



Disability Resource Pack

Positive Action for the Recruitment and Retention of
People with Disabilities in the State Sector

INTRODUCING THE DISABILITY RESOURCE PACK

This resource pack has been developed as part of a joint initiative between the Equality Authority and the Department of Justice, Equality and Law Reform to support the employment of people with disabilities in the public service.

The resource pack is just one of the initiatives undertaken to build on commitments made in the Programme for Prosperity and Fairness that 'every Department will take appropriate action to ensure that agencies under its aegis achieve the 3% target for the employment of people with disabilities in the Public Service at an early date'.

This resource pack focuses on the needs and situation of people with disabilities. This is necessary given the slow progress in the recruitment, retention and promotion of people with disabilities in the workforce. It is necessary 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. It has the benefit of ensuring the full range of needs of people with disabilities is met - as people with disabilities and as men and women, as gays and lesbians, as young and older people, and as Travellers and other minority ethnic people.

AIM OF RESOURCE PACK

- To assist employers to achieve the 3% target for the employment of people with disabilities in the public sector.
- To explain 'positive action' and give some practical examples.
- To raise awareness of disability issues and employment equality legislation.
- To guide employers 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 you in meeting the 3% target. The inserts contain information on the following topics:
- Why take action?
- Barriers
- Positive Action
- 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.

EMPLOYERS


Taking positive steps to employ people with disabilities will:

- **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. There is a requirement on employers to provide reasonable accommodation for people with disabilities. (see insert on **Legislation** for more information on reasonable accommodation and positive action).
- **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.



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- **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 difference 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.

STATE COMMITMENT

- **The 3% target for the employment of people with disabilities** is a Government-led positive action measure to facilitate the integration of people with disabilities into employment. There is a commitment made in the Programme for Prosperity and Fairness which requires that appropriate action be taken to ensure that the 3% target is achieved at an early date.
- **The 3% Monitoring Committee** – chaired by the Department of Justice, Equality & Law Reform was established to monitor and guide progress towards achievement of the 3% target. The Committee comprises representatives of Government Departments, the Social Partners and disability interest groups. A Code of Practice for the employment of people with disabilities in the public service has been agreed by the Monitoring Committee and is available as a template for those who need it.
- **The Employment Equality Act enacted in October 1999** – this legislation prohibits discrimination against people with disabilities and across eight other grounds. It established the Equality Authority to combat discrimination and to promote equality. It also established the ODEI – the Equality Tribunal – to hear and make findings in relation to cases under the legislation.


SOCIETY

- **In a fair society** - everyone should have an equal right to participate. No one should be excluded because they are different from some imaginary norm.
- **Consumers are now increasingly seeking** – fair treatment both for themselves and for workers. They are no longer happy to avail of services provided by organisations discriminating against people with disabilities.
- **Trade Unions** and their members are aware of disability issues and are demanding fair treatment. This opens the way to a partnership approach to disability issues at enterprise level.
- **Legislation** is now in place to protect people with disabilities from discrimination in employment and in access to goods, services, accommodation and education. An employer must do all that is reasonable to accommodate the needs of a person with a disability, unless the employer can show that there is a cost to him/her other than a nominal cost.

The Employment Equality Act, 1998 specifically allows measures intended to facilitate the integration of people with disabilities into employment. Below are some examples of how positive action could work in your organisation.

PLANNING AND POLICY

- **Developing a policy or Code of Practice for the employment of people with disabilities** will help you to discover, understand and address the issues facing people with disabilities working in your organisation. The policy should take account of and be linked to other relevant codes of practice including the Equality Authority Code of Practice on Sexual Harassment and Harassment in the Workplace. The policy should be drawn up in consultation with people with disabilities and the wider workforce and should contain the following:
 - **Policy Statement:** to demonstrate senior management and organisational commitment to the employment of people with disabilities.
 - **Recruitment strategy:** to encourage people with disabilities to apply for jobs, to ensure that the recruitment process is fair and that applications from people with disabilities are considered purely on the basis of their ability to do the job.
 - **Orientation/Integration into the workplace:** this can include an induction course and plans for training and career development. Special needs or requirements of people with disabilities should be discussed before placement to ensure that the workplace is safe and accessible and the supports required (if any) are already in place.
 - **Progression in the workplace:** this could include a focus on work experience, training, ongoing reasonable accommodation, support and encouragement for workers with disabilities.
 - **Workplace Accommodation and Equipment:** someone in the organisation should be given responsibility to learn about the kinds of assistive technology available, where to get it, how much it costs, how it is installed. They should also know enough about these issues to be able to discuss their effectiveness with an employee who might benefit from using them.
 - **Safety, Health and Welfare at work:** safety statements should be checked to ensure that provision is made to cater for the needs of people with disabilities in the course of their work and in emergency situations and should include evacuation procedures.
- **Disseminate the policy:** the document should be circulated to management, and employees and should be a focus for in-service training or induction training. It should be referred to in advertising and in the organisation's strategic plan, annual report etc.
- **Develop an action plan for the recruitment, retention and progression of people with disabilities:** an action plan should set goals for the recruitment, retention and progression of people with disabilities. Senior management should have responsibility for ensuring that the plan is adhered to and that the goals are met within a specific time frame.
(See section on [Goal Setting](#)).

