U.S. DEPARTMENT OF LABOR

Office of Disability Employment Policy

Retaining and Supporting Disabled Workers

A few straightforward practices can help any organization retain talented workers with disabilities and allow them to thrive in the workplace. These strategies will support both employer and employee and enable success.

Collapse All

⌄ **Creating an inclusive workplace culture**

Workplace culture matters for workers with disabilities. Research indicates that disabled workers are less likely to stay or succeed in workplaces that have an inflexible culture or rely on inaccessible practices. However, when a workplace has an accessible and inclusive culture, disabled workers can—and do—thrive.

In addition, while there are many risk factors for harassment and discrimination in the workplace, an inflexible workplace culture may be a contributing characteristic.

Here are a few practical steps to help organizations create a workplace culture that allows disabled workers to thrive:

- **Help potential co-workers understand how to collaborate with workers with disabilities.** Provide all staff—especially managers and leaders—with training and access to courses and other tools to learn how to work respectfully with colleagues with disabilities. Supervisors should model these habits for their staff—for example, in how they lead daily on-site project meetings.
- **Change expectations and habits to allow for flexibility and inclusion.** Some workplace conventions may be inaccessible for workers with disabilities. For example, if contract bids are typically coordinated only by telephone, a

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d/Deaf colleague may be left out. See where habits can be changed to become more inclusive. In addition, offer flexibility in time and place when possible. For example, a flexible band for lunch breaks would allow employees not just to eat, but also to take medication if needed.

- The extent of possible flexibilities and changes will vary by industry. In one example, <u>Diana Ivey,</u> a middle school teacher in Manchester, Vt., who was diagnosed with multiple sclerosis, found that over time she was needing additional accommodations to stay on the job. Cultural changes and supports at her school, including flexible scheduling and swapping of tasks with other teachers, allowed her to continue teaching as her symptoms progressed. These changes made her feel valued at her school and informed her decision to continue teaching. These types of practices can apply to construction, manufacturing, energy, and infrastructure workplaces, too.

- **Be intentional about overcoming <u>bias and unconscious bias</u>** in the workplace.

- **Ensure all employees, including senior leadership and managers, understand the rules around harassment** and are serious about creating and a discrimination free workplace. Learn more about what constitutes <u>workplace harassment and discrimination</u> from the EEOC, including <u>information specific to disability-based harassment</u>.

⌄ Taking steps to include workers with mental health conditions too

Changes to workplace culture and habits can positively affect workers' mental health, particularly in <u>skilled trade and industrial occupations</u> in the fields of construction, manufacturing, and clean energy. The stress of these jobs, stigma about mental health and substance use disorder, and workplace cultures that do not encourage respect, contribute to workers' mental health conditions. EARN provides employers with the knowledge, skills, and resources to create a supportive work atmosphere for those living with mental health conditions, including implementing changes like modeling ways to communicate more kindly and supportively, speaking frequently and openly about mental health, and reducing stigma and shame around mental health.

Some additional resources to help employers foster inclusive, supportive workplaces that prioritize workers' mental health:

- DOL's <u>Mental Health at Work initiative</u>, which centralizes and promotes related resources for employers and workers.

- Resources from DOL's Occupational Safety and Health Administration dedicated to <u>preventing suicides in the construction industry</u>.

- <u>This EARN webinar</u>, which discusses ways employers and labor unions are supporting worker mental health in skilled trade and industrial occupations.

⌄ Giving workers the information they need to succeed

All workers, including disabled workers, do best when they have what they need to start a job. An accessible onboarding program and an inclusive workplace culture are particularly important for new staff with disabilities.

Before their first day, make sure workers know how to access the benefits and services they need. Provide workers with clear, accessible information about their benefits, including insurance, as well as information about transportation, childcare, and other support services. Include information about union or other labor organizations in your workplace as well. You should also provide clear information about the workplace location and conditions, including facilities and any other major information about equipment or safety precautions, for example.

Tell workers about any cultural norms—such as break times, dress codes, and terms used at work—that matter in the organization. This knowledge helps workers adjust to the job. Neurodivergent workers and workers from certain cultural communities find this direct information especially helpful.

