

# Disability in the Workplace

## A Manager’s Guide

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## Introduction

UCD is committed to providing an accessible and welcoming working environment for all of our employees. The university seeks to create a workplace which provides the necessary support for our diverse range of employees to reach their full potential.

This guide provides managers with information on how to support team members with a disability in the workplace and the process for accessing any adjustments or accommodations they may need to carry out their role.

This guide is based on research evidence and good practice and has been developed under the ConnectAbility cross-University programme.

### Your Team

**Did you know that 85% of people of working age who have a disability, acquire that disability during their working life?<sup>1</sup>**

It is likely that some of your team members will either acquire or have a pre-existing disability during their working lives.

In most cases the person will be capable of continuing to work and add value to your team, provided some simple steps are taken.

UCD is committed to meeting Strategic Objective 5: “attracting and maintaining an excellent and diverse cohort of students, faculty and employee”.

This includes attracting and retaining talent who have a pre-existing disability or acquire a disability during their working life.

### Simple Steps for Success

As a manager, you play a key role in providing the lead and assisting employees who disclose a disability to you and request a reasonable accommodation.

Often the steps you need to take to support an employee with a disability to stay in work are very simple, do not take a lot of effort, and may cost little or nothing.

Retaining experienced and skilled employees, that know your School/Unit, saves you the cost of hiring and training a temporary or a new employee. This makes good business sense.

There are employer supports that can assist you in meeting your obligations as a manager to support and be inclusive of people with disabilities.

It is important to utilise policies and systems that guide you and your employees in accessing reasonable accommodations.

<sup>1</sup> <http://nda.ie/nda-files/Disability-and-Work-The-picture-we-learn-from-official-statistics.pdf>

According to AHEAD, a 'Needs Assessment' is a *'structured process which identifies any accommodations/adjustments an employee may require, if any, to undertake all/some core aspects of a job – safely and successfully.'*

A needs assessment is carried out with an Occupational Health Practitioner to understand the duties the employee carries out in their work and any difficulties their disability presents in completing these duties. The purpose of the needs assessment is to determine what reasonable accommodations may be considered to assist the employee in completing their duties. A Needs Assessment is confidential, and all information collected comes under the Data Protection Legislation.

UCD's Occupational Health will carry out a Needs Assessment. They may consult with the employee's specialist or organisations specialising in your disability. This will be conducted in consultation and with their permission.

The University recognises that it is important to distinguish disability from sickness. It is considered that people with disabilities are generally as healthy as non-disabled people and their absences from work due to sickness are usually the same as other employees. If an employee is returning to work after a period of sick leave, you and the HR Partner if required should liaise with the employee and refer to UCD's sick leave process.

You, the manager, the Equality Diversity and Inclusion Unit and HR Partner, along with key stakeholders, will play an important role in providing and delivering these practical supports required by the employee.

### What you will find in this guide

This guide will:

1. Provide you with a process for the provision of reasonable accommodations and ensuring that you know what to say and do when an employee requests an accommodation related to their disability.
2. Highlight the relevant legislation which impacts on your role.
3. Answer common questions related to supporting employees with disabilities.
4. Highlight supports that are available to you to assist you throughout this process.

Please take time to familiarise yourself with this information. It is important to recognise that this is a guide only and that the information contained within it is not exhaustive. You may need to seek out additional advice from experts either internally or externally.

*This guide has been developed under the ConnectAbility programme, funded by the Equality Mainstreaming Unit, which is jointly funded by the European Social Fund 2007 – 2013 and by the Equality Authority (Irish Human Rights and Equality Commission).*

## What is disability?

The term 'disability' includes a wide range of conditions. Within Irish Equality Legislation, disability is broadly defined to include people with physical, intellectual, sensory, learning and/or cognitive or

emotional disabilities and a range of medical conditions (further information on this can be found in the appendix).

The ESRI estimates that 18% (almost 1 in 5) of Irish people have a disability. Disability is therefore a very normal part of the human experience and of life on our campus.

As our societies age and with ever greater medical and technical advances, the rates of disability will increase. More people with disabilities than ever before are part of the workforce.