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- **Disability / Equality Proofing:** It is important that key decisions made in the organisation 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 might best happen within a wider equality proofing that 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:** It makes sense to ensure that efforts 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
 - **Positive to Disability Award Symbol:** This award, previously administered by NRB, is now the responsibility of FÁS. It is awarded to organisations that demonstrate a proven commitment towards employing people with disabilities. FÁS is not accepting applications from organisations at present, as the award is in abeyance pending a review to bring it into line with recent equality legislation.
 - **Liase with other employers 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.

GOAL SETTING

Goal setting is a way of ensuring that an action plan gives rise to specific actions including ultimately the recruitment and progression of people with disabilities. The following steps are suggested:

- **Establish written interim and final goals** for the employment of people with disabilities and for the career progression of employees with disabilities.
- **Appoint personnel with responsibility** for this area and provide the necessary budget for actions to achieve goals.
- **Implement an action plan** and mechanisms to achieve these goals.
- **Monitor and review progress** towards achieving specified goals.

PRE RECRUITMENT

- **Provide disability awareness training for management and staff.**
- **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?
- **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.
- **Consult with FÁS Employment Services offices, Local Employment Services Offices (LES) and disability organisations:** they may be able to help to supply candidates for the job, advertise jobs in relevant publications or assist with queries you may have about particular disabilities. They can also provide information on employment supports or job coaches which may be available.
- **Find out about assistive technologies** and how these can support the employment of people with disabilities in the organisation (see insert on [Useful Contacts & Publications](#) for more information).

RECRUITMENT

- **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. If your organisation has been awarded the Positive to Disability Symbol mention this in the advertisement.
- **Consider holding specific recruitment competitions:** targeted at people with disabilities, perhaps in combination with other organisations active in the same geographic locations.
- **Acknowledge all applications received.**
- **Interviews:** Ensure interviewers are properly trained and aware of the skills needed for the advertised job. 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.

RETENTION AND PROMOTION

Having recruited people with disabilities a number of actions are required to ensure that the new recruits stay with the organisation and progress within it.

- **Induction Programmes** can play an important part in helping new employees to settle in and to understand how the organisation operates. This can be especially important to employees with disabilities.
- **Ensure equal opportunity for job development and promotion amongst all employees** by ensuring training opportunities are available to all employees on an equal basis. Do they accommodate the needs of people with disabilities working in your organisation?
- **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.
- **Encourage employees with disabilities to apply for promotions.** Reassure them that reasonable accommodation applies at higher levels within the organisation. Organise training sessions and/or mock interviews and discuss the needs of people with disabilities in the interview situation. Mock interviews might also be useful for the interview panel who may not have had experience of interviewing people with disabilities before.
- **A Disability Liaison Officer** should be appointed and given the appropriate training to enable him/her to provide a source of information, advice and support for employees with disabilities. In the absence of a specific officer a person could be identified to hold the same responsibilities as part of a wider brief.
- **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.

ACQUIRED DISABILITIES

If an employee becomes disabled consult with them and with management/supervisors in relation to how the situation will be managed. 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?