Check in often with staff once they start. Be sure to ask for feedback about whether new employees find the accommodations and support they receive to be helpful. Employers can use the information to make adjustments; for example, a worker may find that a different shift is easier for their public transit commute.

Learn more from these resources:

- EARN's <u>accessible onboarding page</u> for employees with disabilities. This resource includes information about discussing benefits, culture, and expectations, among other topics.

- The American Foundation for the Blind's <u>research-based practices to make onboarding accessible</u> for disabled workers. This research recommends tangible actions to make paperwork more accessible for new workers with disabilities and to assist employers in complying with legal obligations.

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⌄ Providing reasonable accommodations

A reasonable accommodation is a change to a job, work environment, or the way things are usually done to enable a worker with a disability to enjoy an equal employment opportunity—that is, the opportunity to apply for the same job, attain the same level of performance of essential functions of a job, and enjoy equal benefits and privileges of employment as an employee without a disability. Under the ADA, an employer is required to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an undue hardship.

For returning uniformed service members with disabilities incurred in or aggravated during their service, USERRA requires employers to make reasonable efforts to accommodate service members' disabilities and to help returning employees become qualified to perform the duties of their reemployment position.

Examples of reasonable accommodations include, but are not limited to:

- Making existing facilities accessible
- Job restructuring
- Allowing part-time or modified work schedules
- Acquiring or modifying equipment
- Changing tests, training materials, or policies
- Providing qualified readers or interpreters
- Reassigning employees to a vacant position

Some further examples of reasonable accommodation sourced from employers in the construction, energy, and manufacturing industries:

- A construction inspector who cannot climb a ladder receives a long-handled mirror to conduct inspections instead, benefiting other inspectors as well.
- An energy employee with a chronic condition receives an alternate shift schedule with additional break times.
- A chemical factory worker who cannot turn large wheel valves is provided a tool to reduce the torque on wheel handles.
- An engineer living with Long COVID is allowed to telework at times when his fatigue prevents him from commuting.

How much do reasonable accommodations cost?

A JAN report on the costs and benefits of accommodations indicates that workplace accommodations typically carry low or no cost, while positively impacting the workplace in many ways. More than half (56%) of surveyed employers reported that the accommodations they made cost absolutely nothing to implement. Of those that did have a cost, the median one-time expenditure was $300, according to employers.

Employers, job seekers, family members, and service professionals looking for more information can contact JAN, the leading source of free, expert, and confidential guidance on job accommodations and the ADA. JAN provides one-on-one assistance for a wide range of disability employment issues, health conditions, and disabilities, including Long COVID.

⌄ Providing leave when needed

A good job does not compel workers to choose between work and leave when needed. Research shows that many employees with disabilities benefit from access to paid leave [PDF]. In addition, generous leave policies [PDF]—to accommodate personal, family, or medical reasons—are shown to help organizations retain qualified employees.

Many state and federal laws determine what type of leave employers are legally required to provide:

Family and Medical Leave Act (FMLA). The FMLA entitles eligible employees of covered employers to job-protected leave for certain reasons. FMLA leave may be unpaid or used at the same time as employer-provided paid leave. Workers can take up to 12 workweeks of leave in a 12-month period to care for themselves or a family member with a serious health condition, to care for a newborn or newly adopted child, or for certain issues arising out of a family member's active-duty military service. Additional leave time is available to care for family members who are current military service members or recent veterans with a serious injury or illness.

The FMLA entitles workers to continued group health insurance coverage while taking FMLA leave under the same terms and conditions as if the employee had not taken leave. Workers must be restored to the same or a virtually identical position when they return to work after FMLA leave.

Sometimes a worker may need leave beyond the protected period under the FMLA as a reasonable accommodation under the ADA. This resource from the EEOC provides more information on the intersection between the FMLA and the ADA.

Executive Order (EO) 13706. EO 13706 requires federal contractors to allow covered workers to accrue up to seven days of paid sick leave annually. They can use this leave for themselves or to provide care for a family member.

