The UN Secretary-General's bulletin ST/SGB/2014/3 (herein, SGB)
- OHCHR's Dignity@Work policy
- Thematic study equality and non-discrimination, OHCHR, A/HRC/34/26
- Promoting diversity and inclusion through workplace adjustments: a practical guide, ILO, 2016

Annex

SOP on facilitating travel of staff with disabilities

History

Original

3.2 **Other persons with disabilities linked to OHCHR** include interns, consultants, experts, mandate holders, candidates applying for OHCHR posts or any type of employment or service provision contract, or any other person who requires OHCHR's financial, administrative, logistic or technical support to participate in meetings, events, seminars, conferences, congresses or any other instance, in their official or individual capacity.

3.3 **Discrimination on the basis of disability** means any distinction, exclusion or restriction on the basis of disability, which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.

3.4 **Reasonable accommodation** means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

3.5 **Disproportionate burden** refers to the possible excessive impact of the requested accommodation on OHCHR. In determining whether the accommodation requested will give rise to a disproportionate burden, OHCHR will take into account factors such as: (i) financial and other costs; (ii) the overall resources of OHCHR; (iii) OHCHR's organization or functioning; (iv) the possibility of obtaining funding from a third party for the accommodation; (v) the potential benefits of the accommodation to persons other than the individual making the request; and (vi) the obligations of OHCHR to protect the safety and health of the individual making the request and any other person who may be affected.

3.6 **Person responsible for processing requests for reasonable accommodation:** The responsibility for processing requests for accommodation lies with the section chief where the staff member performs their duties or in charge of supporting the official or individual functions of the person with disabilities. In field presences, OHCHR will engage with the highest-ranking officer to promote compliance with this policy when responsibilities are beyond its immediate competence.

Specific to employment

3.7 **Essential functions of the job:** Essential (or "core") functions are the fundamental job duties or requirements of a particular job. Essential functions cannot be eliminated or substantially modified without changing the nature of the job. Essential functions do not include the secondary tasks of a job.

3.8 **Qualified to perform the essential functions of the job:** An individual should be qualified to perform the essential functions of the job. This means that the individual should: (i) satisfy essential job requirements regarding educational background, employment experience, skills, licenses, and any other qualification standards that are job-related; and (ii) be able to perform those tasks that are essential to the job, including those which may need a reasonable accommodation to enable the worker to do so.

3.9 **Factors to consider in determining whether a function is essential include:** (i) whether the primary reason that the position exists is to perform that function; (ii) the number of other

employees available to perform the function or among whom the particular function can be distributed; (iii) the degree of expertise or skill required to perform the function; (iv) the judgement of the OHCHR concerning which functions are essential; (v) the written job description prepared for advertising or interviewing for a job; (vi) the actual work experience of present or past incumbents; (vii) the proportion of time required by the individual to perform the function in question; and (viii) the consequences of not requiring the individual in question to perform a specific function.

4. SCOPE

4.1 OHCHR will provide reasonable accommodation to all persons with disabilities who request it acting in any capacity under financial or operational responsibility and control of OHCHR.

The policy applies upon request to any the following individuals:

- All OHCHR staff with disabilities at all levels
- Candidates with disabilities applying for OHCHR posts or for any type of employment or service provision contract.
- Persons with disabilities supported by OHCHR such as mandate holders from the human rights mechanisms, consultants, interns, panellists and meeting participants, among others.
- UN staff with disabilities serving in human rights components in peace missions, Human Rights Advisors and OHCHR personnel on secondment.

5. POLICY

5.1. OHCHR is committed to ensuring equality for all persons in the workplace or in any other context linked to OHCHR, respecting the diversity of all individuals and their multiple and intersecting identities; fostering an organizational culture characterized by inclusivity and respect for fundamental rights and dignity; a policy of zero tolerance towards discrimination; creating and maintaining a working environment free of discrimination that is unlawful or prohibited by OHCHR policy.

5.2 The present policy applies the principles and provisions of the Convention on the Rights of Persons with Disabilities and the interpretation thereof adopted by the Committee on the Rights of Persons with Disabilities. The provision of reasonable accommodation is thus recognized as a central element to promoting equality and non-discrimination and all appropriate steps shall be taken to this end. As an individualized measure, the provision of reasonable accommodation must consider the particular situation of the individual concerned and the particular barrier(s) they may face in order to participate and enjoy and exercise their rights on an equal basis with others. All measures of reasonable accommodation must respect the multiple and intersecting layers of the individual's identity, lived experiences, and will and preferences.