As manager, you will assist in identifying how structures, processes and policies may be adjusted or accommodated where reasonable to ensure that employees are enabled to carry out their role in the University. In addition, you will seek to ensure that employees also have the same opportunities to contribute and participate to the best of their ability like any other member of the team.

### What is disclosure?

In the context of disability in the workplace, disclosure is the decision of an employee to inform their manager or employer that they have a disability. Disclosure is welcomed by UCD as this ensures that the appropriate supports and reasonable accommodations can be put in place to enable a person with a disability to participate fully and equally in the university.

Deciding whether or not to tell others about a disability is a personal decision. People with a disability may have concerns that disclosing their disability could impact their career progression or day-to-day relationships with colleagues. It is vital therefore that individuals choosing to disclose are treated with respect, inclusivity and that confidentiality is maintained where requested.

Disclosure of personal and medical information is **strictly private and confidential**. No information disclosed can be provided to a third party without the individual's written consent.

Individuals can provide formal confirmation that they are disclosing their disability via the Reasonable Accommodation Request Form which can be found on UCD's equality, diversity and inclusion website: [www.ucd.ie/equality/support/disability/](http://www.ucd.ie/equality/support/disability/).

If a person does not inform the University or their manager of their disability and it is not reasonable for the manager to know that the person has a disability - then they as the employer are not deemed to know, therefore they are not liable if reasonable accommodations are not provided.

A person can decide to disclose their disability and request a needs assessment at any time throughout your employment in UCD

### What information do they disclose?

When disclosing, an individual does not need to share the detailed medical nature of their disability and as a manager you do not require this information.

Disability is only relevant if it affects (or can potentially affect) an individual's ability to perform the essential functions of the job. The most important and helpful information includes:

- How their disability affects their capacity to perform the essential functions of the role;
- What supports they may require, if any.

Further information may be provided by the individual which may help the needs assessment:

- General information about their disability
- The types of accommodations that may have worked for them in the past
- The types of accommodations that they may require in the future

### When and how does a person disclose?

An employee may disclose their disability to you:

- Verbally
- In writing
- Via the Reasonable Accommodation Request Form

This may occur either prior to or post-employment or at different stages of the recruitment & selection process such as:

### **When Job Candidates may disclose during the Recruitment Process**

- On their CV
- On invitation to Interview (if a reasonable accommodation is required)
- At any time during interview
- When a job offer is received

If an employee discloses a disability during the interview process they cannot be discriminated against based on this. The assessment of applications from people with disabilities will occur taking the provision of reasonable accommodation into account; this puts employees who have disclosed a disability on an equal footing with all other candidates.

It is important that you assess all candidates on the same criteria, using a clear job description which identifies the core skills and competencies of the job.

A needs assessment is never part of the recruitment process and will only be used after the offer of a job has been made to you.

Prior to receiving a job offer the employee will be requested to complete a medical form for the Occupational Health Physician if the role has a duration of over 12 months. The employee will be required to confidentially disclose a disability to the Occupational Health Physician who will assess their fitness to work.

The University will only be informed of a disability if it will directly impact on a person's capacity to carry out the role and in relation to the level of reasonable accommodation required.

If the role is for a period of less than 12 months, the person will be not required to complete a medical form for the Occupational Health Physician.

The person can still choose to disclose their disability as outlined above and request accommodations by following the procedures outlined below.

### **When Existing or New Employees may Disclose**

A person can decide to disclose their disability and request a needs assessment at any time throughout their employment in UCD.

- When diagnosed with a disability
- When and if problems arise because of their disability
- When returning to work having acquired a disability

The person will need to make the decision as to whether a reasonable accommodation on the job is required – if it is needed then there are personal advantages to disclosure.

Accommodations in the workplace will only be provided to the individual when they disclose a disability to their manager and request a needs assessment via the Reasonable Accommodation Request Form which can be found on UCD's equality, diversity and inclusion website: [www.ucd.ie/equality/support/disability/](http://www.ucd.ie/equality/support/disability/).