States and localities. Many states and local governments mandate the amount of leave employers must provide. Contact your state's Department of Labor for more information.

Union and labor agreements. Minimum leave requirements and provisions are also often included in agreements with labor groups, including PLAs and CBAs and through LMPs.

There are several resources to help employers navigate requests for leave under the ADA, FMLA, and other laws:

- JAN's Accommodation and Compliance page on leave
- DOL's FMLA page
- This page on EO 13706 from DOL's Wage and Hour Division
- This explainer on paid leave laws across the United States from DOL's Women's Bureau

⌄ Offering flexible workplaces to better attract and retain workers with disabilities

Workplace flexibility is a key part of a disability-inclusive workplace. Employers can provide flexibility in a worker's schedule, work location, and in the type or nature of work duties performed. Workplace flexibilities also benefit nondisabled workers, including parents and caregivers. Employers who offer a flexible workplace have a competitive edge in recruitment and retention as workers seek to balance work and family responsibilities.

For many workers with disabilities, telework or remote work is an important form of workplace flexibility that may also be considered a reasonable accommodation. The ability to work from home or from another location can mitigate barriers to employment commonly faced by disabled workers, such as inaccessible transportation, lack of access to personal care supports, inability to control the environment to avoid sensory sensitivities, and other issues. Even in the construction, energy, and manufacturing industries, in which much of the work happens on-site, many nonmanual or administrative jobs can be done remotely some or all the time.

Workplace flexibility can also help with on-site work. Flexible schedules allow many workers to balance their needs with their job. For example, allowing workers to choose among multiple production shifts may give them the flexibility to attend to childcare and perform well at work.

Learn more about telework and other types of flexibility using the resources below:

- EARN's workplace flexibility toolkit, which provides resources, guidance, and information on flexible schedules, locations, and ways of working
- The report "Disability-Inclusive Telework Programs for State Agencies" [PDF], which contains best-practices examples from state governments
- These resources produced by ODEP's State Exchange on Employment and Disability (SEED), which offers manuals to review.

⌄ Using accessible technology

While workers with disabilities have benefited from technological advancements, inaccessible technology can still prevent many workers from doing their jobs.

Employers should make sure that workplace technology is accessible for all workers and job seekers. Any new technology the company buys should conform to accepted accessibility standards, and digital content should be accessible. Accessible technology can also help companies improve other processes by making them more efficient and user-friendly.

Use the resources below to learn more about accessible technology:

- ODEP's <u>Partnership on Employment and Accessible Technology (PEAT)</u>, which provides employers and workers with resources and tools to make workplace technology accessible to all. Search PEAT's website for <u>specific employer topics</u>, including <u>resources geared for company leaders</u>. PEAT also offers multiple <u>digital accessibility toolkits</u>, including the <u>Telework and Accessibility Toolkit</u>, which provides employers with accessibility basics and resources on creating accessible communications and materials.

- The General Service Administration's <u>Section 508 website</u>, which provides information and links to guidance, resources, tools, blog posts, and articles focused on helping federal agencies comply with Section 508 requirements and implement accessible technologies.

- <u>One telecom company's "accessibility lab,"</u> which educates employees about disability and helps make the company's products more accessible to employees and consumers.

- ODEP's primer for employers on the importance of <u>accessible and inclusive technology in workplaces</u>.

- JAN's Accommodation and Compliance page on <u>assistive technology</u> as a workplace accommodation for workers and employers.

- EARN's practical resources on a variety of <u>technology accessibility</u> topics for employers.

⌄ Helping workers navigate barriers in the community

If workers cannot get to work, do not have access to care, or have no one to care for their loved ones, it is hard for them to get and keep a good job. People with disabilities can be more acutely impacted by issues such as access to and affordability of childcare and housing, a lack of transportation options, and the time needed for medical or psychological care. This impacts an employee's ability to work effectively.

Simple strategies can help employers support workers to achieve their full potential:

Deliver targeted information and support through a <u>Stay at Work (SAW)/Return to Work (RTW)</u> coordinator or vendor. SAW/RTW initiatives help employees with disabilities navigate transitional programs, the disability benefits system, and other services, such as those available through the workforce development system. ODEP's <u>Stay at Work/Return to Work initiative</u> offers a number of resources to download.

