UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Disability inclusion at work

Fair opportunity.

Sound business decisions.

Practical accommodation.

Michelle Brathwaite
Regional Representative, OHCHR CARICOM Regional Office

THE EMPLOYER'S QUESTION

What must we do, and what is reasonable for our business?

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

The conversation today

01

Know the standard

Article 27: what equal employment opportunity means.

02

Recognize barriers

Where recruitment and workplace practices can exclude.

03

Apply the test

How to assess an accommodation fairly.

04

Handle objections

Costs, performance, safety and small-business realities.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

A right to work is not a right to a job

What Article 27 protects

The right to work on an equal basis with others, including opportunity to earn a living in an open, inclusive and accessible labour market.

What employers retain

The ability to select qualified candidates, define genuine essential duties and apply legitimate performance standards.

The distinction: fair opportunity and individual assessment, not automatic hiring.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Article 27 covers the employment journey

Recruitment

Advertise beyond personal networks; offer accessible application and assessment methods; assess skills relevant to the job.

Employment

Fair pay, safe conditions, training, advancement and retention.

Support

Reasonable accommodation and freedom from discrimination at work.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Disability does not determine capability

An assumption

"A person with a disability cannot do this role."

This substitutes a stereotype for evidence.

A defensible assessment

Identify the essential functions; assess the person's skills; consider reasonable accommodation; evaluate actual performance.

Ask: can this individual perform the essential work with appropriate support?

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Three ways exclusion occurs

Direct discrimination

Rejecting an applicant because of disability rather than ability to do the job.

Indirect discrimination

A seemingly neutral requirement that disadvantages people with disabilities without adequate justification.

