

Code of Practice for the Employment of People with Disabilities in Dublin & Dun Laoghaire ETB

October 2021

This Code of Practice complies with the:

- Employment Equality Acts 1998-2015;
- Equal Status Acts 2000-2008;
- Safety, Health and Welfare at Work Act 2005; and
- Disability Act 2005.

Version
2.0

Date
Oct 21

Status
Final

Comments
For Board approval.

CONTENTS

PART 1 CODE OF PRACTICE

Introduction

Employment Equality Acts 1998 – 2015

Policy

Recruitment

Integration into the Workplace

Career Development

Retention in Employment

Accommodation and Equipment

Safety, Health and Welfare at Work

Implementing this Code

PART 2 DISABILITY RESOURCE PACK

Introduction

Contents of Pack

Why take action?

Barriers

Legislation

Support

Accessibility Checklist

PART 1. CODE OF PRACTICE

Introduction

1. Dublin & Dun Laoghaire ETB, as employers, must comply with the Employment Equality Acts, 1998 - 2015. Dublin & Dun Laoghaire ETB implement a policy of equality of opportunity for all staff. The purpose of this Code of Practice is to provide a clear statement of this policy in relation to people with disabilities and to provide guidance for ETBs in relation to their employment. The Code applies to all staff employed in Education and Training Boards.

Employment Equality Acts, 1998 - 2015

2. In the Employment Equality Acts, "disability" is defined as follows:

"disability' means-

- (a) the total or partial absence of a person's bodily or mental functions, including the absence of a part of a person's body,
- (b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness,
- (c) the malfunction, malformation or disfigurement of a part of a person's body,
- (d) a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or
- (e) a condition, illness or disease which affects a person's thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour,

and shall be taken to include a disability which exists at present, or which

previously existed but no longer exists, or which may exist in the future or which is imputed to a person.”.

3. Section 16 of the Act provides that –

Section 16 (3)

(a) For the purposes of this Act, a person who has a disability is fully competent to undertake, and fully capable of undertaking, any duties if, the person would be so fully competent and capable on reasonable accommodation (in this subsection referred to as ‘appropriate measures’) being provided by the persons employer.

(b) The employer shall take appropriate measures where needed in a particular case to enable a person who has a disability –

- (i) to have access to employment,
- (ii) to participate or advance in employment or
- (iii) to undergo training.

Unless the measures would impose a disproportionate burden on the employer.

(c) In determining whether the measures would impose such a burden account shall be taken, in particular, of-

- (i) the financial and other costs entailed,
- (ii) the scale and financial resources of the employer’s business, and
- (iii) the possibility of obtaining public funding or other assistance

Section 16 (4)

In subsection (3) –

“appropriate measures” in relation to a person with a disability –

(a) means effective and practical measures, where needed in a particular case,

- to adapt the employers place of business to the disability concerned,
 - (b) without prejudice to the generality of paragraph (a), includes the adaption of premises and equipment, patterns of working time, distribution of tasks, or the provision of training or integration resources, but
 - (c) does not include any treatment, facility or thing that the person might ordinarily or reasonably provide for himself or herself.
4. It will be noted that the definition covers a very wide range of disabilities, so wide, indeed, as to render misleading most generalised statements or assumptions about the capabilities or limitations of people with disabilities in employment. While some disabilities are obvious (e.g. as in the case of wheelchair users), others are not readily apparent (e.g. epilepsy or mental ill-health). Furthermore, the same disability can vary in its impact and affect people differently. Finally, while some people with disabilities may require special assistance and/or equipment to realise their full potential, most can be fully effective employees without special help. Accordingly, policy and its implementation should avoid the use of stereotypes and every person with or without a disability should always be treated as an individual with equal rights. Consideration of any question concerning the employment of people with disabilities should proceed from a position of presumed ability.
5. ETBs should note that there is an extensive range of financial and advisory supports available from other state agencies. In the context of the Code, ETBs should keep themselves informed of the range of services available as a resource and such information should be available to any staff member with a disability.

Policy Statement

6. ETBs are committed to implement a policy of equal opportunity for people with disabilities and, in particular, are committed to ensuring that
- people with disabilities, as people with abilities, should have access to the full range of recruitment and career development opportunities

available in Education Training Boards,

- people with disabilities are facilitated to give effective performance in the jobs which they hold or to which they aspire and are not disadvantaged by reason of having a disability, and
 - all reasonable accommodations are made to meet the requirements to which some disabilities give rise so as to maximise access to employment in the Education Training Boards for people with disabilities and to enable all staff to make the fullest possible contribution to the work of their employing Education Training Board.
7. The Government has set an objective of the employment of people with disabilities in the public service to a minimum of 3% of total staff. All Education Training Boards are committed to play their full part in ensuring that this objective is met and maintained.
8. To achieve the objectives of this code of practice and policy it is essential the ETB takes due regard of the following.
- **Disseminate the policy:** the document should be circulated to management, and employees and should be a focus for in-service training **and** induction training.
 - **Disability / Equality Proofing:** It is important that key ETB decisions made are “proofed” or checked to ensure that they have taken account of difference and do not have an adverse impact on people with disabilities. This disability proofing will happen within a wider equality proofing which looks at all nine grounds. Disability proofing also requires monitoring and data collection to look at outcomes from these key decisions.

