



5. Reasonable Adjustment

What is reasonable adjustment?

Reasonable adjustment is a common international concept used in Jersey, the UK and elsewhere. The UN call the concept “reasonable accommodation”. Reasonable adjustments are necessary and appropriate modifications for a disabled person, where needed in a particular case. A reasonable adjustment should not impose a disproportionate burden on the person providing the adjustment. The duty to provide adjustment only applies where not providing the adjustment would put the disabled person at a substantial disadvantage (meaning more than minor or trivial).

Implementation of a reasonable adjustment should always follow consultation with the individual concerned. It should be noted that the title “reasonable” is not, in itself, a qualifier on whether an adjustment should be made. The test of whether the adjustment should be made is:

- firstly whether it is appropriate and necessary, and
- secondly whether it is a disproportionate burden to provide.

Is the adjustment requested appropriate?

One of the first questions is whether the adjustment is appropriate. A reasonable adjustment is one that will enable the individual to have equal access and opportunity or will include the person where they would otherwise be excluded.

It is important to discuss reasonable adjustments with the employee, customer, service user, student or tenant who needs the adjustment so that it meets their needs.

What is a “disproportionate burden”?

An employer or service provider does not need to provide a reasonable adjustment if doing so would be a disproportionate burden. However, what is disproportionate depends on the context. This means that whether or not an employer or service provider would be required to make a reasonable adjustment depends on a judgement call and cannot be viewed in the same way as compliance with a hard and fast rule. The employer or service provider needs to decide whether what is being asked for is disproportionate.

What are physical features?

You would not need to provide any changes of physical features until at least 2027.

The definition of a physical feature includes:

- a feature arising from the design or construction of a building;
- a feature of an approach to, exit from or access to a building;
- a fixture or fitting.

Physical features do not include:

- the replacement or provision of a sign or notice;
- the replacement of a tap or door handle;
- the replacement, provision or adaptation of a door bell or door entry system;
- changes to the colour of a wall, door or any other surface.

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