BARRIERS

ATTITUDINAL

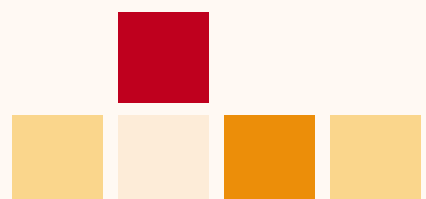
Misconceptions about People with Disabilities

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 plays a very important role in determining the culture of the workplace and must constantly work to ensure that the organisation 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 into your organisation whether they are employees or customers. At the very least your buildings and facilities should comply with Part M of the building regulations (see insert **Legislation** for more information). There are Access Officers in many Local Authorities and most disability organisations will also provide guidelines to help you. Comhairle and the National Disability Authority may also be in a position to help with access issues.

Sanitary Facilities

It is important that toilet and sanitary facilities are provided in a manner that is appropriate to the full diversity of people with disabilities. Such facilities should be clearly marked and accessible. Mirrors, washbasins, light switches etc. should be at an appropriate height. Certain items such as emergency cords are often given top priority whilst other facilities such as vending machines providing sanitary products etc. are often missing from accessible toilets, but all should be addressed.

Canteen Facilities

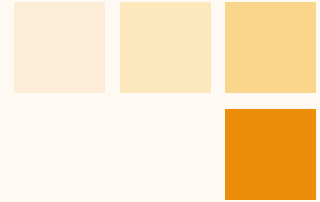
Canteen facilities are very important to every employee whether or not they have a disability. This is the place where staff can meet each other, organise social occasions and have informal discussions. People with disabilities should be part of this. Menus should be available in alternative formats, such as Braille and large print. Menus, cutlery, trays etc. should all be at an accessible level. All tables in the canteen should be usable by all employees. No one should be excluded.

Signage

The directions and sign posting to your building should be clear and accessible to everybody. First impressions count and if people find it difficult to locate or access your building their first impression will not be a good one. Inside areas and offices should also be clearly marked and accessible.

Building for Everyone

The National Disability Authority's publication, "Building For Everyone" is a resource to people involved in the design, construction and management of all aspects of the built and external environment and in organisation of workspaces etc. (see insert Support for more information).



INSTITUTIONAL

Lack of Positive Action

Organisations often fail to recruit people with disabilities because they simply have not implemented any positive action measures to encourage them to apply for jobs. When your organisation advertises job vacancies it should include a statement inviting applications from people with disabilities and should make a special effort to advertise in alternative ways such as on radio or via the Internet or in specialist publications. You could also contact FÁS or disability organisations to put forward suitable candidates. Induction programmes can help to orientate and support new employees and can be especially important to people with disabilities. Training on disability issues is also very important. You can start by drafting a policy on the employment of people with disabilities to address these areas. (for more information on drafting a policy see [Positive Action](#) insert).

Lack of Recruitment Strategy

In order to employ people with disabilities and achieve or surpass the 3% target, a recruitment strategy needs to be put in place. The strategy needs to be properly resourced. It should have a specific goal, a time frame and an evaluation process. Job analysis needs to be carried out so that the skills needed to do the job advertised are clearly defined. Interview panels need training on disability issues and on equality legislation. (see [Positive Action](#) insert for more information).

Lack of Flexibility

Flexible working hours are important to all employees regardless of whether they have a disability. However, people with disabilities may require flexible hours because of the extra difficulties they may face for instance in accessing transport. In addition, an employee with a disability may need to build up to working full time especially if they have been out of the workforce for a while.

Failure to provide reasonable accommodation

Under the Employment Equality Act, 1998 employers must do all that is reasonable to accommodate the needs of a person with a disability, unless the employer can show that there is a cost to him/her other than a nominal cost. Reasonable accommodation does not necessarily mean alteration of a building or workplace. It can be something as simple as rearranging job design, organisation of work and workspace, or the use of assistive technology. Most of the time it can be quite easy to provide reasonable accommodation, it just requires imagination and flexibility. Specific steps need to be taken to ensure reasonable accommodation can be made for employees with disabilities. (see insert [Legislation](#) for more information on reasonable accommodation).





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. (see insert **Support** for more information)

Transport

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



EQUALITY AUTHORITY

The Equality Authority is an independent body established under the Employment Equality Act, 1998 and the Equal Status Act, 2000. 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 Equality Authority is involved in enforcement work and developmental work.

Information

The Equality Authority will provide information to organisations on the Employment Equality Act, 1998 and the Equal Status Act, 2000.

Legal Service

The Equality Authority provides legal advice and representation to complainants in cases that have strategic importance.