- **Document practices for evaluation and review** ensure supports to employ and provide reasonable accommodation for people with disabilities are recorded and evaluated. This means that progress in all areas can be monitored, achievements can be celebrated and changes can be made in areas where progress is slow
- **Liaise with other employers through the partnership forums to share best practice.** Employers who have experience in drafting and seeking to ensure the effective implementation of a Code of Practice for the Employment of People with Disabilities can be a source of useful information and inspiration.
- **Diversity:** Planning and policy should take account of the multiple identities held by people with disabilities as men and women, as gays and lesbians, as older and young people and as minority ethnic people, including Travellers.

Recruitment

9. People with disabilities are entitled, as of right, to apply for any post in the ETB for which they are qualified and to have their applications considered on the basis of their abilities, qualifications and suitability for the work in question. Furthermore, it is recognised that people with disabilities which, in the past, would have been regarded as rendering them unsuitable for any or most types of employment are now in a position, through the use of advanced technology and other means, to overcome the restrictions resulting from their disabilities and the environment in which they live and work and to engage in a far wider range of employments. Education Training Boards should maintain contact with organisations representing people with disabilities to ensure that a high level of awareness of job opportunities is available in the ETB.
10. Before a person with a disability is refused employment in the ETB solely on the grounds of his/her disability following medical examination he/she is entitled to

seek a second opinion from a medical specialist who would be appointed and paid by the ETB for this purpose. The candidate should be advised of his/her entitlement and a reasonable period of time should be allowed for this process.

11. In deciding whether candidates comply with health requirements specified in qualifications for ETB positions, Education Training Boards and the Local Appointments Commission (LAC), where applicable, should ensure that decisions are based on objective considerations related only to the core functional needs of the post concerned, rather than on assumptions concerning the limitations imposed by a particular disability.
12. The following guidelines apply in relation to recruitment –
 - No obstacle should be placed in the way of people with disabilities applying for posts in the ETB.
 - Carry out a job analysis: find out exactly what skills are needed to carry out the particular job. Are all the skills/qualifications listed in the job advertisement actually necessary for the job? Could some aspects of the job be changed to accommodate a person with a disability or swapped for some other appropriate work? Could the work be done on a part time basis or on some other flexible basis?
 - Through contacts with organisations which deal with disability Education Training Boards should actively encourage people with disabilities to consider the ETB as a career choice.
 - Education Training Boards and the LAC should make all reasonable efforts to provide such facilities and equipment as are necessary to enable applicants with disabilities to participate in competitions for posts.

- Advertisements, job descriptions, person specifications and application forms should be monitored to ensure that they do not discriminate against persons with disabilities.
- Information, application forms and job descriptions in print and other formats should be provided in a way which is encouraging to potential applicants with disabilities.
- Advertising: Advertise in alternate ways such as the Internet, radio, specialist publications etc. to ensure that you reach people with disabilities. Promote your organisation as an equal opportunities employer and indicate that people with disabilities are welcome to apply for positions.
- Consider holding specific recruitment competitions: targeted at people with disabilities, perhaps in combination with other organisations active in the same geographic locations.
- Interview boards should be briefed on disability awareness, on the ETBs equal opportunities policy and on the Employment Equality Act, 1998 and 2004 and should be given a copy of this Code. Ask sensitive questions in a positive equal opportunities context only
- Ensure that the venue for interviews is disability friendly. Facilitate the needs of people with disabilities in the interview/selection process e.g. Sign language interpreters, allow extra time where needed etc. Ask all applicants if they have any special requirements well before they attend for interview
- In specifying the duties of officer and non-officer posts the Minister for Education and Science and the Education Training Boards should avoid specifying non-essential requirements which could have the effect of

excluding people with disabilities. Where the suitability of a particular candidate with a disability is at issue, Education Training Boards should also have regard to any flexibility which might reasonably be employed to facilitate a person with the disability in question, e.g. re-allocation of certain tasks where a person with a disability may not be in a position to perform certain functions attaching to the post in question.

- Where a ETB or the LAC form an initial opinion that a candidate is unable, by virtue of a disability, to properly discharge the duties of a post, the candidate in question will be afforded an opportunity to respond to that initial opinion before a final decision is made.

Integration into the Workplace

13. It must be recognised that some people with disabilities may encounter greater difficulties than other members of staff in adjusting to a new workplace. Accordingly, particular attention is required when placing staff with disabilities and when monitoring their performance in the initial stages of employment. It should be noted that disability varies in degree and kind and special treatment may, for example, mean in the case of people with mental health difficulties the provision of psychosocial support, particularly during the initial period of employment through contact between the person and the Education Training Board. Also the development of personal assistance services (e.g. personal assistants, job coaches) would enable people with certain disabilities to integrate more fully into the workforce and could help improve their job satisfaction and performance.
14. Good communication is a key requirement in overcoming any difficulties which may arise. It is an obvious fact, but one which may be overlooked in practice, that the best source of information about disability and what that might imply in the workplace is the person with the disability. People with disabilities should be recognised as experts in their own lives. Accordingly, full and frank discussion of

any problems which some staff with disabilities may encounter in the workplace is essential if difficulties are to be satisfactorily resolved. It is important, therefore, that superiors and officers in Personnel Departments who deal with staff with disabilities should overcome any nervousness or reluctance which they may feel about discussing a person's needs arising from disability directly with him or her.

