

GUIDELINES for implementing activities related to reasonable accommodation of workplaces/tasks for persons with disabilities



The Legal Obligation of Reasonable Workplace/Job Accommodation

The legal obligation of reasonable accommodation of workplaces/jobs for persons with disabilities (hereinafter referred to as "reasonable accommodation") in the Republic of Serbia is regulated by the provisions of Article 23 of the Law on Professional Rehabilitation and Employment of Persons with Disabilities.¹ Employment of persons with disabilities under special conditions is considered to include employment with an employer that involves adjustment of job tasks, workplace, or both. Job adjustment refers to the modification of work processes and tasks, while workplace adjustment involves the technical and technological equipping of the workplace, work tools, space, and equipment — in accordance with the abilities and needs of the person with a disability. Reasonable accommodation may also include professional support, such as assistance for a person with a disability when starting a job or at the workplace, through counseling, training, assistant services, and workplace support, including job monitoring, development of personal work methods, and evaluation of efficiency.

According to the Law on Prohibition of Discrimination (Article 14, paragraph 3), special measures introduced to achieve full equality, protection, and advancement of individuals or groups of individuals in an unequal position are not considered discrimination. Employers are obligated to undertake appropriate measures when necessary in specific cases to ensure access, a reasonably accommodated workplace, participation, professional development, and career advancement for employees in a disadvantaged position compared to others, particularly persons with disabilities and other individuals who are disadvantaged in the labor market.

Implementation of the legal obligation of reasonable accommodation

The obligation to implement reasonable accommodation of workplaces/jobs aims to ensure that all employees have equal access to employment, job performance, job retention, and career advancement, regardless of disability.

Employers are obligated to take appropriate steps to eliminate or minimize the barriers faced by employees or job candidates with disabilities.

The need to accommodate a specific employee must:

- not be a reason for the employee's dismissal,
- not be a reason to deny the employee promotion if they meet the required qualifications, experience, skills, etc., for a specific position,
- be considered in relation to every aspect of the work process,

¹ "Official Gazette of the Republic of Serbia," No. 6/09, 32/13 and 14/22 – st. law

- be reasonable and in accordance with the needs and capacities of both the employee and the employer.

Reasonable accommodation includes the adaptation of the physical environment — the workplace — and/or the adaptation of job tasks or the way those tasks are performed, based on the needs and possibilities of both the employee and the employer.

Persons with disabilities can and **should be** treated with greater consideration than persons without disabilities — which is precisely what reasonable accommodation entails. By doing so, you ensure equality and equal opportunities for all employees within your workplace.

Accommodation should be **reasonable**, so consider what is reasonable and practical for you. Practicality depends on several factors related to the employer (such as size, available resources, industry, availability of financial support, etc.) as well as the employee (accommodations vary depending on the type and degree of disability), and their individual needs. Different people will require different adjustments, even if they seem to have similar challenges.

What is reasonable in one situation may differ from what is reasonable in another. For example, when someone is already employed by you and faces the risk of losing their job without accommodation (which may require the employer to make more permanent changes potentially involving greater resources), compared to when someone is applying for a job and attending an interview.

Many accommodations that can be made do not involve significant material costs, and the legal framework does not require more than what is reasonable.

You are only obligated to provide what is necessary for performing the job; you are not required to provide equipment that a person uses in everyday life, such as glasses, hearing aids, or wheelchairs.

NOTE: Funds for implementing reasonable accommodation should be provided from your own resources. However, if you can secure funding from other sources, any accommodation within those funds is considered reasonable (for example, funds can be obtained through the National Employment Service², which regularly announces annual calls for reimbursement of wages for persons engaged in providing professional support at the workplace — job assistance, as well as reimbursement of appropriate costs for workplace accommodations).

It is recommended to discuss the needs and possibilities for accommodation with the employee with disability, as otherwise the actions taken may be ineffective. It is also advisable to involve other stakeholders in this process, such as the National Employment Service, civil society

² Call available at:

<https://nsz.gov.rs/filemanager/Files/Dokumenta/Javni%20pozivi/2024/Javni%20pozivi%20OSI/Refundacija%20tro%20C5%A1kova%20podr%20C5%A1ke%20OSI%20koje%20se%20zaposljavaju%20pod%20posebnim%20uslovima/Javni%20poziv%20za%20refundaciju%20tro%20C5%A1kova%20podr%20C5%A1ke%20OSI%20koje%20se%20zapo%20C5%A1javaju%20pod%20posebnim%20uslovima%20u%202024.%20godini.pdf>

organizations working to improve the position of persons with disabilities, other employers with relevant experience, professional rehabilitation and employment enterprises for persons with disabilities, and others.