### Do employees with disabilities have to disclose their disability?

A person with a disability **has no obligation** to disclose, if:

- there is no impact on their job or the work environment
- they do not require any accommodations to the workplace
- they do not require any changes to the organisation of work or assistance from you

A person with a disability **is requested** to disclose, if:

- their disability presents a health and safety hazard/risk to you or others in the workplace; they are requested to disclose – to ensure your safety and the safety of others.

### The advantages of disclosure for employees with a disability

- Access to reasonable accommodations – enables individuals to perform at the best of their ability and receive the supports they need
- Helps managers to obtain information to assist in the development of their career plan and address any potential barriers
- Aids in identifying support structures and mentoring programmes that are available to them
- Provides them with legal protection against discrimination

### Creating a culture that supports disclosure

By building a culture which is positive towards employees with disabilities and providing access to reasonable accommodations, we can increase the likelihood that employees will disclose and access the supports that they need.

It is vital that as a manager you understand the role you play in creating the culture of trust that is needed to encourage disclosure. Key to this will be:

- *Role Modelling*: Individuals will be influenced by how they see others with disabilities being treated by you (are they still included, promoted, seen as valuable team members after disclosing)
- *Confidentiality*: individuals must have confidence in the confidentiality of processes
- *Consistent Processes*: Needs Assessment, Reasonable Accommodation and any other relevant processes being explained and followed in a timely manner

### What if a member of my team does not disclose?

If an employee has not informed the university or you that they have a disability and it is not reasonable for you, their manager, to know that they have a disability then the employer is not deemed to know, therefore is not liable for not providing reasonable accommodations.

## Confidentiality: What information can be shared?

Employees with disabilities have the right to keep information about their disability private. It is not necessary or allowed to inform colleagues about their disability, or their need for accommodations, unless express permission has been given.

While colleagues may be aware of the accommodations, especially if the individual is taking extra breaks/ availing of flexi-time, they are not entitled to know why these have been provided unless an individual has given written permission for this.

Under Irish employment legislation UCD is required to keep employees' disability and medical information confidential.

### **Confidentiality of Reasonable Accommodation Form**

A copy of the form will be maintained by the EDI Unit. This is stored in a secure file, in line with the Data Protection Legislation and University policy. These will be signed and dated by you and your manager.

### **Safety of employees – exception to confidentiality**

If you as a manager or EDI Unit has a good reason to believe that the safety of the employee who has disclosed a disability, or the safety of another person, may be endangered unless information is shared – they have a duty of care to disclose and seek specialist advice.

If you believe an employee may be endangered, you should flag this with your HR Partner who will provide guidance on the next steps and who this information can be further shared with.

## QUICK GUIDE: Disclosure Conversations

### Manager Guidance

#### What should I do if an employee discloses their disability to me?

1. Acknowledge that they have shared the information

e.g. *'thank you for sharing this with me, I understand that this is personal information' or 'I'm glad that you felt comfortable sharing this information with me'*

2. Reassure them of confidentiality – maintain this at all times unless you have written permission from them to share this information

e.g. *'I want to reassure you what you have told me will be absolutely confidential, unless you give me permission to share it with others' or 'I want to make you aware that I am obliged to maintain the confidentiality of this information. If you do want me to speak with others about this, we can agree who and then we will need to put that in writing by completing the Reasonable Accommodation Request form'*

The employee may have already discussed their disability confidentially with the EDI Unit or HR Partner.

3. Request them to complete the Reasonable Accommodation Request Form

In order for a reasonable accommodation to be put in place, the employee will need to fill out the Reasonable Accommodation Request Form and a Needs Assessment must be carried out by the University's Occupational Health Physician. This must be requested by the individual by first completing section 1-3 of the Reasonable Accommodation Request Form

disclosing that they have a disability. The form should then be forwarded by you to the EDI Unit where a needs assessment will be arranged.

e.g. *'Is there anything that you need us to do for you? If so we will need to complete a form to request this, which I can help you with' or 'To request a needs assessment to access support like adaptations or accommodations, there is a simple process we will need to follow, which begins with completing a Reasonable Accommodation Request Form'*

4. If they **do not want** Reasonable Accommodations at this time, follow up by email to confirm this and ask them to come back to you if they require accommodations at a later date.

e.g. *'Many thanks for speaking with me today regarding your disability. My understanding is that at this time you do not require and have not requested any accommodations or adjustments. If you do require accommodations now, or in the future, please don't hesitate to speak with me again and we can arrange for the necessary changes to be put in place. In the meantime, as discussed I will not share information regarding your disability with any other employee unless you provide written permission for me to do so.'*

**Note:** Going forward if performance issues arise you may need to consider that an individual's disability is causing these and ask again if they require accommodations or adjustments to address these.

