

Case 6: Testing The Limits of Reasonable Accommodation

Sally works as a sales representative for a small company, Widgets Are Us (WAU), that produces and sells widgets. Her position requires significant domestic and international travel, where she makes presentations to potential distributors and government officials. Sally is considered a valuable and productive employee, and her performance reviews reveal that she has consistently met or surpassed all the targets outlined in her work plan.

Sally has a history of depression, but it has become increasingly pronounced over the past few years. Additionally, she has recently received a diagnosis of bipolar disorder. Though Sally did not disclose her disability status at the time she was hired, she now believes several changes to her work environment could help her to manage her condition and improve her quality of life.

She would like to make the following requests:

- 1) Two days paid leave following international trips, and one day paid leave following domestic trips
- 2) Additional health coverage to include alternative treatments (acupuncture, massage, etc.) to reduce stress due to her demanding travel schedule
- 3) A cap on the number of international and domestic trips per year
- 4) A flexible work schedule, which would enable her to work at home 1-2 days per week
- 5) Counseling services and/or life support coaches paid by WAU.

No employee at WAU has ever disclosed their disability status. This total lack of discussion about mental health in the workplace has made Sally reluctant to disclose her status for fear that she will face discrimination from other colleagues.

Study Questions:

1. What criteria should WAU use to determine whether Sally's requests are reasonable? To what extent should WAU defer to Sally in assessing the reasonability of her requests? Do

you think you'd consider her requests differently if she had a disability that was immediately apparent (for example, as a wheelchair user)? If you believe there is a difference, explain why.

2. What measures should WAU have to take to reassure Sally that it is safe to disclose her mental health condition?
3. Imagine that WAU honors Sally's requests. Do you believe her colleagues would resent her? Should WAU be tasked with preemptively taking steps to mitigate any resentment toward her?