Reasonable accommodation must be targeted and optimized, meaning it should be effective in fully removing or reducing barriers faced by employees with disabilities to the smallest acceptable extent.

For example, the Commissioner for the Protection of Equality has established a network of employers —*Partnership for Equality*, through which employers can collaborate, exchange experiences, share best practices and lessons learned, in order to promote the principle of equality in workplaces in their everyday activities.

NOTE: Do not separate persons with disabilities into separate rooms or facilities apart from other employees, as this does not achieve reasonable accommodation but rather excludes them from the workplace community to some extent

Take care of all needs, not just the performance of work tasks — a person with a disability needs to be able to get to the workplace and use not only work areas but also other facilities such as kitchens, restrooms, corridors, parking lots, etc.

It is necessary to ensure that all employees have easy access to all information relevant to their job and their position in the workplace.

You should be aware that it will often be necessary to implement multiple different accommodations to overcome specific barriers and enable a particular employee to perform their tasks smoothly.

Types of Reasonable Accommodation – Specific Activities

The following section discusses the obligations of employers and provides examples of types of reasonable accommodations that can be implemented, presented in clearly numbered steps.

(1) The need for reasonable accommodation should be considered in advance. Taking into account the legal obligation to employ persons with disabilities³ and, on the other hand, the fact that existing employees may face reduced work capacity, it is necessary to be aware of the

³ The Law on Professional Rehabilitation and Employment of Persons with Disabilities

obligation to provide reasonable accommodation in a timely manner, before facing an individual situation. If as an employer, you are aware of this fact and continuously consider what can be done, both in terms of the work environment and specific job tasks, you will face fewer challenges in the future.

If you are renovating or modifying your building, consider how to make it architecturally accessible for people with disabilities. This will help if you hire a person with disability or if an existing employee becomes a person with disability, and it also allows for expanding your client base, as well as applying principles of socially responsible business.

Also, when purchasing new equipment, take into account people with sensory or physical impairments (immediately procure appropriate equipment—for example, ergonomic office chairs, adjustable desks, sliding shelves, visual and auditory signaling, etc.).

Timely consideration of the need for reasonable accommodation involves both the employer's policies and business practices, which brings us to the next step.

(2) Analyze the existing regulations and practices within your company regarding the achievement of equality in the field of work and employment. In addition to labor regulations, which employers most commonly consult and which we will not specifically address here for that reason, it is necessary to take into account the provisions of the Law on the Prohibition of Discrimination (Article 16, paragraph 1): *Discrimination in the field of work is prohibited, meaning the violation of equal opportunities for establishing employment or enjoying all rights in the field of work under equal conditions, such as the right to work, freedom to choose employment, promotion, professional development and rehabilitation, equal pay for work of equal value, fair and satisfactory working conditions, rest, education and joining a trade union, as well as protection against unemployment.*⁴

In this regard, it is necessary to objectively consider whether workers with disabilities are placed in a substantially disadvantaged position compared to workers without disabilities due to any provision, criterion, or practice in your work environment. Practically, this means reviewing all relevant acts regulating work processes, employee scheduling, duties, and authorities that impact your business practice, as well as considering the need to amend or introduce them to remove or reduce barriers that may place a person with a disability in a substantially disadvantaged position compared to other workers.

To fully and comprehensively carry out this process, it is advisable to first focus on improving the knowledge and capacities of all employees. In this respect, it is recommended to conduct

⁴ The terms “discrimination” and “discriminatory conduct” mean any unjustified differentiation or unequal treatment, or omission (exclusion, restriction, or giving preference), towards individuals or groups, as well as members of their families or persons close to them, either openly or covertly, based on race, skin color, ancestry, citizenship, national or ethnic origin, language, religious or political beliefs, sex, gender, gender identity, sexual orientation, sexual characteristics, income level, property status, birth, genetic traits, health condition, disability, marital and family status, criminal record, age, appearance, membership in political, trade union, and other organizations, and other actual or presumed personal characteristics (Article 2 of the Law on the Prohibition of Discrimination).

trainings on the concept and forms of discrimination, as well as protection mechanisms, both for employees in managerial positions or decision-makers, and for other employees. The goal of these trainings is to familiarize as many employees as possible with the concept and forms of discrimination in the workplace, enabling them to recognize specific cases in practice, learn about protection mechanisms, appreciate the benefits of workplace diversity, and understand their contribution to improving the work environment and results. This approach acts preventively to avoid potential cases of discrimination.