5. If they **do want** Reasonable Accommodations, send them an email outlining the next steps and setting up a meeting to complete the Reasonable Accommodation Request Form

e.g. *'Many thanks for speaking with me today regarding your disability. As discussed, in order for me to provide accommodations to you, our first step is to complete the Reasonable Accommodation Request Form, which I have attached here. This includes the opportunity for you to confirm with whom information can be shared. You can complete the form yourself or alternatively we can complete it together if you require assistance. If it suits you I would like us to meet again on Tuesday at 4pm to review the completed form and agree next steps. You can find more information on this process on our website at xxx'*

6. Maintain confidentiality at all times, agree in writing with the individual if any others are to be told about their disability by completing Section 3 of the form.

### Supporting an employee who does not want to disclose their disability to others

- **Take time to talk** to the employee and explain the process and Reasonable Accommodation Request form or refer them to the EDI Unit or HR Partner in the first instance, who they can contact in confidence
- **Reassure the employee** of the confidentiality of the process – explain how information will be stored and who it would be required to be shared with at each stage of the process
- **Explain** that certain key people may need to know about their disability (if appropriate) in order to provide accommodations and make their work environment accessible (for example if equipment is required.)
- **Explain** that the decision not to make information available to others may impact on the type and level of accommodation they receive. Confirm in writing the accommodations that will be put in place and the limitations on these owing to the requirement for confidentiality by the employee.

## Responsibilities & Rights

### Line Management Responsibilities

As a manager you are expected to:

- Promote a climate of trust and encourage employees with disabilities to disclose their disability
- Raise awareness and understanding of disability amongst your employees and be cognisant that many disabilities are invisible
- Help guide the employee around available supports, reasonable accommodations and the processes involved
- Act as the primary contact for employees with disabilities in your team including taking a lead on ensuring reasonable accommodations are put in place once agreed
- Ensure with any reasonable accommodation is put in place
- Review Reasonable Accommodations with the support of the HR Partner if required on a regular basis to ensure that they are working satisfactorily.
- Make it clear that employees with a disability cannot be discriminated against as a result of their disclosure and the University will treat any complaints regarding discrimination in a serious manner
- Promote positive attitudes towards your employees and any employee with a disability in your team
- Ensure a safe work environment
- Lead by example

### As an Employee with a disability you have the responsibility to:

- Disclose a need for accommodations if any work-related adjustments are required
- If going for promotion, to inform the interview panel of any interview accommodations in a timely manner

- If attending training/development courses, inform the Course Trainer of any training or accommodations you may need. This should be done in a timely manner

### **As an Employee with a disability you have the right to:**

- Keep information about your disability private
- Have information about your disability treated with due respect and confidentiality
- Choose to disclose your disability at any time during your employment
- Receive appropriate reasonable accommodations
- Be considered for promotion, training and development opportunities based on your skills and merit
- Have respectful questioning regarding your disability for the purpose of accommodations

### **The EDI Unit has the responsibility to:**

- Provide information confidentially to employees around requesting a needs assessment
- Contact the employee following a request from the manager to arrange a needs assessment to discuss the nature of the disability
- Arrange the needs assessment with the University's Occupational Health Physician
- Liaise with the employee, manager, HR Partner and other identified key stakeholders around the recommendations for reasonable accommodations

### **The HR Partner has the responsibility to:**

- Provide information confidentially to employees around requesting a needs assessment if requested
- Discuss reasonable accommodation recommendations with the manager, EDI Unit, the individual and other identified key stakeholders
- Support the manager around putting a reasonable accommodation in place
- Support the manager in carrying out reviews of reasonable accommodations that have been put in place.