15. The following guidelines apply in relation to the integration of staff with disabilities into the workplace -

- Carry out an audit of workplace: to assess the workplace environment and workplace layout and to identify any improvements necessary to accommodate people with disabilities
- Where the HR Department is aware that a new staff member has a disability, a meeting should be arranged to discuss her/his initial placement, any problems which s/he might encounter resulting from the disability and any reasonable accommodations which may be required to optimise performance on the job.
- In deciding on the placement of a new staff member with a disability, regard should be had to any particular issues which may require to be addressed. For example, staff with mobility problems should, where possible, be located close to accessible toilets and ramped entrances.
- The person who will be the new staff member's supervisor should be fully informed of the staff member's circumstances relating to his/her work and should be involved in any discussions concerning any difficulties which might arise and reasonable accommodations which might be required. (The right to medical confidentiality must, of course, be respected.)

- Training courses for supervisory staff should contain material on workplace disability issues. General training to promote better understanding of all types of physical, sensory and mental disabilities should be provided as part of the ongoing training programme of all grades of staff to underpin a positive culture. The assistance of an external appropriate agency or agencies, e.g. National Rehabilitation Board, the Irish Council of People with Disabilities, etc. may be sought, as required.
- The co-operation and support of co-workers is essential to the successful induction and integration of any new member of staff. The Personnel Department and line supervisors should promote positive peer support for members of staff with disabilities.
- The HR Department/Supervisor should maintain regular contact with the new staff member to facilitate his/her integration into the workforce, particularly in the initial stages of employment.
- Find out about assistive technologies and how these can support the employment of people with disabilities.

Career Development

16. Staff with disabilities must have the same opportunities as other staff to develop full and rewarding careers in the ETB.

17. The following guidelines apply in relation to career development -

- Induction Programmes play an important part in helping new employees to settle in and to understand how the ETB operates.

- In assigning duties to staff with disabilities, care should be taken to ensure, to the greatest extent possible, that they are given the same opportunities as other staff to acquire the range of skills and experience necessary for future career development.
- While it is appreciated that some staff with disabilities may not be able to undertake the duties of all posts in their grade, every effort should be made to afford them the same opportunities as other staff to broaden their experience through staff mobility arrangements and provision of reasonable accommodations.
- Staff with disabilities should be offered the same access to training as other staff and measures should be taken to ensure that they are not inhibited from availing of such opportunities by problems of physical or sensory access to training centres or conference rooms or by the format of training materials, etc.
- Job rotation can be an important issue when it comes to applying for promotion and to developing skills. Employees with disabilities should be encouraged to stretch themselves by trying new areas of work and developing their talents and expertise
- A record of adjustments made for employees with disabilities should be kept to inform future actions and to avoid misunderstandings because of a change in personnel etc.
- Staff with disabilities should be positively encouraged to apply for promotion where it appears that they may be reluctant to do so because of their disability.
- Staff with disabilities should not be excluded from promotion solely because their disability may prevent them carrying out the full range of

duties in the higher grade; the criterion should be whether they would be capable of successfully undertaking the duties of a reasonable number of the posts in the higher grade.

Retention in Employment

18. Any staff member can acquire a disability at any stage during his/her working life or may have a disability which is progressive in nature. Where a staff member acquires a disability or where a staff member's disability is progressive, every reasonable effort should be made to retain that person in employment. If an employee becomes disabled consult with them and with management/supervisors in relation to how the situation will be managed. This could include measures such as job restructuring, rehabilitation, re-training, re-location and flexible working arrangements. Disability organisations may also provide advice and support. Among the questions which may need to be considered are the following:

- Can the work can be restructured to accommodate the employee?
- Would it help if the employee moved to the ground floor, worked from home or had more flexible hours? Can job-sharing or part-time work be arranged if needed?
- Can the employee create an 'overtime bank' which would allow them to work up time for a period when they may need to take time off for treatment or rest?
- Will new training/skills help the employee to carry out his/her duties?
- Could information from the appropriate representative disability organisation help to establish the range of supports which might be available and applied in an individual situation?