Equality Reviews and Actions Plans

The Equality Authority has put in place a panel of Equality Consultants to carry out Employment Equality Reviews within organisations who have expressed an interest in undertaking such a review. The reviews will cover the nine grounds laid down in the Employment Equality Act, 1998. The scheme is a voluntary initiative involving the full co-operation of the employer and trade unions or employee representatives within organisations. Funding is available for the employment of consultants to carry out equality reviews and prepare action plans.

The aim of the scheme is to support and assist employers from all sectors to undertake a thorough review of their current policies, procedures and practices and of workplace perceptions. This is done with a view to identifying initiatives, changes in practice and, where appropriate, positive actions that can lead to equality outcomes in recruitment and employment; an action plan is prepared on foot of the review. The review scheme is available now and each year over the life span of the National Development Plan until 2006



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

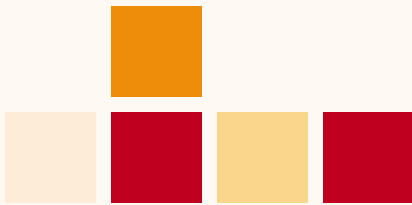
FÁS

FÁS, the National Training and Employment Authority, may assist employers wishing to employ people with disabilities by listing vacancies, including temporary vacancies, with FAS. This is achieved by registering the details of the vacancy through CALLNET (Tel: 1850667766), and including a statement specifying that this is a positive action measure for people with disabilities or that people with disabilities are actively encouraged to apply. The vacancy will be placed on the Work and Training Information System (WATIS) located in various venues throughout the country, and the Internet.

FÁS, may also assist in identifying suitable candidates with disabilities for vacancies, as they arise, and may refer these people for interview to the employing bodies. As per any other vacancy, the ultimate determination of the suitability for any particular job will be a matter for the employer.

While many FÁS employment grants and schemes for people with disabilities are focused towards the private sector, FAS also operates the **Job Interview Interpreter Grant**. This grant is available to job seekers who have a hearing or speech impairment and need to have an interpreter attend an interview with them. There is no limit to the number of interviews one can attend with an interpreter, and it is the responsibility of the job seeker to source and select an Interpreter.





DEPARTMENT OF SOCIAL & FAMILY AFFAIRS

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. A Jobs Facilitator is available in each Social Welfare Local Office to assist both employees and employers with queries in relation to the Back to Work Allowance and other employment support services.

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.

Comhairle provides information and advice on the broad range of social services via the national network of Citizens Information Services and through information available in publications and on the Citizens Information (www.cidb.ie) and OASIS databases (www.oasis.gov.ie). A lo-call national telephone information service has recently been initiated by Comhairle. Tel: 1890 777 121.

Comhairle works closely with voluntary and statutory agencies in developing responses to information needs. Funding and support for local disability information and advocacy initiatives is provided through its regional services.

A telephone information services on aids and appliances including equipment suppliers, is provided from the National Disability Resource Centre, North Great George's Street Office. Comhairle is developing a comprehensive electronic assistive technology information resource and telephone helpline on technical aids and appliances for people with disabilities in Ireland.

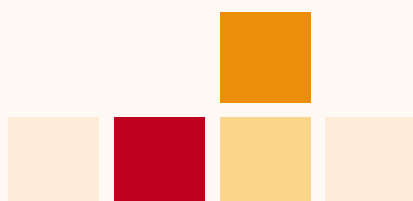
NATIONAL AND LOCAL ORGANISATIONS OF PEOPLE WITH DISABILITIES

will have an invaluable knowledge of disability related issues. It is useful to build links with such organisations. This could facilitate them to engage in policy dialogue with your organisation and to provide an opportunity for mutual support. Local organisations could be resourced to assist in the recruitment of people with disabilities, to give advice on advances in assistive technology and to provide advice and assistance to organisations striving to create an accessible and productive workplace. 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.](#))



EMPLOYMENT EQUALITY ACT, 1998

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

- *Disability as well as Gender, Marital 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.

An individual who feels they have been discriminated against may take a case to the ODEI - Equality Tribunal or other redress mechanisms such as the Labour Court or District Court.

Who is implementing the Act?

The Equality Authority is charged with a statutory duty to work towards the elimination of discrimination and the promotion of equality of opportunity on the nine discriminatory grounds covered by the Employment Equality Act, 1998 and the Equal Status Act, 2000.