## Reasonable Accommodation

### What is Reasonable Accommodation?

Under Employment Equality legislation employers are obliged to take appropriate measures to enable a person who has a disability to access and participate in employment or undertake training – unless these measures would result in a disproportionate burden for the employer.<sup>2</sup>

Reasonable Accommodation (RA) can be defined as some modification to tasks or the structure of a job or the workplace at nominal cost which allows a qualified employee with a disability to fully do their job and enjoy equal employment opportunities. Reasonable Accommodation can vary from something as simple as rearranging office furniture, to providing Assistive Technology or providing for changes to working hours.

### Examples of what may be considered a Reasonable Accommodation

Successful accommodations are often minor, requiring little or no expense

Some simple examples of Reasonable Accommodations may be:

- Rearranging furniture
- Changing the level of a desk
- Buying a piece of equipment
- Adapting standard equipment
- Adjusting training materials
- Accepting that there may be alternative ways of accomplishing a given task
- Providing company information in appropriate formats
- Allowing flexi-time, part-time work, job share

### Please Note:

Reasonable Accommodation does not include any treatment, facility or item that you might ordinarily or reasonably provide for yourself, for example; a wheelchair or reading glasses.

<sup>2</sup> Source: Ahead – Demystifying Disability in the Workplace

## MANAGERS QUICK GUIDE: Reasonable Accommodation

The following are the key steps which should be taken by the manager where an employee with a disability requests a reasonable accommodation. Further information and guidance can be found in the Manager's Guide on [www.ucd.ie/equality/support/disability/](http://www.ucd.ie/equality/support/disability/).

### 1. Complete the Request Form

Meet with the employee, explain the process for requesting a Needs Assessment and accessing Reasonable Accommodations. Advise them to complete Sections 1-3 of the Reasonable Accommodations Request form.

### 2. Arrange a Workplace Needs Assessment

Arrange a workplace needs assessment with the University's Occupational Health Physician through the EDI Unit by sending the form on behalf of your employee. The recommendations from the needs assessment will identify the reasonable accommodations which are required by the employee.

### 3. Agree Accommodations

Schedule a meeting with the employee, EDI Unit, HR Partner and any other relevant parties. In collaboration with the individual, the EDI Unit, HR Partner and any other relevant parties, discuss what possible accommodations will be put in place, what budget (if any) is required, who will be responsible for the accommodations and when they will be implemented by. The School/Unit provide the budget for reasonable accommodations.

**Note:** The accommodations should be agreed *within three weeks* of the Reasonable Accommodation being agreed. In the small number of cases where this is not possible, it should be flagged with the employee and HR representative and a revised timeline agreed.

### 4. Confirm Implementation

Ensure agreed accommodations are implemented and escalated through the regular channels where issues arise with non-implementation. Reasonable accommodations put in place should be recorded in the Reasonable Accommodation Request form.

While UCD will endeavour to ensure all recommendations are met, should issues arise with non-implementation, you should raise the issue with your manager or HR Partner.

### 5. Follow up

Agree with the employee a schedule of follow up meetings to ensure that accommodations are still working for the employee and the team. Agree how often these 'check-in' meetings should take place (typically between 2-6 weeks, 3 months and then every 6-12 months). HR Partners can support you in these meetings if required. Follow-ups should be recorded in Section 4 of the Reasonable Accommodation Request form. Where changes are needed, you should follow process steps 1-5 to introduce these.

### 6. Maintain confidentiality & communication

At all times maintain confidentiality in accordance with the wishes of the individual and as outlined in the Reasonable Accommodation Request form. Throughout the process maintain open communications with the employee who has made a request, updating them on progress and ensuring they are consulted on any changes being implemented. It is important

to keep accurate records at every stage of the assessment process and to give reasons for decisions.

## Reasonable Accommodation Request Form

In order to ensure that reasonable accommodations can be accessed consistently and fairly by employees with disabilities, a simple form has been developed for use to formally place a request for accommodations.

