

Chapter III

Fundamentals: Roles and Obtaining Information for Determining Accommodations

The process of determining accommodations for persons with disabilities undergoing assessment for selection involves a number of parties, including the department, the selection board, the candidate, and, in some cases, the Personnel Psychology Centre. It also involves persons with disabilities disclosing information about themselves in order to, first, identify themselves as persons with a disability requiring accommodation and, second, determine the nature of the accommodations needed. The latter may require the further step of supplying documentation from a health professional in order to determine appropriate accommodations. In this chapter we will first outline the roles and responsibilities of the various parties and then discuss the need for information and how disclosure can be dealt with sensitively.

A. ROLES IN PROVIDING ACCOMMODATIONS

1. Department

A department of the federal Public Service which undertakes a selection process has a number of responsibilities concerning persons with disabilities:

- S** to inform candidates that they have a right to accommodation if they have a disability;
- S** to constitute knowledgeable and, to the extent feasible, representative selection panels, and provide training as required to ensure competent and sensitive assessment of persons with disabilities;
- S** to provide all services and materials associated with adapted assessment, such as oral interpreters, readers or scribes, adaptive technology, and test materials in formats other than standard print.

2. Selection Board

Under the PSEA, the selection board represents the Public Service Commission (PSC) and is responsible for the assessment, including ensuring that the process followed is a fair one for all candidates. Once the manager has studied the requirements of the position, determined the qualifications to be assessed, and issued a statement of qualifications, the selection board assumes responsibility for

the assessment process. It has a number of specific responsibilities relating to assessment of persons with disabilities:

- S to determine the assessment tools to be used, including any adaptations (i.e., accommodations) necessary for candidates with disabilities;
- S to inform candidates concerning the nature of the assessment tools that will be used (e.g., whether oral or written format will be used) so that they may judge if an accommodation should be requested;
- S to obtain adequate information and advice on which to base decisions on accommodations;
- S to ensure that these accommodations are carried out during assessment.

3. Candidate

As the person being assessed, the candidate has an essential role to play in the process of requesting accommodations. The candidate has clear responsibility in four areas:

- S to identify him- or herself as someone who requires accommodation;
- S to provide documentation in support of the need for accommodation, if requested;
- S to provide up-to-date information concerning the nature and extent of his or her disability and special needs, sufficient to determine the accommodations required; and
- S to cooperate with the department in the process of determining appropriate accommodations for the assessment situation.

Implications of these responsibilities are two-fold. If a candidate is unwilling to provide essential information or documentation, it may not be possible to provide the most appropriate accommodations. As well, there are limits on the candidate's role in determining accommodations. While requests by candidates for specific kinds of accommodations based on past experience are welcome (e.g., on the job or at school), it is possible that these accommodations will not be appropriate in a selection process. For example, they may not meet the needs of the candidate in this particular assessment process, or they may not be deemed to be fair to other candidates. While candidates should be consulted, it is up to the selection board, in consultation with experts as needed, to make final decisions on the accommodations which are appropriate.

4. Personnel Psychology Centre (PPC)

In most cases the *Guidelines for Assessing Persons with Disabilities* will be adequate to inform human resource advisors and managers about appropriate accommodations in departmental assessment processes. However, the Personnel Psychology Centre (PPC) of the PSC is a resource which departments may call on when determining accommodations for candidates with disabilities. When requested, the PPC can play any of the following roles:

- S advise the department on the type of information to collect to ensure that appropriate accommodations can be made;
- S receive and review documentation provided by candidates in confidence (e.g. clinical assessment reports);
- S engage in discussion with health professionals, if more information is required; and
- S make recommendations to departments on accommodations in specific cases.

This information and consultation service is available to departments when it involves a departmental test. Before accommodations are used with a PSC test, the PPC must be consulted and only modifications approved by the PPC shall be implemented. In both instances, the department is responsible for dealing directly with the candidate. The PPC may occasionally become directly involved as when it receives documents in confidence or when there is reluctance on the part of a candidate to deal with departmental representatives. Such cases should be discussed with a PPC consultant.

B. OBTAINING INFORMATION FOR DETERMINING ACCOMMODATIONS

The provision of accommodations must respect the individual's rights to privacy and confidentiality. Out of respect for the individual, managers and human resources personnel are sometimes in doubt about whether they have the right to ask candidates questions about their disability, or whether they must simply accept what the candidate provides without further probing. Likewise, they may be unclear about whether or when it is appropriate to request documentation in support of provision of accommodations. These questions are explored in the following sections.

Note that the discussion here focuses on the topic of identifying a need for accommodation for purposes of assessment in the staffing process. It does not imply that a candidate who requests accommodation has self-identified as a person with a disability for purposes of departmental records. For example, a person with a temporary disabling condition, such as a broken wrist would not normally be self-identifying as a "person with a disability" in departmental records.