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. (see more information on voluntary Employment Equality Reviews in the **Support** insert).

The Office of the Director of Equality Investigations (ODEI) or the Equality Tribunal, is an independent quasi judicial body which hears and decides complaints of unlawful discrimination under both the Employment Equality and Equal Status Acts. ODEI Equality Officers issue Decisions which may be appealed. The ODEI also provides a mediation service.

Types of discrimination

There are different types of discrimination provided for in the Employment Equality Act, 1998 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 Employment Equality Act, 1998 prohibits 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. Employers should have in place comprehensive, accessible, effective policies on sexual harassment and harassment that focus on prevention and best practice and remedial action. The Equality Authority has produced a Code of Practice on Sexual Harassment and Harassment at Work.

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 Act, 1998 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 Act, 1998 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 there is a cost to him/her other than a nominal cost. While there has been very little case law to date on the meaning of nominal cost, the caselaw to date confirms the view that what is nominal cost will depend on the size of the employment and the level of resources and that the particular circumstances will have to be evaluated in each case.

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 Act, 1998 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.

Positive Action The Employment Equality Act, 1998 specifically allows measures intended to reduce or eliminate the effects of discrimination in order to facilitate the integration into employment of persons with a disability.

Pay The Act allows 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 Act also allows the employer 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.

The Act allows the Minister for Justice, Equality and Law Reform to permit training or work experience for disadvantaged groups, if without such measures, it is unlikely the group would receive training or work experience.



SAFETY, HEALTH & WELFARE AT WORK ACT, 1989

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

More detailed information is available from the Dept. of the Environment and Local Government. *Building Regulations, 2000 – Technical Guidance Document M – Access for People with Disabilities* can be downloaded from the website at www.environ.ie (see insert **Accessibility Checklist** for more information).

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. The following questions and suggestions are merely designed to stimulate thought and encourage you to take action.

Here are some basic steps you can take to create a safe and accessible environment for your 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.

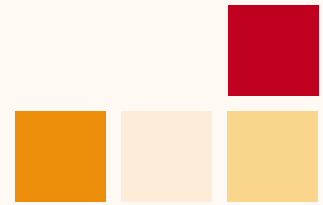
A key foundation for accessibility is a workplace audit. This would review and examine the premises, practice and procedures and attitudes from an accessibility perspective and would establish any changes necessary. The workplace audit should assist in the reasonable accommodation of people with disabilities.

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?





ACCESSIBLE PREMISES (CONTINUED)

- 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?

(See National Disability Authority's publication *Building for Everyone* for a comprehensive guide to providing accessible buildings and workspaces.

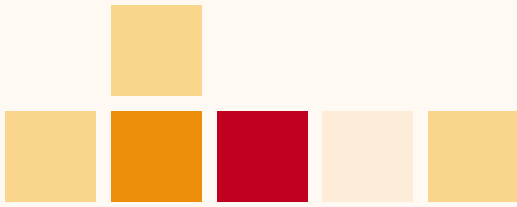
ACCESSIBLE PRACTICES AND PROCEDURES

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 with disabilities?
- 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?

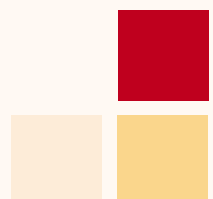
General

- 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 etcß?
- 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?





Equality Authority

2 Clonmel Street, Dublin 2

Enquiries: (01) 417 3333

Business Tel: (01) 417 3336

Text phone: (01) 417 3385

Fax: (01) 41 7 3366

Lo Call: 1890 24 55 45

Email: info@equality.ie

Website: www.equality.ie

National Disability Authority

25 Clyde Road, Dublin 4

Tel: (01) 608 0400

Fax: (01) 660 9935

Email: nda@nda.ie

Website: www.nda.ie

ODEI - The Equality Tribunal

3 Clonmel Street, Dublin 2

Tel: (01) 477 4100

Fax: (01) 477 4141

Email: info@odei.ie

Website: www.odei.ie

FÁS

27 Upper Baggot Street, Dublin 4

Tel: (01) 607 0500

Fax: (01) 607 0611

Callnet: 1850 66 77 66

Website: www.fas.ie

Health & Safety Authority

10 Hogan Place, Dublin 2

Tel: (01) 662 0400

Fax: (01) 662 0417

Comhairle

7th Floor, Hume House, Ballsbridge
Dublin 4

Tel: (01) 605 9000

Fax: (01) 605 9099

Email: comhairle@comhairle.ie

Website: www.comhairle.ie

Citizens Information Database: www.cidb.ie

National Disability Resource Centre

44 North Great George's Street

Dublin 1

Tel: (01) 874 7503

Fax: (01) 874 7490





Department of Justice, Equality & Law Reform

Disability Equality Unit, Floor 2, Bishop's Square, Redmond's Hill, Dublin 2
(from November 2002)