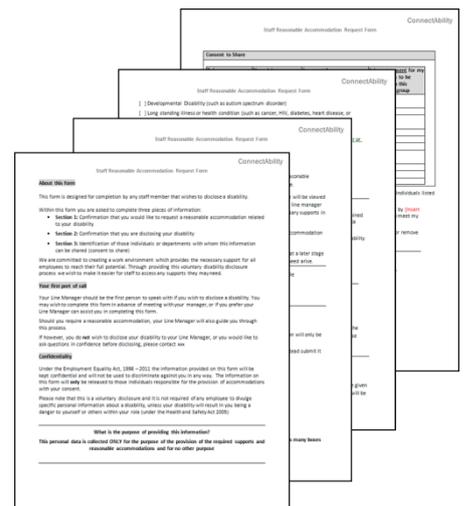
As a manager you should ensure that employees with disabilities are informed about the availability of reasonable accommodations and provide this form where necessary.

Once complete, the form should be submitted to the EDI Unit by you (the manager) for the needs assessment to be arranged. The HR Partner and the EDI Unit will also provide advice and guidance to you on how to then progress the process of assessing the needs of the employee and securing required accommodations.

### The Form

The Reasonable Accommodation Request form consists of four simple sections

- Section 1:** Disclosing a Disability and requesting a Needs Assessment - Confirmation that the employee is disclosing a disability and requesting a needs assessment in order for a reasonable accommodation to be put in place.
- Section 2:** Nature of disability – further discussions with the EDI Unit in order for a needs assessment to be carried out by UCD’s Occupational Health Physician.
- Section 3:** Consent to Release Information - Identification of those individuals or units with whom the individual has agreed that this information can be shared (consent to share)
- Section 4: Review of Reasonable Accommodations:** Reasonable Accommodations put in place should be reviewed by the manager with the support of the HR Partner if required on a regular basis to ensure that they are working satisfactorily. These would occur typically after 2-6 weeks, 3 months and then every 6-12 months.



The Reasonable Accommodation Request form can be found [www.ucd.ie/equality/support/disability/](http://www.ucd.ie/equality/support/disability/).

Alternatively, an employee can request a copy of the form and / or guidance on completing the form, from your manager, the EDI Unit or HR Partner.

## Returning to work after acquiring a disability

**Did you know that 85% of people of working age who have a disability, acquire that disability during their working life?**

Disability can strike anyone at any time during their working life. Losing trained, knowledgeable, competent and experienced employee represents a significant cost to the University. In addition, for an individual who has acquired a disability, retaining their role can be vital both for economic reasons and as a source of stability at a time when much has changed for them. It is therefore important to get that person back to work as quickly and safely as possible.

If a person acquires a disability or their disability deteriorates or becomes progressive while working for the University, every effort will be made to retain them as an employee and assist them in returning to their job through the provision of reasonable accommodation. The individual themselves will be involved during all stages of this process.

If an employee is returning to work after a period of sick leave, you and the HR Partner if required should liaise with the employee and refer to UCD's sick leave process.

## Who should I contact for additional Support?

Remember, you are not expected to be an expert on disability. As a manager your role is to ensure that the correct processes are followed. Experts from within the University, as well as specialist disability organisations, are a valuable source of support and guidance for you when providing supports to a team member with a disability.

Contact your HR Partner or the Equality, Diversity and Inclusion Unit on [edi@ucd.ie](mailto:edi@ucd.ie) if you need advice about supporting your employees, prospective employees or the provision of reasonable accommodation.

Keep in mind when reaching out for support, the confidentiality that has been agreed with your employee. If you are unsure of what information can be shared, ask for assistance and guidance on this aspect also.

## Conclusion

UCD is committed to ensuring that our workplaces value and include all employees. We recognise that our employees with disabilities represent a valuable source of talent, experience and knowledge. We are committed to ensuring that those employees with disabilities are enabled to do carry out their role in the workplace and can continue to contribute at the best of their ability, with the necessary supports to put them on an equal footing with colleagues.

## Appendix

### Legal Definitions of Disability

#### The Employment Equality Act 1998 – 2015

Under the Employment Equality Act (1998 to 2015) and the Equal Status Act 2000 to 2015) disability is defined very broadly in section 2(1) of the Employment Equality Act and includes most disabilities.