Accommodation and Equipment

19. It is the policy of the ETB to ensure that, insofar as is practicable, the working environment is such as to minimise problems which staff with disabilities may face. While most staff with disabilities can operate effectively without requiring modifications to their working environment, special facilities may be required by some. However, even where assistive devices are not required the provision of such devices can greatly enhance the comfort, efficiency and job satisfaction of the staff concerned.
20. The key to progress in this regard is sensitivity to the barriers which particular physical environments place in the way of people with certain disabilities and a planned approach to their progressive removal. Particular importance attaches to providing access for people with mobility or sensory problems but, of course, barriers also include attitudes, services and communication issues.
21. Education Training Boards should acquaint themselves with the range of assistive devices and equipment available to assist people with disabilities. These devices include, for example, telephones that flash and have volume control, voice-activated synthesiser software and computer screen enlargement software and customised work stations.
22. **The following guidelines apply in relation to accommodation and equipment**
 - Education Training Boards should take the requirements of people with disabilities fully into account in their assessment of premises for rental purposes.
 - Education Training Boards should consider what alterations might reasonably be carried out to their premises in order to improve accessibility. It is acknowledged, however, that progress might be constrained by the wide variations in the premises occupied by Education

Training Boards and by financial considerations.

- In undertaking any significant structural alteration to existing buildings Education Training Boards should ensure that the works include such alterations as are necessary to bring the buildings concerned up to the standard of accessibility, and provide adequate facilities, for people with disabilities, as required by Part M of the Building Regulations.
- Officers in Education Training Boards with responsibility for accommodation should, in the course of their normal duties, specifically note any access problems or other features of the premises occupied by their staff which may cause problems for people with disabilities, with a view to the progressive elimination of such problems.
- Education Training Boards should consult staff with disabilities about assistive devices which might enhance their efficiency and effectiveness in performing their duties and adopt a positive approach to reasonable requests for such equipment.

Safety, Health and Welfare at Work

23. Specific provision is required in the ETB. Safety Statement to address the safety requirements of persons with disabilities.
24. An ETB must provide training for staff in relation to matters of health and safety. Such training must take account of individual capabilities and the needs of particularly sensitive risk groups.
25. Persons with disabilities may be particularly at risk in certain working conditions. All appropriate safeguards must be taken by an ETB to protect the safety, health and welfare of members of staff with disabilities. Places of work generally should be arranged to take account of staff with disabilities. Attention must be paid to

doors, passageways and stairs, sanitary provisions as well as work locations used directly by staff with disabilities.

26. An ETB is duty bound to take account of the possibility of emergencies, e.g. fire, and to provide counter-measures, arrangements, facilities and trained personnel in proportion to the risk presented. The ETB should provide a copy of their Safety Statement outlining their safety management programme to all members of staff with disabilities. As a matter of good practice staff with disabilities should be consulted in the development of the programme. The ETB should also provide information relating to the safety and health risks, the results of risk assessment and protective and preventative measures taken in the workplace.
27. The ETB should re-assess the risks in the workplace environment for all members of staff with disabilities including those who have acquired a disability. The risk assessment must establish if a particular disability could be hazardous to oneself or co-workers while at work or performing any particular task in the workplace and whether the job entails any risk to a person with a disability. If risks are found to be present the ETB must
 - eliminate those risks, and
 - put in place measures to protect the health and safety of the staff member.

Measures to protect the member of staff could include

- changing the type of work;
- moving the staff member to other safer work, location or work environment.

Evacuation Procedures

28. Staff with disabilities may have particular problems in regard to evacuation procedures. For example, the evacuation of people with mobility problems raises

particular difficulties where lifts cannot be used. People with hearing difficulties may require some specific arrangement to ensure that they are aware that the alarm has been raised. It is of particular importance that such problems are identified and that appropriate alarm and evacuation arrangements are put in place.

29. The following guidelines apply in relation to safety and evacuation procedures -

- The HR Department should, on assignment of a person with a disability to a particular area, make this fact known to the relevant line manager and Safety Officer, and the line manager and Safety Officer should meet the person with a disability to discuss all his/her safety needs.
- Line managers who identify staff in their areas with specific needs in this respect should, in consultation with the Safety Officer and with the other people concerned, devise means, whether by way of particular equipment or otherwise, by which those needs can best be met.
- Staff with disabilities should never be excluded from evacuation drills; rather it should be a priority concern of Safety Officers to ensure that any particular arrangements which may be required for the evacuation of such staff are fully tested and used at each drill.

Implementing this Code

30. All staff in the ETB have a role in ensuring that the provisions of this Code are adhered to.

31. In giving effect to the provisions of this Code, Education Training Boards are likely to require advice and assistance on a wide range of issues. The Department of Education and Science will advise on questions concerning the interpretation of this Code. Enquiries in this regard should be directed to the Local Government

Personnel Section of the Department of Education and Science, Post Primary Administration, Portlaoise Road, Tullamore, Co. Offaly).

32. On questions which require expert advice, at both recruitment and employment level (for example, the availability of assistive devices in particular circumstances), Education Training Boards should, after consulting the person with the disability, directly approach the organisation dealing with the disability where the required expertise is most likely to be found. To assist Education Training Boards in this regard, a list of relevant organisations (which is not exhaustive) together with contact names is attached as an Appendix to this Code. Each ETB should supplement this list with contact names and addresses at local level.
33. The implementation of this Code will be monitored on an ongoing basis by each ETB. in consultation with its local Partnership Group.
34. Legal Interpretation:

In the event of any ambiguity or inconsistency or conflict arising between any of the provisions of this policy and any of the provisions of the Employment Equality Acts, 1998 - 2015, the provisions of the Act will prevail.