Department of Social & Family Affairs

Information Section, Áras Mhic Dhiarmada, Store Street, Dublin 1

Tel: (01) 704 3000

Email: info@welfare.ie

Website: www.welfare.ie

Employment Support Services (including Back to Work Allowance)

P.O. Box 3840, Dublin 2

Tel: (01) 704 3165

Department of the Environment & Local Government

Custom House, Dublin 1

Tel: (01) 888 2000

Email: secretary-general@environ.irlgov.ie

LoCall: 1890 20 20 21

Website: www.environ.ie

Fax: (01) 888 2888

Institute for Design and Disability

National College of Art & Design, 100 Thomas Street, Dublin 8

Tel: (01) 636 4383

Email: secretary@idd.ie

Fax: (01) 636 4384

Website: www.idd.ie

NATIONAL ORGANISATIONS OF PEOPLE WITH DISABILITIES

AHEAD

Association for Higher Education Access and Disability,

Newman House, 86 St. Stephen's Green, Dublin 2

Tel: (01) 475 2386

Email: ahead@iol.ie

Website: www.ahead.ie

Carers Support Association

St Mary's Community Centre, Richmond Hill, Rathmines, Dublin 6

Tel: (01) 497 4498

Email: information@carersireland.com

Website: <http://homepage.tinet.ie/~carers>

The Centre for Independent Living

Carmichael House, North Brunswick Street, Dublin 7

Tel: (01) 873 0455

Email: cildub@iol.ie



Forum of People with Disabilities

21 Hill Street, Dublin 1

Tel: (01) 878 6077

Email: inforum@indigo.ie

Disability Federation of Ireland (DFI)

2 Sandyford Office Park, Blackthorn Avenue, Dublin 18

Tel: (01) 295 9344/5

Email: info@disability-federation.ie

Fax: (01) 295 9346

Website: www.disability-federation.ie

People with Disabilities in Ireland (PWDI)

Richmond Square, Morning Star Avenue, Dublin 7

Tel: (01) 872 1744

Email: info@pwdi.ie

Fax: (01) 872 1771

Irish Deaf Society

30 Blessington Street, Dublin 7

Tel: (01) 860 1878

Email: ids@indigo.ie

Website: <http://indigo.ie~ids>

Irish Wheelchair Association

Áras Chuchulainn, Blackheath Drive, Clontarf, Dublin 3

Tel: (01) 833 8241

Email: admin@iwa.ie

Website: www.iwa.ie

Mental Health Ireland

Mensana House, 6 Adelaide St, Dun Laoghaire, Co Dublin

Tel: (01) 284 1166

Email: info@mentalhealthireland.ie

Fax: (01) 284 1736

Website: www.mentalhealthireland.ie

National Association for Deaf People

35 Nth Frederick Street, Dublin 1

Tel: (01) 872 3800

Email: nad@iol.ie

NAMHI

(National Association representing people with intellectual disability in Ireland)

5 Fitzwilliam Place, Dublin 2

Tel: (01) 676 6035

Email: info@namhi.ie

Fax: (01) 676 0517

Website: www.namhi.ie

The National Council for the Blind of Ireland

Tel: (01) 830 7033

Email: info@ncbi.ie

Fax: (01) 830 7787

Website: www.ncbi.ie

Contact: Mr. Denis Daly, Employment Adviser

National League of the Blind of Ireland

21 Hill Street, Dublin 1

Tel: (01) 874 2792

USEFUL PUBLICATIONS

Positive Action for People with Disabilities

Brochure to assist public bodies to achieve the 3% employment target.

Equality Authority in Partnership with the Dept. of Justice, Equality & Law Reform

Research Project on the Effective Recruitment of People with Disabilities into the Public Service 2000

by Dr. Pauline Conroy and Ms. Sarah Fanagan, Ralaheen Ltd. Available from the Equality Authority.