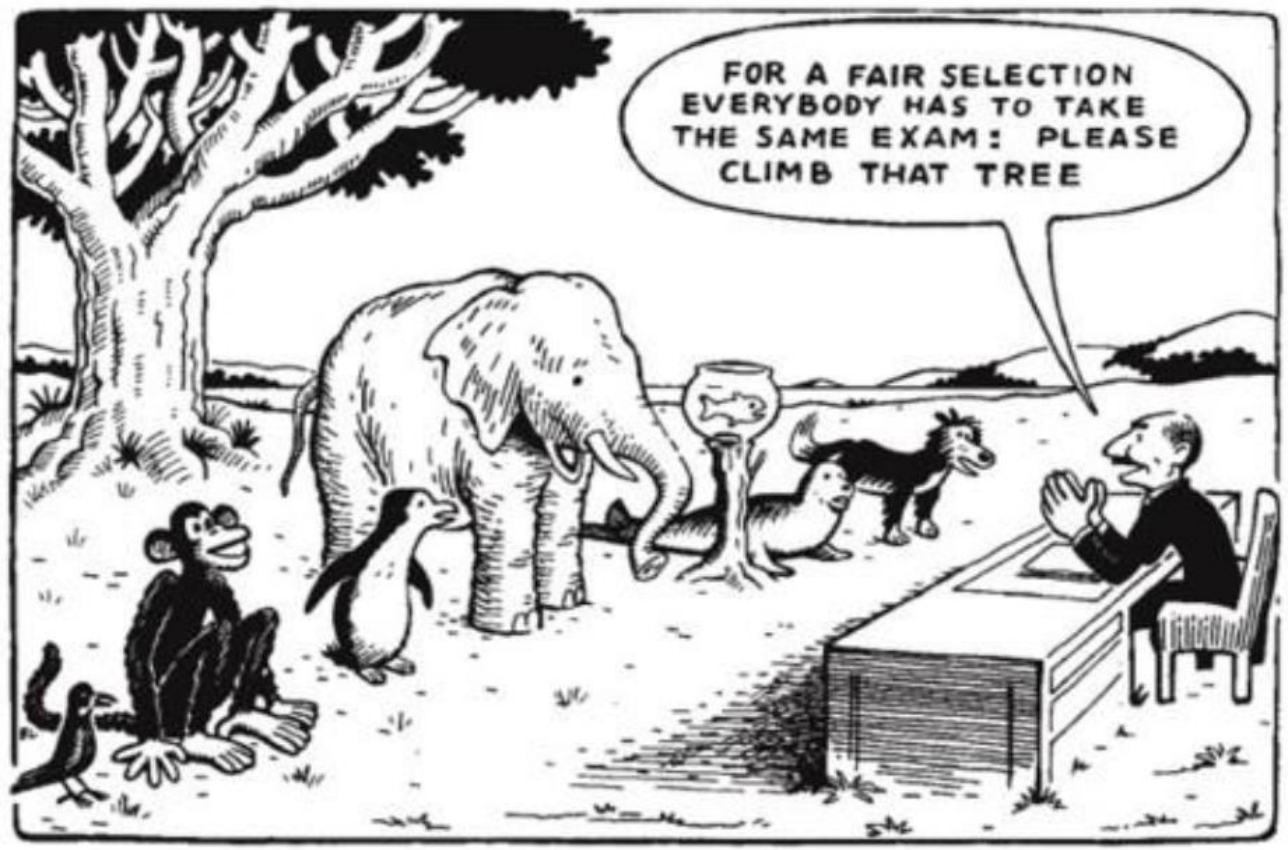
Accommodation denied

Failing to provide a necessary and reasonable adjustment in an individual case.

UNITED NATIONS HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

A fair test must measure the right thing

CENTRE FOR TEACHING & LE
University of



http://www.joebower.org/2011/08

Everybody is a genius. But if you judge a fish by its ability to climb a tree, it will live its whole life believing it is stupid.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Same treatment is not always equal opportunity

Identical rule

"Every applicant must complete a timed handwritten test."

The format may exclude qualified candidates when speed of handwriting is not part of the job.

Equal opportunity

Offer an accessible room or suitable alternative interview arrangement while keeping the same assessment criteria.

Change the barrier, not the standard for the job.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Video: Rethinking disability in the workplace



After viewing: which assumption about capability does the video challenge?

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Accessibility and accommodation: two obligations

Accessibility: anticipate barriers

Design recruitment, premises, communications and systems so more people can use them from the outset.

Accommodation: respond individually

Modify a process, task, equipment or arrangement for a particular person who encounters a disability-related barrier.

An accessible workplace reduces, but does not eliminate, individual accommodation needs.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Reasonable accommodation: the CRPD definition

Necessary and appropriate modifications or adjustments in a particular case, without imposing a disproportionate or undue burden, to ensure equal enjoyment or exercise of rights.

Individualized

Respond to a specific barrier.

Not unlimited

Assess proportionality and actual burden.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Accommodation can take many forms

Recruitment

Accessible application format; alternative job-relevant assessment; sign-language interpretation.

Work organization

Adjusted hours; flexible breaks; modified non-essential procedures.

Tools and information

Screen-reading software; accessible documents; workstation adjustments.

The correct adjustment depends on the person, the barrier and the job.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

What does reasonable accommodation cost?

61%

reported no cost

33%

reported a one-time cost

Median one-time cost: US$300

Source: U.S. Job Accommodation Network, 2025 employer survey. These are U.S. findings, not Caribbean estimates.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

The accommodation process

01

Recognize

A disability-related barrier affects equal participation.

02

Discuss

Employee and employer explore workable options confidentially.

03

Assess

Consider feasibility, relevance and proportionality.

04

Decide & review

Implement an effective adjustment or explain reasons and explore alternatives.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Stage 1: identify the real barrier

Ask about the work

What task, process or environment is creating difficulty? Which functions are essential?

Avoid unnecessary intrusion

Focus on functional needs and the adjustment, not demanding a full diagnosis or unrelated medical history.

A clear description of the barrier makes a practical solution easier.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Stage 2: confidentiality and dialogue

Confidentiality

Handle disability-related information discreetly. Share only what is needed for implementation and follow applicable privacy rules.

Interactive dialogue

Listen to the person's proposed solution; explore alternatives; consider operational needs; document agreed next steps.

The person knows their needs; the employer knows the job and its constraints.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Stage 3: the objective assessment

FEASIBLE	RELEVANT	PROPORTIONATE
Can the proposed adjustment be implemented lawfully and practically?	Will it address the barrier and enable the work or opportunity?	Would the measure impose a disproportionate or undue burden?

Do not reject a request based on inconvenience or an unsupported assumption.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Feasibility: can this be done?

Legitimate considerations

Legal and safety constraints; available technology; the practical setting; whether an option can actually be delivered.

What is not enough

"We have never done this before."

Lack of familiarity is a reason to investigate, not an automatic refusal.