“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, disease or illness which affects a person’s thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour, and includes 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.<sup>3</sup>

The Employment Equality Act promotes equality, prohibits discrimination (with some exemptions) across nine grounds, prohibits sexual harassment, harassment and victimisation; requires appropriate measures for people with disabilities in relation to access, participation and training in employment; and allows positive action measures to ensure full equality in practice across the nine grounds.

The Employment Equality Act 1998 – 2015 imposes specific duties on the university with regard to people with disabilities. Under the Act the university is prohibited from unlawfully discriminating against people with disabilities by failing to provide reasonable accommodations. This means that the university must provide reasonable accommodations.

#### The Scope: Aspects of employment that are covered:

- Advertising
- Equal pay
- Access to employment
- Vocational training and work experience
- Terms and conditions of employment
- Promotion or re-grading
- Classification of posts
- Dismissal
- Collective agreements

### The Act applies to:

- Full-time, part-time and temporary employees
- Public and private sector
- Vocational training bodies
- Employment agencies
- Trade unions, professional and trade bodies
- Self-employed contractors
- Partners in partnerships
- State and local authority office holders

### Reasonable Accommodation – Legal Requirements

The requirement to provide reasonable accommodations for people with disabilities applies to each stage of employment:

- Recruitment, selection and appointment
- Training and career development
- Probation, progression and promotion
- Performance management and
- Any other employment benefit

An employer is obliged to provide reasonable accommodation unless the measures would impose a disproportionate burden on the employer

#### A. What are appropriate measures?

They are effective and practical measures to adapt the employer's place of business including:

- The adaptation of premises and equipment
- Changes to patterns of working time
- Distribution of tasks or
- The provision of training or retraining

The employer is not obliged to provide any treatment, facility or thing that the person might ordinarily or reasonably provide for him or herself.

#### B. What is Disproportionate Burden? (Council Directive 2007/78EU)

In determining whether the measures would impose a disproportionate burden, account is taken of:

- a) The financial and other costs entailed
- b) The scale and financial resources of the employer's business; and
- c) The possibility of obtaining public funding or other assistance

#### C. What is Positive Action?

Employers can take steps with a view to ensuring full equality in practice between employees on all of the nine discriminatory grounds.

## The Equal Status Acts 2000-2015

The Equal Status Acts promote equality and ban discrimination across nine categories. The Act requires reasonable accommodations for people with disabilities and also a broad range of positive actions.

### Who is protected under the Acts?

The Acts apply to anyone who:

- Buys or sells a wide variety of goods
- Uses or provides a wide range of services
- Provides or uses accommodation (landlords, tenants, hotels and so on)
- Attends or manages a pre-school, school or other educational establishment

Clubs such as sports clubs are treated slightly differently under the Equal Status Acts.

### 'Reasonable Accommodation' under the Equal Status Act 2000 - 2015

'Reasonable Accommodation' means providing adjustments or facilities to make sure that people with a disability can avail of particular goods and services.

Individuals and organisations must do all that is reasonable to meet the needs of a person with a disability:

- People or organisations selling goods or providing services
- People and organisations selling or letting accommodation or providing accommodation
- Schools, colleges and other educational institutions
- Clubs

This involves making reasonable change in what is done and how it is done where, without these changes it would be very difficult or impossible for a person with a disability to obtain these goods or services (Unless it costs more than a nominal cost) A nominal cost will be different for each person or organisation as it depends on the size of the business and its budget.

The State provides grants for the provision of special treatment and facilities. If the service provider/contractor/sub-contractor is in the private sector, there may be an onus on them to avail of these grants.

## The Safety, Health and Welfare at Work Act 2005

Under the Safety, Health and Welfare at Work Act, an employer shall ensure that places of work, where necessary, are organised to take account of persons at work with disabilities, in particular with regard to doors, passageways, staircases showers, washbasins, lavatories and workstations used or occupied directly by those persons.

If you require this booklet in an alternative format (for example braille, large print or e-text) please contact [edi@ucd.ie](mailto:edi@ucd.ie)