Guidelines for Employment Equality Policies in Enterprises

Guidelines to provide encouragement, information and support to employers, trade unions and employees in the preparation of employment equality policies. Available from the Equality Authority.

Framework for the Development of Equal Opportunities Policies at the level of the Enterprise

Brochure explaining the work of the National Framework Committee and key action areas. Available from the Equality Authority.

Code of Practice on Sexual Harassment and Harassment in the Workplace

Available from the Equality Authority

Building for Everyone, Inclusion, Access and Use

National Disability Authority (NDA)

Irish National IT Accessibility Guidelines

Provide a comprehensive, easy to use way of ensuring that products, services and information are fully available to, and usable by, the widest possible range of people.

National Disability Authority (NDA) - accessIT.nda.ie



Equal Opportunity in Recruitment & Selection for Graduates with Disabilities – An Employer’s Guide

AHEAD – Association for Higher Education Access & Disability

Ready, Willing and Able - an employers guide to hiring people with a disability

The Aisling Project, 21 Seafort Villas, Sandymount, Dublin 4

Tel: (01) 465 2880

Website: www.theaislingproject.org

Mobile: 086 804 6260

Guidelines on Employing People with a Disability

IBEC, Confederation House, 84/86 Lr Baggot Street, Dublin 2

Tel: (01) 660 1011

Fax: (01) 660 1717

Website: www.ibec.ie

Welcoming Customers with Disabilities

Kerry County Network of People with Disabilities

C/o Tralee Community Development Project

Rock Business Centre, Upper Rock Street, Tralee, Co Kerry.

Tel: (066) 806 11 **Fax:** (066) 806 11

Code of Practice for the Employment of People with Disabilities in the Local Authority Service

Department of the Environment & Local Government, Custom House, Dublin 1.

See [Useful Addresses](#) for contact details.

Ways to Make Written Documents Accessible to All

The National Council for the Blind of Ireland, Head Office

Whitworth Road, Drumcondra, Dublin 9

Tel: (01) 830 7033

Email: info@ncbi.ie

Fax: (01) 830 7787

Website: www.ncbi.ie

Making Progress Together – Training manual for people with disabilities

People with Disabilities in Ireland, Richmond Square, Morning Star Avenue, Dublin 7.

See [Useful Addresses](#) for contact details.

Code of Practice for the Employment of People with Disabilities in the Civil Service

Department of Finance, Civil Service Equality Unit, 15 Lwr. Hatch Street, Dublin 2

Tel: (01) 639 6229

Fax: (01) 639 6250



Raising the Standard – Code of Practice for the Provision of Information Services to People with Disabilities

Irish Wheelchair Association. See [Useful Addresses](#) for contact details.

Code of Practice for the Employment of People with Disabilities in Dublin Corporation

Available from Dublin City Council. Also see *Changing Focus* a video produced by Dublin Corporation in response to an identified need to provide disability awareness training.

Directory of Services

NAMHI – National Association representing people with intellectual disabilities in Ireland. Lists all of the agencies providing services to people with intellectual disability. Standards of Care, Making A Will, Fact Sheets. See [Useful Addresses](#) for contact details.

Entitlements for People with Disabilities

Is a comprehensive guide to services and supports covering all aspects of rights and entitlements. Available in a range of accessible formats from Comhairle and through local CICs.

Employment Rights Explained

Deals with employment legislation and is useful for both employees and employers. Available in a range of accessible formats from Comhairle and through local CICs.



The Equality Authority

2 Clonmel Street
Dublin 2

Public Information Centre Lo Call: 1890 245545

Telephone: +353 1 4173333

Business telephone: +353 1 4173336

Text phone: +353 1 4173385

Facsimile: +353 1 4173366

Email: info@equality.ie

Website: www.equality.ie

The Department of Justice, Equality and Law Reform

Dún Aímhírgín
43-49 Mespil Road
Dublin 4

Lo Call: 1890 221227

Telephone: +353 1 6670344

Facsimile: +353 1 6670366/7

Email: info@justice.ie



DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM
AN ROINN DLÍ AGUS CIRT, COMHIONANNAIS AGUS ATHCHÓIRITHE DLÍ



THE EQUALITY AUTHORITY
AN tÚDARÁS COMHIONANNAIS