If one option is infeasible, discuss another effective option.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Relevance: will this solve the problem?

The correct question

Is the proposed adjustment necessary and appropriate to address the identified barrier?

A practical example

An accessible digital document may enable a worker with low vision to read instructions. Changing the job title would not solve that barrier.

Assess the connection between the adjustment and equal participation.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Proportionality: assess the actual burden

Resources

Cost in relation to business size, overall resources and possible external support.

Operations

Disruption, duration, staffing, safety and effects on core functions.

Alternatives

Can a less burdensome adjustment achieve substantially the same result?

Undue burden requires a contextual, evidence-based assessment.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Small businesses: the test is contextual

Potentially manageable

Provide accessible files; adapt a job-related test; adjust a shift start time; rearrange a workstation.

Potentially burdensome

Major structural changes with substantial cost relative to the business's resources, where no workable alternative exists.

Neither "small business" nor "expensive" alone ends the inquiry.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Small business: what if the first option is too costly?

Start with evidence, not a conclusion

1 What is the actual cost and operational impact?

2 How does it compare with available resources?

3 Is the burden temporary or continuing?

4 Is outside assistance realistically available?

Then test effective alternatives

5 Could work processes or schedules change?

6 Is there a less costly option that works?

7 Has the employee been consulted?

8 Can the decision be explained with facts?

A genuine undue burden can justify refusal of a particular adjustment; it does not justify ignoring alternatives.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

If the first option is too burdensome

01

Explain

Identify the specific obstacle and supporting facts.

02

Explore

Consider alternative adjustments with the person.

03

Compare

Evaluate effectiveness and relative burden.

04

Record

Communicate the decision and review if circumstances change.

A refusal should be reasoned, not automatic.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Objection: “Employment is not a right”

Employer concern

“I cannot be required to hire someone simply because they have a disability.”

Response

Correct: Article 27 does not guarantee a particular job. It requires equal opportunity, non-discriminatory assessment and appropriate consideration of accommodation.

Merit and equal opportunity are compatible.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Objection: “I need productive employees”

Employer concern

“What if the person cannot meet the job requirements?”

Response

Identify genuine essential duties, assess individual ability and consider reasonable accommodation. Performance expectations remain legitimate when fairly applied.

Do not confuse an inaccessible process with inability to perform the job.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Objection: “This is unfair to other staff”

Employer concern

“Why should one employee receive different treatment?”

Response

An adjustment removes a disability-related disadvantage. Equal opportunity sometimes requires different arrangements, while maintaining essential standards.

Fairness is about meaningful access, not identical arrangements.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Objection: “We cannot afford it”

Employer concern

“The business cannot absorb every requested expense.”

Response

The CRPD recognizes disproportionate or undue burden. Examine actual cost, resources, operational effects and effective alternatives before deciding.

A genuine limit deserves analysis; a blanket no does not.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Objection: “What about safety?”

Employer concern

“We have a duty to protect employees and customers.”

Response

Safety requirements may be legitimate. Base the assessment on the actual task and evidence, not stereotypes; consider whether accommodation addresses the risk.

Assess real risk individually and proportionately.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Five practical steps for employers

Review recruitment

Check adverts, application forms, venues and interview methods.

Create a request route

Make it clear whom employees can approach and protect confidentiality.

Document decisions

Record dialogue, options, objective considerations and agreed review points.

Start with achievable changes, then improve systems over time.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

What employers can expect from OHCHR standards

International human rights standard

CRPD Articles 2, 5 and 27 address equality, non-discrimination, reasonable accommodation and employment rights.

Domestic law in St. Kitts and Nevis

The CRPD is not itself a complete domestic employment complaints procedure. Specific duties, remedies and enforcement routes must be established under applicable national law.

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER
Caribbean Regional Office

Sources and legal reference points

- Convention on the Rights of Persons with Disabilities, Articles 2, 5 and 27
- CRPD Committee, General Comment No. 6 (2018), equality and non-discrimination
- OHCHR (2016), Equality and non-discrimination under Article 5
- ILO (2016), Promoting diversity and inclusion through workplace adjustments
- Source presentations: “CRPD and Employment” and “Reasonable Accommodation SKN”

JAN, Low Cost, High Impact (2025): 61% no-cost, 33% one-time (median US$300), 6% ongoing (median US$2,400/year). askjan.org