This policy constitutes a statement of intent on the part of the ETB. However, its provisions, save to such extent as may be required by law, shall not constitute a legally binding or enforceable commitment, contract or agreement whether expressed or implied.

In order to comply with its statutory obligations the ETB will record on personnel records those employees who have a disability, as defined under the Employment Equality Acts, 1998 - 2015.

PART 2. DISABILITY RESOURCE PACK

INTRODUCING THE DISABILITY RESOURCE PACK

The resource pack is one of the ETB's initiatives to take appropriate action to ensure achievement of the 3% target for the employment of people with disabilities in the ETB sector.

This resource pack focuses on the needs and situation of people with disabilities if the 3% target is to be met. However it is important to acknowledge that implementation of the resource pack will take place within the context of a wider commitment to all nine grounds of the equality agenda. This allows a coherent and comprehensive approach to equality in the workplace.

AIM OF RESOURCE PACK

- To assist ETBs achieve the 3% target for the employment of people with disabilities.
- To explain 'positive action' and give some practical examples.
- To raise awareness of disability issues and employment equality legislation.
- To guide ETBs on the various initiatives that can be taken to support a recruitment programme.
- To raise awareness of the benefits of establishing a strategy for the employment of people with disabilities.

CONTENTS OF PACK

A range of inserts explaining the background and purpose of the pack and practical information necessary to guide **ETB**

s in meeting the 3% target. The inserts contain information on the following topics:

- Why take action?
- Barriers

- Legislation
- Support
- Accessibility Checklist
- Useful Contacts & Publications

WHY TAKE ACTION?

There are many good reasons for taking action for the employment of people with disabilities. Taking positive steps to employ people with disabilities will help ETB's:

- **Attract, and retain good quality staff** – by actively seeking to employ people with disabilities an organisation will send out the message that it is a progressive and positive place to work.
- **Improve employment practices** – an organisation committed to providing equal opportunities and which is free from harassment and discrimination will benefit from increased morale among its employees and will avoid unnecessary industrial relations problems.
- **Have a broader pool of potential employees from which to draw** – the broader the pool the broader the range of people, experiences and talents available to you. Don't limit your choices by excluding potential employees.
- **Attract and retain a diverse customer base** – customers with disabilities are now aware of their rights under equality legislation and require services appropriate to their needs. An organisation employing people with disabilities will have a better understanding of these needs and will be better equipped to deal with them.
- **Corporate social responsibility is increasingly an expectation of the public and private sector.** The 3% target for employment of people with disabilities in the public sector has given some leadership in this. Addressing the large scale unemployment experienced by people with disabilities is an important expression of this responsibility.

- **Avoid unlawful discrimination, costly legal fees and bad publicity** – employers who provide equal opportunities in access to employment, promotion and training are less likely to end up in court facing charges of discrimination.
- **Stimulate innovation** – a workplace and work organisation that has the flexibility to accommodate the needs of workers with disabilities can stimulate a creativity in work practices that further enhances productivity and quality.

EMPLOYEES

- **A good mix of people and experiences** – provides the elements needed for an exciting and innovative workplace where new ideas and new ways of thinking can flourish.
- **A work environment** – which effectively accommodates people with disabilities demonstrates a valuable capacity to appreciate employees for their abilities and to have a flexibility to ensure such abilities are given full expression.
- **An acceptance of difference** – will benefit all employees. People will want to work in an environment where personal differences are accepted and respected.
- **A flexible workplace** – that accommodates people with disabilities will reflect a wider capacity to take account of and value differences which will be of benefit to all employees. Employees with disabilities can also hold multiple identities as men and women with disabilities or as minority ethnic people with disabilities. The full inclusion of people with disabilities will ultimately involve a broad ranging flexibility and accommodation of difference.

BARRIERS

ATTITUDINAL

Misconceptions about People with Disabilities

Attitude can be a significant barrier to the employment of people with disabilities. Often, opinions are formed about people with disabilities and their capabilities with little or no evidence to support them. Such attitudes prevent acceptance of people

with disabilities and can deny them access to the areas of life and the chances of fulfilment which most people take for granted.

Training on disability issues can explain the different experiences and situations of people with disabilities and the practical problems which they can face on a daily basis. New knowledge and understanding will challenge myths and stereotypes. Attitudes matter, rules, regulations and behaviour all flow from attitude. Attitudes based on misconceptions and lack of knowledge feed discrimination and need to be challenged.

Workplace Culture

The workplace culture in any organisation is very important. It sets the tone regarding the kinds of behaviour and attitudes which are acceptable. Management play a very important role in determining the culture of the workplace and must constantly work to ensure that the ETB is one where people are judged only on their talents and abilities. Each member of staff should understand disability issues. They should know who in the organisation has responsibility for these issues. They should feel that each member of staff is valued and appreciated regardless of their identity. There should be a confidence that difference will be taken account of in a positive manner so that all staff can make their full contribution.