ODEP's <u>Retaining Employment and Talent After Injury/Illness Network</u> (RETAIN) is an early intervention SAW/RTW program. RETAIN, which is jointly administered with the Social Security Administration and DOL's ETA, funds pilot projects in state agencies across the country to eliminate barriers that hinder those who are experiencing new injuries or illnesses or worsening of existing conditions from returning to work. Recipients of RETAIN funds use national and local statistics extensively to assess program performance and improve services. <u>Learn more about how RETAIN collects data and uses statistics to enhance performance here</u>.

Work with an ERG to identify areas in which the workplace can provide support. Consult the chapter "Recruiting and Hiring Disabled Workers" to learn more about ERGs.

Consider organizing a ride-share program or offering a shuttle service for employees with limited transportation options. Some people with disabilities cannot or do not drive.

- One example comes from a car manufacturing company in Texas, which worked with the local public transportation provider, to <u>launch an on-demand service</u> to help employees get to and from the manufacturing plant.

- The <u>National Aging and Disability Transportation Center (NADTC)</u> promotes the availability and accessibility of transportation options for older adults, people with disabilities and caregivers. NADTC is a program sponsored by the Federal Transit Administration.

Provide information to employees about financial assistance options for childcare, consider offering flexible work schedules, or establish a childcare program on-site or nearby for employees with young children.

- <u>DOL's Guidance on Supportive Services for Child Care and Long-Term Care</u> discusses ways employers can provide care as a supportive service or workplace benefit.

- The <u>National Database of Childcare Prices</u> from DOL's Women's Bureau is the most comprehensive federal source of childcare prices at the county level. The database offers childcare price data by provider type, age of children, and county characteristics, and will help accurately assess childcare pricing in your area.

- <u>ChildCare.gov</u>, sponsored by the U.S. Administration for Children and Families, provides free tools and resources and connects consumers directly to childcare programs where they live.

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⌄ **Keeping the workplace safe and healthy**

A good job is a safe and healthy job. <u>Research shows that disabled workers</u> are more likely to become injured at work. Work with your employees to identify potential safety risks and ways to address them.

Many safety practices will be the same for disabled and nondisabled employees. For example, regardless of disability, workers will need to wear protective equipment when handling certain chemicals in factories. In some cases, disabled employees will need different methods to stay safe. For example, a dome mirror can help d/Deaf or hard-of-hearing workers stay safe at intersections on construction sites and at warehouses, as they may not hear oncoming vehicles.

Practices will differ by industry and by disability, but certain strategies help all disabled employees stay healthy and safe at work:

- Including disabled employees when <u>creating emergency preparedness plans</u>.
- Ensuring all emergency information is accessible and ensuring emergency plans include support for the safety of disabled workers.
- Providing workers with targeted safety training and information. For example, d/Deaf workers may need information in American Sign Language, and wheelchair users may need specific information on using equipment safely while using a wheelchair.
- Ensuring the company's <u>workers' compensation insurance</u> is up to date. Workers' compensation covers medical care, lost wages, and other expenses after a workplace injury. All federal contractors must provide this insurance <u>under the Federal Acquisition Regulation</u> (FAR). Most states require this provision as well. Learn more about requirements from your <u>state's Department of Labor</u>.
- Learning from the <u>Occupational Safety and Health Administration (OSHA)</u> about workplace safety and ways to keep the workplace safe.
  - OSHA provides <u>guidance for employers</u>, compliance assistance, and training programs.
  - <u>OSHA's Compliance Assistance Quick Start</u> gives employers access to needed materials for their work site.
- Learning about safety standards and safety equipment for disabled workers; JAN offers a <u>comprehensive resource</u>.
- Learning more about the ADA and workplace safety; EARN offers <u>this resource</u>. EARN also provides resources on <u>workers' compensation</u> and how this benefit relates to the ADA.

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Office of Disability Employment Policy

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