1. Disclosure of Disability and Requesting Accommodation

Information about a candidate's disability is private and can be sensitive, and candidates may be reticent to share it. A number of factors can lead people to decide either not to identify themselves as persons with a disability requiring accommodation, or not to provide information about their disability to a selection board.

- 1) **Belief that disclosure will result in negative bias rather than equitable treatment**

Candidates' concerns about the possible implications of disclosure of their disability generally arise when the disability is not apparent. With so called "invisible disabilities", in some cases people may feel that their particular disability carries a stigma, and so are unwilling to disclose its existence (for example, diagnosis of a psychiatric disorder). In other cases some individuals may believe that disclosure will work against them because of unfounded perceptions by managers or selection board members about their ability to perform on the job (in the case of a learning disability, for example).

2) **Belief that the disability is not relevant to performance**

Candidates who do not feel that their disability affects their performance on the job may not disclose it, or they may fail to request accommodations even when the disability is evident. For example, a person who uses a wheelchair who applies for a position of policy analyst may not request accommodations because she knows that her disability does not have an impact on her job performance. The same may be true for invisible disabilities. For example, a person with a learning disability who has developed strategies for dealing with his disability may not disclose, since he copes well on the job. Persons with chronic illnesses such as diabetes or Crohn's disease may feel that they can work around their limitations through careful scheduling of the testing session, thereby obviating the need to disclose a condition which they feel some may perceive negatively. In any of these cases, depending on the qualification assessed and the method used to assess it, accommodations may in fact be needed to allow the candidates to fairly demonstrate their competencies.

3) **Belief that accommodation constitutes an undue advantage, coupled with a desire to succeed based "on one's own merits"**

Desire to succeed on "one's own merits" usually means that the person perceives the proposed accommodations as conferring an undue advantage, rather than as creating equal opportunity to demonstrate one's abilities. This can lead the candidate to either refrain from disclosing the disability, or to request one accommodation (e.g., use of a computer) but refuse another (e.g., extra time).

4) **Concern that confidential information about the disability will become common knowledge in the workplace**

Concerns about confidentiality may lead candidates to hesitate to identify themselves as requiring accommodation, to disclose details about their disability or to decline requests to provide documentation .

In conclusion, candidates' beliefs affect their choices in the selection process. In dealing with candidates, those responsible for the process have a delicate balance to maintain: they need always to respect candidates' rights to privacy and confidentiality, as well as candidates' own views of their abilities, while taking a proactive approach to obtaining necessary information. Guidelines for handling some of these situations may be found in Section 4 below.

2. Need for Documentation

As the entity responsible for the adequacy of the accommodations, the selection board, in consultation with experts as required, is best placed to determine whether it has received enough information to confidently make accommodations in a particular case. The purpose of obtaining documentation about the nature of a disability is therefore not to cast doubt on the validity of the candidate's needs, nor should it be undertaken to gather irrelevant personal information or as a mere formality. Rather, having adequate information is key to determining accommodations which will allow the candidate to have an equal opportunity to demonstrate his or her qualifications. In addition, the selection board must be in a position to defend these accommodations, should they be challenged. Challenges can come from candidates for whom accommodations were provided, alleging that the accommodations were inadequate, or from other candidates in the competition, alleging that the accommodations provided an unfair advantage to one candidate.

The following guidelines are offered to aid selection boards in deciding whether or not to request documentation :

- 1) **Documentation is not normally required** for candidates with **physical or sensory disabilities of a permanent nature**, unless the limitations of the disability are subject to interpretation. Individuals with physical disabilities where documentation would not normally be required include those who are paraplegic or quadriplegic, while sensory disabilities would include those who are blind or deaf.
- 2) **It is recommended that documentation be obtained for all cases where the limitations of the disability are not evident.** The following are examples:
 - S Disabilities or disorders affecting mental functioning, concentration, or memory, including learning disabilities, attention deficit hyperactivity disorder, psychiatric disabilities and head injuries.
 - S Disabilities that are complex and may manifest themselves in various ways with different individuals, such as multiple sclerosis, muscular dystrophy, or cerebral palsy.
 - S Temporary disabilities such as recovery from injury or an operation (e.g., for carpal tunnel syndrome), or a temporary medical condition.
- 3) The importance of having **documentation where a disability is not confirmed** has been underlined by appeal boards and the courts, which have cast doubt on the validity of accommodations proposed in the absence of documented assessment of a suspected disability. Thus, if a candidate suspects a disability that he or she thinks may affect an assessment (for example, a learning disability or attention deficit hyperactivity disorder) but has not yet been assessed by a health professional, it is recommended that testing be delayed until the candidate has been assessed.