ENVIRONMENTAL

Access to buildings and facilities

Providing proper access to buildings and facilities is one of the easiest ways of welcoming people with disabilities whether they are employees or customers. **Our buildings and facilities** comply with building regulations.

Canteen and Sanitary Facilities

Our Canteen and toilet and sanitary facilities are provided in a manner that is appropriate to the full diversity of people with disabilities.

Signage

Directions and sign posting should be clear and accessible to everybody. Inside areas and offices should also be clearly marked and accessible.

EXTERNAL

Social Welfare and Health Board Payments

Lack of knowledge about how payments from the Department of Social and Family Affairs work may cause confusion for employers and potential employees wishing to take up employment. There are schemes such as the Back to Work Allowance Scheme which allow people to take up employment and retain part of their payments plus any secondary benefits (such as the medical card) which they may already have. Each Social Welfare Local Office has a Jobs Facilitator whose function is to give advice and assistance to employers and job applicants about entitlements and getting back to work.

Transport

Lack of transport can be a serious obstacle for people with disabilities in obtaining employment. Flexible working hours can help people who must rely on public transport or a taxi service.

LEGISLATION

EMPLOYMENT EQUALITY ACTS, 1998-2015

The Employment Equality Acts, 1998-2015 outlaws discrimination in employment on nine distinct grounds which are:

Disability as well as Gender, Civil Status, Family Status, Sexual Orientation, Religious Belief, Age, Race, Membership of the Traveller community.

Who is covered by the Act?

The Act covers employees in both the public and private sectors (subject to some exemptions). The Act outlaws discrimination on any of the discriminatory grounds in all areas relevant to employment as follows:

- **Discrimination by employers:** with regard to access to employment, conditions of employment, training and promotion
- **Discrimination in collective agreements:** with regard to access to and conditions of employment and equal pay for like work.
- **Discriminatory advertising:** which indicates an intention to discriminate or advertising that might reasonably be understood as indicating an intention to discriminate
- **Discrimination by employment agencies:** against any person seeking employment or other services of the agency (e.g. Career guidance or training)
- **Discrimination in vocational training:** discrimination in the provision of vocational training.
- **Discrimination by certain bodies:** Discrimination by trade unions, professional and trade associations as regards membership and other benefits.

The Equality Authority has among others the power to carry out Equality Reviews & Action Plans. The Equality Authority may request an organisation to carry out an Equality Review on a voluntary basis and has the power itself to carry out Equality Reviews in organisations which employs over 50 people. These reviews typically consider current policies, procedures and practices with a view to identifying initiatives and changes in practice that can lead to the promotion of equality of opportunity in recruitment and employment and promote best practice harnessing the full potential of all those within the workplace.

Types of discrimination

There are different types of discrimination provided for in the Equality Acts and there are different standards for the gender ground:

Direct discrimination This happens where one person is treated less favourably than another specifically because of their disability or on any of the nine grounds

Indirect discrimination This is discrimination by impact or effect. It happens where there are requirements or practices which on the face of it appears to apply to everyone but in fact operates to the disadvantage of one group more than another. Such a practice or requirement will be indirectly discriminatory unless the employer can justify it as being reasonable in all of the circumstances.

Sexual Harassment and Harassment The Equality Acts, prohibit both sexual harassment and harassment on any of the other discriminatory grounds, for example on grounds of disability. Either form of harassment can arise from the conduct of a fellow employee, an employer, or a client/customer or a business contact of the employer. ETBs should have in place comprehensive, accessible, effective policies on sexual harassment and harassment that focus on prevention and best practice and remedial action.

Information In order to assist an employee to decide whether to make a complaint under the Act, s/he may request information from the employer concerning the alleged discrimination. The employer however, is not required to give confidential information. Where the employer fails to respond to a request for information, or information is given that is false or misleading then the body or court hearing the complaint may draw such inferences as seems appropriate

Positive Action Measures The Employment Equality Acts, allows an employer to put in place certain positive action measures in relation to women and men, people with disabilities, older people (people over 50) or members of the Traveller community.

Reasonable Accommodation

The Employment Equality Acts, imposes an additional duty on employers in relation to people with disabilities. An employer must do all that is reasonable to accommodate

the needs of a person with a disability, unless the employer can show that the cost would pose a disproportionate burden

An employer is not obliged to recruit, train or retain in employment a person who is not fully competent or capable to undertake the duties attached to the post. However a person with a disability will be regarded as fully competent and capable of performing the duties attached to a post if with the provision of special treatment or facilities the employee would be fully competent and capable. In deciding on whether an employee is fully competent or capable of performing the duties of his or her employment an employer must act reasonably and objectively. This may involve a number of steps such as communicating with the employee, obtaining alternative medical reports, and the carrying out of a safety assessment.

Disability ground exemptions

The Employment Equality Acts, allows a number of exemptions for conduct that otherwise would be discrimination on the disability ground.

- Where, due to physiology or authenticity for the purpose of entertainment a particular characteristic is required and without it the post would be materially different.
- Employment in the Defence Forces, the Gardai, or the Prison Service.
- Where there is clear actuarial or other evidence of significantly increased costs if discrimination was not permitted.
- Employment in a private household.