Specifically regarding persons with disabilities, it is not uncommon that employees are unfamiliar with the appropriate ways of communication and interaction depending on the type and extent of disability. Trainings on this topic can be organized to help all employees understand the challenges individuals face, which in turn supports understanding the need for reasonable accommodation. This also ensures smooth communication, which positively affects the productivity of both persons with disabilities and other employees.

By overcoming stereotypes and prejudices about the abilities and capacities of all employees, regardless of their personal characteristics, you enable all employees to feel like equal members of the team, which directly contributes to increased productivity in the workplace.

When carrying out these tasks, the **Equality Code—guidelines for drafting anti-discrimination policies for employers in Serbia**, issued by the Commissioner for the Protection of Equality—can serve as a useful resource. This document includes a *Checklist for self-assessment of the development of anti-discrimination practices with the employer*. Utilizing these materials will help you more accurately evaluate the inclusiveness of your business policies and practices, particularly in terms of compliance with existing anti-discrimination measures.

During the process of adopting new or amending existing policies, it is important to document the rationale behind your decisions. This will facilitate future evaluations of how effectively the intended outcomes have been achieved. Additionally, pay special attention to opportunities for providing reasonable accommodations for specific job positions and/or tasks.

Examples of providing **reasonable accommodation** regarding the type and manner of performing work:

- ✓ For certain jobs, full-time work is exclusively required. By changing this condition, you allow people with disabilities whose conditions cause severe fatigue or similar issues to work flexible or part-time hours, thereby providing reasonable accommodation.
- ✓ Allowing work from home for certain positions, with or without simultaneous modification of job descriptions to enable this arrangement.
- ✓ Making decisions to allow multiple short breaks during work or permitting the employee to be absent for a certain period during working hours due to rehabilitation or medical treatment also represents a form of reasonable accommodation.
- ✓ Allowing the intake of necessary food and medication.
- ✓ Enabling direct or electronic communication, depending on needs...

Employees who, based on an assessment of their work capacity, are found unable to perform certain tasks described in their job description should be reassigned to another suitable position. The need for such reassignment may occur frequently, and the specific tasks that a person can perform according to their capacities should be taken into account both when hiring persons with disabilities and during career advancement.

Carefully consider all the tasks associated with specific job positions, and assign a person with a disability to a role where the job description ensures that performing those tasks will not affect the employee's work capacity.

We emphasize again—consult with the employee on these matters, and involve others who can assist if necessary!

The employee must be able to perform the essential functions of the job, so, if needed, eliminate certain, often non-essential tasks from the job requirements. Sometimes it is possible to completely remove certain tasks, while other tasks may become part of the job description of another position.

Working in another position may also involve prior training or retraining, provided that this is reasonable and does not require disproportionate financial costs, an excessively long period, or significant human resource involvement.

(3) A specific step in reasonable accommodation of workplaces/tasks is the removal of physical barriers. This means you may need to carry out construction work in your building or premises.

NOTE: You do not have to undertake major construction work; the accommodation should be reasonable also from a financial standpoint.

The exact intervention required depends on the type of barriers present in the premises. It is necessary to inspect all rooms, and it may be necessary to implement several changes.

Physical barriers include: stairs, ramps, curbs, outdoor surfaces, parking spaces, building entrances and exits (including emergency routes), interior and exterior doors, gates, toilets and other sanitary facilities, common areas (service counters or desks, meeting rooms, etc.), lighting and ventilation, elevators and escalators, floor coverings, signage, furniture, equipment (computers, chairs, shelves, tools, machines, etc.).