3. Standards for Documentation

In order to be deemed adequate, documentation should adhere to certain standards as to source, currency and type of information presented.

- 1) The **source or provenance** of the documentation should be appropriate. Only regulated medical or psychological practitioners with specialization in the appropriate area are qualified to diagnose specific types of disabilities. Consult the sections in each of the specific disability categories in *Chapter V, Accommodations for Specific Disability Categories*, for the appropriate specialists to provide documentation on that type of disability.
- 2) The documentation should be **current**. What is accepted as “current” will depend on the type of disability or disabling condition.

S For conditions that are stable (e.g., physical or learning disability), documentation may be a number of years old and still be up-to-date. However, this usually entails that the documentation has been obtained after the age of 18. Assessments completed before age 18 are generally not considered up-to-date if more than three years have passed since the assessment, as the abilities and skills of individuals are still changing and developing during these years.

S For conditions susceptible to change (e.g., psychiatric conditions), the documentation should be recent enough to cover recent changes to the candidate’s condition and should include a prognosis for future change.

S For temporary disabling conditions affecting assessment in a competition, such as recuperation from an operation, a broken bone, or a condition resulting from an accident, documentation should include the date the condition began and the physician’s estimate of a recovery date.

S If the selection board is unsure that the documentation is current, it is recommended that the candidate be asked to return to a health professional to see if a new assessment should be conducted.

- 3) The following **information content** is expected in the documentation :

S a clear description of the nature of the disability.

S a clear description of the functional limitations resulting from the disability;

S the candidate’s history, whether educational, developmental or medical, where relevant to understanding the disability for the purpose of providing accommodations;

S accommodations the candidate has used or could benefit from.

Note that additional information may be required, depending on the type of disability. See particular documentation requirements listed in *Chapter V, Accommodations for Specific Disability Categories*.

Note also that the selection board needs to examine the relevance of any suggested accommodations to the particular testing context, as the health professional or external expert will not normally be aware of the context in which his or her suggestions may be applied (for training, workplace accommodations, or assessment for selection).

4. Guidelines for Handling Reticence to Request Accommodations or to Provide Documentation

To encourage persons with disabilities to disclose their need for accommodation, it is important to create a positive and confidential atmosphere. It should be clear that the selection board is open to providing accommodations and that candidates' chances in the selection process will not be diminished in any way by requesting accommodations. External applicants in particular should be reminded that, in the context of applying for a position in the federal government, identification of any special needs will help them compete with other candidates on an equitable basis. Explain clearly that accommodations can be provided only when candidates indicate their needs and provide necessary information. The following suggestions are added for handling specific difficulties which may arise:

- 1) To dispel **concerns about the confidentiality of information about the disability**, send a clear message to the candidate that this information will be treated confidentially. Other candidates will not have access to the information. Explain as well that only information pertinent to the assessment process need be provided to the selection board.
- 2) When **candidates indicate that they have a disability but offer no further information**, it is appropriate to probe further, in a respectful way. Explain the importance of obtaining adequate information to provide accommodations appropriate to the person's needs.
- 3) Where candidates indicate that **they have a disability but decline proposed accommodations**, remain accepting of their choice while emphasizing that they should be prepared to accept the results of the testing. It should be made clear that retaking the test will not be an option.
- 4) Where a candidate **has a disability which is known or suspected, but has not requested accommodation**:
 - S Where the disability is evident, it is appropriate to inquire of such candidates whether there are any adjustments to testing procedures which need to be considered to allow them to better demonstrate their qualifications during the assessment. For example, for a wheelchair user, it is advisable to check the match between wheelchair and table height, or for a person known to be mildly hard of hearing, one should inquire about the possibility of seating him or her at the front of the room to better hear instructions. Often such things may not be perceived by the individuals concerned as "accommodations" since they may not feel

that their job performance is affected by their disability, but these adjustments may prove important in the context of a test session.

- S If a disability is suspected, it is advisable to approach the candidate privately and reiterate the right to accommodation. Try to create an accepting atmosphere in which the person feels free to discuss any special needs with you. (Remember that if candidates do not do this before the assessment, the problem could surface during the assessment or once testing results have been received when it is more complicated to deal with.)
- 5) If candidates **have documentation from a health professional but are reluctant to supply it** to the selection board because of concerns about confidentiality:
- S Explain that the selection board requires the documentation to determine the accommodations which will provide them an equitable opportunity to demonstrate their qualifications, while assuring them that the documents will be kept confidential throughout the selection process.
 - S If reticence persists, it is possible to suggest that the PPC serve as a confidential intermediary. When the PPC serves as the intermediary, a consultant reviews the documentation and discusses the candidate's needs and possible accommodations with the human resources advisor. The candidate should be assured that information he or she supplies to the PPC will be kept confidential and will not be passed on to the selection board.