Pay The Acts allow an employer to provide for an employee with a disability, a special rate of pay, if the employee is restricted in his/her capacity to do the same amount of work or work the same amount of hours as a person without a disability.

The Acts also allows employers to provide special treatment/facilities to enable the person with the disability to undertake vocational training, take part in a selection process, or to have a working environment suited to the disability.

SAFETY, HEALTH & WELFARE AT WORK ACT, 2015

The purpose of the Act is to ensure that all employees are protected against accidents and ill health at work. People with disabilities are given special mention in the Act with regard to training on health and safety issues. The Act also states that 'places of work shall be arranged to take account of people with disabilities'. The main requirements are that

- Health and safety training provided to employees must take account of their capabilities to take on a particular task
- Consideration must be given to evacuation procedures in the event of an emergency for people with disabilities
- Adequate assistance should be provided for the safe evacuation of those with a disability in the event of emergency

BUILDING REGULATIONS, 2000

Part M of the Building Regulations, (Access for People with Disabilities) 2000 edition, specifically provides for consideration of people with disabilities when constructing new buildings including dwellings, or extensions/modifications to existing buildings. The aim of the regulations is to ensure that buildings are accessible and usable by people with disabilities.

In order to satisfy the requirements of Part M, buildings should be designed and constructed so that

- People with disabilities can safely and independently approach and gain access to the building
- Elements of the building do not constitute an undue hazard for people with disabilities including those who are visually impaired
- People with disabilities can move around within the building and use the building's facilities (this includes sanitary accommodation, fixed seating for audiences etc.)
- Suitable aids to communication are available for people with an impairment of hearing or sight

SUPPORT

WORKPLACE RELATIONS COMMISSION

The WRC is an independent body established under the Workplace Relations Act, 2015. It has a mandate to promote equality and to combat discrimination in the areas covered by this legislation. The legislation covers the nine grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion and membership of the Traveller community. The WRC is involved in enforcement work and developmental work.

Information

The WRC will provide information to organisations on the Employment Equality Acts 1998-2015 and the Equal Status Act, 2000.

NATIONAL DISABILITY AUTHORITY (NDA)

The National Disability Authority was established to develop and monitor standards in services for people with disabilities and to assist in the development of disability policy and practice.

The NDA will:

- Assist in the development and coordination of disability policy and practice
- Advise on and monitor the implementation of standards for programmes and services
- Promote equality, participation and inclusion
- Prepare codes of practice
- Undertake and commission research
- Collect and disseminate information

DEPARTMENT OF SOCIAL PROTECTION

Back to Work Allowance

The Back to Work Allowance enables certain Social Welfare recipients to take up employment and retain part of their social welfare payment over a 3 year period. The Back to Work Allowance is not liable for income tax or PRSI deduction.

PRSI Exemption Scheme

The Employers' PRSI Exemption Scheme means that you may not have to pay the employer's portion of the PRSI contribution for the first two years when you take on additional workers. Certain conditions apply.

Family Income Supplement (FIS)

Family Income Supplement is a weekly allowance to help families on low pay. The income limit is based on net pay. It is not subject to income tax and entitlement to a Medical Card is not affected. Employees who are in full-time employment which is expected to last for 3 months may qualify. Employees must work a minimum of 19 hours per week or 38 hours per fortnight to qualify. Hours worked by a spouse/partner can be combined to make up the required hours. The payment is based on the number of qualified children in the family.

COMHAIRLE

Comhairle is the national agency responsible for supporting the provision of information, advice and advocacy on social services. It has a particular remit to support people with disabilities in accessing their entitlements and was formed as part of a government commitment to mainstreaming services for people with disabilities.

NATIONAL AND LOCAL ORGANISATIONS OF PEOPLE WITH DISABILITIES have an invaluable knowledge of disability related issues.

They may often:

- Be very helpful in answering questions and providing assistance
- Supply names of possible trainers who could carry out disability awareness training in your organisation.
- Supply candidates for job vacancies.
- Provide job coaches to help and support employees with a disability to settle into the workplace. Job coaches can also help in ironing out any initial problems which may arise.
- Advise on the kind of technology available to assist their members in the workplace.

- Advise organisations on developing literature etc. which is accessible to people with disabilities.

National organisations include the Forum of People with Disabilities, People with Disabilities in Ireland (PWDI), National Association of the Mentally Handicapped of Ireland (NAMHI), the Disability Federation of Ireland (DFI) and the Irish Wheelchair Association.

(For addresses and contact details of each of the organisations listed above see insert Useful Contacts & Publications.)

ACCESSIBILITY CHECKLIST

Accessibility does not only refer to the physical environment but to the attitudes and treatment of people with disabilities and to workplace practices and procedures. This is not a comprehensive list of changes to be made but may highlight areas where improvements can be made. Advice on approved standards can be obtained from the National Disability Authority, especially in relation to access to buildings and workspaces.