This list is not exhaustive and is given only as an example. Assistance can be provided by the *Rulebook on Technical Standards for Planning, Designing, and Construction of Facilities*, which ensures unobstructed movement and access for persons with disabilities, children, and the

elderly⁵. This rulebook prescribes standards that more precisely define mandatory technical measures and conditions for designing, planning, and constructing facilities. If the employer follows the solutions set out in this regulation, they cannot go wrong when ensuring workplace accessibility.

In some cases, physical barriers can be easily overcome, and such adaptations represent reasonable accommodations.

Examples of simpler ways to **overcome physical barriers** include:

- ✓ Widening doors, providing ramps, or rearranging furniture for wheelchair users;
- ✓ Relocating light switches, door handles, shelves, or other equipment that obstructs persons with mobility difficulties;
- ✓ Ensuring appropriate contrast in spaces to aid the safe movement of visually impaired persons, replacing glass doors or marking them clearly;
- ✓ Providing filing systems and other systems in easily noticeable colors.

Reasonable accommodation of the workplace does not necessarily have to involve financial investments in ensuring physical accessibility; often, your time, support, and creativity alone are enough!

In some cases, it is sufficient to rearrange the furniture layout in the workspace, lower the height of shelves in storage areas, remove carpets, rearrange employees so that an inaccessible workstation or workspace is replaced with an accessible one already available, and similar measures.

Additionally, giving full attention to preparing work tasks or internal training, changing the font or size of forms, ensuring regular ventilation of the space or use of air conditioning, etc., can in certain situations be enough to provide reasonable accommodation.

NOTE: Always pay attention to occupational health and safety; implement only those accommodations that do not pose a risk to the health and safety of any employee.

(4) Providing additional equipment, aids, or services can assist a person with a disability, either during the hiring process or while working. The type of equipment, aids, or services largely depends on the individual person with a disability and the job they perform or will perform. The person with a disability themselves often knows what is needed and what technical or technological aids exist. It is also possible to consult other entities such as associations of persons with disabilities, companies for professional rehabilitation and employment of persons with disabilities, other employers, and so forth, as already mentioned in this guide.

Examples of **additional equipment or aids** include:

⁵ "Official Gazette of the Republic of Serbia", No. 22/15

- Screen reading software with synthesized speech;
- Adapted keyboard for someone with arthritis or a large monitor for workers with visual impairments;
- Adapted telephone for persons with hearing impairments;
- Other modified equipment for persons with disabilities, depending on the industry, size, and capacity of the employer (e.g., machine handles, talking calculators, elastic bands, modified equipment controls for hand or foot operation, text or video phones, appropriate light or sound signals...).

Services that can be provided may vary depending on the needs of the person with disability. Attention should be given to work activation and/or socialization in the workplace, especially when it comes to newly hired employees or employees reassigned to different tasks or new positions. New employees need to acquire knowledge about working conditions, opportunities for advancement, professional development, rules of conduct, rights and responsibilities, colleagues they will work with, the culture within the team, standards, values, as well as gain work skills and experience in specific tasks.

This phase requires special attention to ensure that employees with disabilities are integrated into the team and fully prepared for work. Regarding the provision of this type of support, as well as other types of services, you can consult with other entities that have appropriate experience, as mentioned earlier.

In some cases, it is possible to provide a person who would offer professional support to the employee with a disability at the workplace — either in the form of mentoring (from within the team) or work assistance (which can also be provided by someone outside the team). This type of assistance involves providing appropriate individual and practical support for a certain period, depending on the needs and capacity for independent performance of certain activities, as well as the employer's possibilities.

Examples of different services include:

- Sign language interpreters for persons with hearing impairments;
- Work activation, integration into the team, and socialization;
- Organizing training on the use of specific equipment, or modifying standard workplace training to achieve appropriate results based on the type and degree of disability;
- Providing mentoring, i.e., assigning a person to offer help and support to the person with a disability at the workplace (for a shorter or longer period depending on the needs of the specific employee);
- Providing work assistance, i.e., engaging a person to provide professional support at the workplace;
- Modifying instructions or adapting relevant manuals (in Braille or on audio CDs for persons with sensory impairments, and instructions for persons with learning disabilities can be delivered orally with individual demonstration...).



The guide is also available in electronic form:

<https://ravnopravnost.gov.rs/uputstvo-za-sprovodjenje-aktivnosti-u-vezi-sa-razumnim-prilagodjavanjem-radnih-mesta-poslova-za-osobe-sa-invaliditetom/>

