

Achieving Equality at Work: Reasonable Accommodation in Practice

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Closing Panel

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7 October 2019 - World Day for Decent Work – happy coincidence as we mark IDDW.

Decent work sums up the aspirations of people in their working lives. It involves:

- opportunities for work that is productive and delivers a fair income,
- security in the workplace and social protection for families,
- better prospects for personal development and social integration,
- freedom for people to express their concerns, organise and participate in the decisions that affect their lives, and
- equality of opportunity and treatment for **all** women and men.

Decent work is now a crucial part of Agenda 2030 and the sustainable development goals that chart the global development agenda for the next 11 years. Target 8.5 set out under Goal 8 of the Sustainable Development Goals - states that:

“By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value”.

So the clock is ticking...

It is timely that we heard from Stefan today as we celebrate 100 years of the ILO, the custodian of Goal 8 internationally. At the Centenary Conference in June, the Workers Group (in which Congress is a participant) fought for a Declaration on the Future of Work that renewed the social contract with its focus on a floor of rights and protections for all workers

– that floor includes the right to be free from discrimination, including on the grounds of disability.

The right of people with disabilities to decent work, however, is frequently denied. People with disabilities face enormous barriers to equal opportunities in the world of work. Compared to non-disabled persons, they experience higher rates of unemployment and economic inactivity and are at greater risk of insufficient social protection that is a key to reducing extreme poverty.

Stefan and his team have recently produced “Promoting diversity and inclusion through workplace accommodations: A practical guide”, which aims to explain the concept of reasonable accommodations and provide practical step-by-step guidance on how and when these should be provided in the workplace.

We have heard from a range of speakers on issues in relation to RA here in Ireland. Experience has been mixed I think it is fair to say. However, discussions like today's are important.. but only if they lead to effective action.

I want to talk to you about a new approach that we adopted at our July Biennial Delegate Conference and which we will be promoting – jointly with IBEC I hope – in the coming months. That is the concept of a Reasonable Accommodation Passports scheme. I read with interest Vivian and Amy's recent article in Physiology News and the emphasis on **“Nothing about us, without us”**. And note that in the recent judgement of the Supreme Court in relation to the Marie Daly / Nano Nagle School case, one of the judges stated that: “A wise employer will consult with the employee with a disability before making decisions about his or her future employment”. We believe that this scheme provides a suitable vehicle to ensure this.

What are they?

Reasonable accommodation passports are records of accommodations held by a worker who has a disability, impairment or health condition. They are 'live' documents that are agreed between a worker and their manager about agreed changes to work.

If someone has a passport, they can share it with anyone they think needs to know about the barriers they face in and out of work, and the accommodations that are needed to reduce the effect of these barriers in their work environment.

Example:

Mike is a civil servant who is autistic. He agreed his accommodations with his line manager which included accommodations to reduce anxiety, one of the major symptoms of his condition.

The agreed accommodations included changes in the way his line manager communicated with him and how formal management meetings were conducted. This was recorded in his passport which was signed by Mike and his manager.

Mike found that his passport became a useful tool for him and his line manager who could refer back to it when discussing the effectiveness of the accommodations. Where improvements were agreed, they were recorded within the passport. All the information about Mike's accommodations was recorded in one place and on one form.

He found that his passport has ensured that his accommodations stayed in place when his line manager has changed. Mike is confident that if he moves to a different job or the people around him change, his passport will be a useful guide to the best way to support him.

Why do we need them?

Reasonable accommodation passports make working life better and fairer for people with disabilities. They set out clearly what accommodations have been agreed to between a line manager and worker. This means that member with disabilities who move roles, or there is a change in line manager, do not have to re-explain or renegotiate their reasonable accommodations.

How do they work?

A reasonable accommodations passport can include any accommodation that is required by the worker to reduce barriers in their workplace. These barriers can include attitudes and

environmental factors - e.g. lack of accessible office space for wheelchair users or negative attitudes towards people with a mental health condition.

Who can get a copy?

Reasonable accommodation passports are agreed between a worker and their manager. If the person in the management position changes, a passport can only be shared with the new manager once the written permission of the worker has been given. The worker has control of the information in their passport, but it is usual practice for their manager to have a signed copy. Sometimes, the organisations' HR or personnel team will also have this information.

A frequent issue that causes problems for disabled workers is when someone's line manager changes. Even though reasonable accommodations have already been agreed, disabled workers often have to explain to their new manager exactly what their disability is, what accommodations they need and sometimes to renegotiate them. Reasonable accommodation passports will give the control about accommodations required to the worker and minimise undue stress and anxiety.

Can they be changed?

Yes. The passports and agreed reasonable accommodations should be reviewed every six months after accommodations have been put in place to ensure they remain effective in removing or reducing any workplace barriers. If at a review, any accommodations are found not to be effective, changes should be made.

Workers can also request a review, e.g. if their condition changes or there is a technological change that may mean there are better ways to overcome barriers, and they should be reviewed if there is any change to a worker's job which may create more or different barriers.

The passports will give workers and their managers an accurate and up to date written record of reasonable accommodations that are needed and have been agreed. They will end the need to renegotiate with a new manager every time a worker changes jobs or job roles change.

Where do unions come in?

Congress wants all workplaces to be accessible, inclusive and free from barriers so that people with disabilities can participate equally. There is a vital role for unions in achieving this as there is still a long way to go.

Unions and workplace reps can help ensure that accommodations are put in place aim to eliminate any workplace barriers. (Worth noting at this point that throughout the 6 years Nano Nagle case that union member Marie Daly was supported by SIPTU throughout). In addition, through collective bargaining, unions can negotiate for inclusive policies and practices that address inequalities.

For example,

- Negotiate the use of reasonable accommodation passports with your employer using the model policy on the use and implementation of the passports in the workplace. There will be a sample passport available in materials we produce.
- This policy can sit alongside an already existing disability policy and will ensure that an individual's circumstances are catered for.
- Encourage your employer to promote passports with all staff.
- Support any member with disabilities with completing their passport if needed. Ensure they feel they have covered everything they want to include and that the accommodations put in place will minimise barriers. Helping members getting accommodations will significantly reduce stress and anxiety.
- It is also important to let members know they are available to accompany them in any discussions they have with their line manager about their passport.
- And to follow up with members to check that any agreed reasonable accommodations have been implemented.