Some basic steps you can take to create a safe and accessible environment for our employees.

- Find out about the individual employee and their disability.
- Look at the individual's needs.
- Examine the work set-up in relation to these needs.
- Examine the tasks to be carried out by the individual and find out which tasks may be problematic.
- Find out what can be done to assist the individual to work to their full potential. This could mean a change in work practices, a change to the working environment or/and the use of assistive technology.

If you are not sure of what to do, look for advice. Each individual will have different requirements even those with the same type of impairment.

A key foundation for accessibility is a workplace audit. This would review and examine the premises, practice and procedures and attitudes from an accessibility perspective and would establish any changes necessary. The workplace audit should assist in the reasonable accommodation of people with disabilities.

Here are some general points to consider in creating an accessible workplace:

ACCESSIBLE PREMISES

- Is there a ramp at the entrance to your building?
- Is your reception desk at the correct level for visitors using a wheelchair?
- If you have an intercom/buzzer at the entrance to your building, can a person using a wheelchair reach it?
- Have you considered alternative access for people with hearing impairments?
- Do you have a loop system in operation for visitors/employees with hearing impairments?
- Do you have a lift to take potential visitors/employees to upper floors?
- Does the lift have a voice synthesiser announcing arrival at each floor? Are the buttons at an accessible height? Are there Braille equivalent buttons?
- Are there accessible toilets? Are these toilets stocked with sanitary products that would normally be available? Is there a mirror and a shelf/hook at correct height ?
- Are canteen facilities accessible for people with disabilities? Do tables allow room for people using wheelchairs? Is furniture fixed to the floor or can it be moved?
- Are signs clearly visible and easy to read for people with visual impairments? Are there Braille signs?
- Are there parking facilities nearby reserved for people with disabilities? Would you be in a position to provide such information to a visitor if they asked?
- Is the workplace designed and arranged to maximise accessibility for all?

ACCESSIBLE PRACTICES AND PROCEDURES

Recruitment

- Does your organisation state that it welcomes applications from people with disabilities?
- Do you consider the needs of persons with a disability when arranging interviews?
- Are the stated qualifications required for the job actually necessary? Do the qualifications present an unreasonable barrier for someone with a disability?
- Are interviewers aware of the actual competencies required to carry out each element of the job? Are the questions asked at interview relevant to determining whether a person is suitable for employment?
- Have interviewers received proper training? Are they aware of equality legislation?
- Are interviewees asked in advance of interview whether they have any special requirements in order to attend an interview such as a signer, interpreter, extra time etc.?

Flexibility

- Could flexible hours help an employee with a disability work more effectively? Do employees need flexible hours in order to facilitate their carer or personal assistant or for transport reasons?
- Can an employee who acquires a disability transfer to another suitable post within the organisation?
- Could duties that might be difficult to perform by a person with a disability be swapped with some suitable duties of another employee? Job redesign is one possible way to provide reasonable accommodation for an employee with a disability.
- Can an employee have time off for rehabilitation or treatments?
- Are there procedures in place to discuss and implement any reasonable accommodation requirements?
- Is there a Disability Liaison officer or a person with similar responsibilities in your organisation to ensure provision of supports for an employee with a disability such as a job coach, personal reader or a signer and to assist in any other forms of reasonable accommodation required?

Policies

- Does your organisation have an Employment Equality Policy?
- Do you have an Equality Officer who is known to all employees and trained to assist in dealing with issues of discrimination?
- If you have an Employment Equality Policy, has it been explained and disseminated to all employees? Is such a policy included in induction training for new employees or newly promoted managers?
- Does your organisation monitor its employment practices and procedures so that it can identify and resolve any that are found to be discriminatory?

Promotion

- Are employees with disabilities encouraged to apply for promotion? Are they offered appropriate training or work experience? Are targets set for the promotion of people? Does your organisation monitor the presence, experience and progress of employees with disabilities?

Assistive Technology

- Is there someone in your organisation who is aware of the kind of assistive technology available and how it can be used?
- Do you need to arrange for training in the use of specialist equipment?
- Do you need to provide special equipment or make modifications to the existing workstations or equipment?

General

- Have you taken account of the fact that there may be people with disabilities present in the event of an emergency? Are there procedures in place to evacuate a person with a disability? Have safety officers been trained in the use of evacuation equipment? Is any such equipment checked on a regular basis? Are corridors and walkways kept clear and free of potential hazards? Are the fire alarms accessible for people with disabilities?

- Does your organisation include people with disabilities at the planning stage of training, work organisation, social outings, promotion competitions etc?
- Are the canteen, smoking area, rest room and other areas of social activity accessible?

ACCESSIBLE ATTITUDES

- Does the design/decor of your office reflect the diversity of your workforce? Do you ensure that people with disabilities are portrayed in a positive way? Do you include positive images of people with disabilities in any artwork displayed, office notices or organisational literature?
- Do you include pictures of employees with disabilities in your annual report or internal newsletters?
- Do you actively discourage emails or jokes of a discriminatory nature which could be hurtful to people with disabilities?
- Do you provide Disability Awareness Training for management and staff?