5.3. OHCHR is committed to providing reasonable accommodation to persons with disabilities and those that by association with a person with disabilities may require them: (i) when they need accommodation to perform their job or any other function supported by OHCHR; (ii) when they need accommodation to enjoy equal access to any benefits of employment, to use any of the OHCHR's equipment or facilities, or to participate in any aspect of OHCHR's culture or activities supported by OHCHR (e.g. being able to participate in retreats, to take part in training courses or to participate in meetings, seminars, panels, or other activities) on an equal basis with others; and (iii) when candidates with disabilities request such accommodation in the recruitment process.

5.4. OHCHR will keep confidential all medical and personal information of the person with a disability requesting an accommodation, and will only share such information in compliance with international standards on personal data protection, which includes the free and informed consent of the person concerned.

5.5 OHCHR will budget in all specific programs aimed at providing reasonable accommodation for expected activities. In addition, OHCHR will allocate budget to be used to cover reasonable accommodation requests from its offices when unforeseen requests of reasonable accommodation are received. [PBRB full name] will annually approve this reasonable accommodation fund which can be used according to the regulations established in annex to this policy.

5.6. The present policy will apply according to the action plans, which will be progressively added and described in the annexes.

6. Implementation

6.1. The policy will be translated into a reasonable accommodation action plan (2018-2021) with a view to translate principles into concrete actions. The action plan should include guidance on what it means to provide reasonable accommodation in more concrete terms (recruitment, working environment, etc.), assigning resources and responsibilities.

6.2. Generally, all requests of reasonable accommodation will include an interactive dialogue between OHCHR and the person with disabilities concerned and an evaluation of the implementation of the accommodation requested. Where no agreement is reached in the dialogue, OHCHR, as the entity responsible for providing the accommodation, must justify its denial through an objective analysis to avoid incurring discrimination.

6.3. Some of the specific procedures applicable to areas where reasonable accommodation can be requested are reflected in the annexes.

7. CROSS-REFERENCES

OHCHR's reasonable accommodation policy is founded on obligations, rights and principles set out in a range of documents including:

7.1 The UN Convention on the Rights of Persons with Disabilities (A/RES/61/106) and the jurisprudence of the Committee on the Rights of Persons with Disabilities (General Comment no 2 on accessibility, General Comment no 6 on equality and non-discrimination–forthcoming)

7.2. The United Nations Charter

The UN Charter's preamble reaffirms "...faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women of nations large and small...". Article 101 (3) then affirms: "The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity."

7.3. The UN Secretary-General's bulletin on the Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2008/5)

7.4. The UN Secretary-General's Bulletin on Employment and accessibility for staff members

with disabilities in the UN Secretariat (ST/SGB/2014/3) prohibits discrimination on the basis of disability, including the denial of reasonable accommodation, and promotes inclusive working environments for staff with disabilities in the UN Secretariat.

7.5. OHCHR's Dignity@work policy and its action plan (2017) are designed to strengthen the meeting of UN Human Rights Office's commitments and obligations to provide and enact a workplace in which all OHCHR staff at all levels may enjoy and actively promote dignity at work for all.

8. MONITORING AND COMPLIANCE

8.1. The implementation of the policy will be monitored by the **Human Rights and Economic and Social Issues Section** and will be periodically reported to the OHCHR Senior Management via the **Programme and Budget Review Board**.

8.2. Each action plan defined in the attached annexes will appoint a responsible person with the purpose of operationalizing the provision of reasonable accommodation.

8.3. **Programme Support and Management Services (PSMS)** will appoint a reasonable accommodation focal point overseeing all others focal points.

Knowledge management

8.4. PSMS will keep record of the reasonable accommodations provided, indicating the administrative steps taken, in order to better respond in a timely manner to requests from persons with disabilities.

Accountability

8.5. Staff with disabilities, UN staff reporting to OHCHR, consultants, individual contractors and interns denied of reasonable accommodation can present claims to the Human Resources Management Section; all other persons with disabilities should bring claims to relevant focal points in the Programme Support and Management Services. These reasonable accommodation focal points will revise the situation and propose, in dialogue with the person concerned, a solution and will immediately report to the Deputy High Commissioner on the outcome of their intervention.

9. CONTACT

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10. DATES

The present reasonable accommodation policy is issued in February 2018. It will be reviewed in March 2019.

11. ANNEXES

Annex 1: SOP on facilitating field mission travel for staff members with disabilities