



## **Policy for the Employment of Disabled People in South Dublin County Council**

### **Policy Summary**

South Dublin County Council is fully committed to encouraging and supporting disabled people to seek employment and to progress within the organisation. Disabled people have an equal opportunity to be selected, trained and promoted within the County Council.

If an existing employee becomes disabled, the County Council is fully committed to making every reasonable effort to enable the employee to remain at work within the County Council.

It is South Dublin County Council's policy to support a positive attitude in the workplace towards disability and to provide disability awareness training and disability equality training.

### **Purpose**

The objectives of this policy are:

- To support the employment of disabled people within the County Council
- To make sure that disabled job applicants receive fair treatment and are considered on the basis of their ability to do the job.
- To retain employees who become disabled in their current role where possible, or to find a suitable alternative role, if available, and to provide retraining where necessary.
- To facilitate disabled employees to develop their careers within the County Council.

- To make sure that, where practicable, all new and existing County Council buildings are accessible and comply with relevant legislation.
- To raise awareness of disability issues within the County Council.
- To promote a positive working environment where disabled people are readily accepted within the County Council.
- To assist the County Council in complying with its statutory obligations.

### **Scope**

This policy applies to all employees within the County Council and particularly to those employees involved in recruiting, managing or working with disabled employees.

### **Introduction**

South Dublin County Council, as an employer, must comply with the Employment Equality Acts, 1998 – 2015. South Dublin County Council implemented a policy of equality of opportunity for all staff. The purpose of this Policy is to provide a clear statement in relation to disabled people and to provide guidance in relation to their employment. The Policy applies to all staff employed in South Dublin County Council.

## **Employment Equality Acts, 1998 - 2015**

In the Employment Equality Acts, 1998 – 2015 "disability" is defined as follows:

“...‘disability’ means;

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

and shall be taken to include a disability which exists at present, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person.”.

Section 16(3) of the 98 Act as amended by Section 9 of the 2004 Act provides that –

- "(a) For the purposes of the Acts, a person who has a disability shall not be regarded as other than fully competent to undertake, and fully capable of undertaking, any duties if, with the assistance of special treatment or facilities, such person would be fully competent to undertake, and be fully capable of undertaking, those duties.
- (b) An employer shall do all that is reasonable to accommodate the needs of a person who has a disability by providing special treatment or facilities to which paragraph (a) relates.
- (c) A refusal or failure to provide for special treatment or facilities to which paragraph (a) relates shall not be deemed reasonable unless such provision would impose a “disproportionate burden” on the employer.

It will be noted that the definition covers a very wide range of impairments, so wide, indeed, as to render misleading most generalised

statements or assumptions about the capabilities or limitations of disabled people in employment. While some impairments are obvious (for example as in the case of wheelchair users), others are not readily apparent (for example epilepsy or mental health difficulties). Furthermore, the same impairment can vary in its impact and affect people differently. Finally, while some disabled people may require special assistance and / or equipment to realise their full potential, most can be fully effective employees without special help. Accordingly, policy and its implementation should avoid the use of stereotypes and every person with or without an impairment should always be treated as an individual with equal rights. Consideration of any question concerning the employment of disabled people should proceed from a position of presumed ability.

South Dublin County Council recognises that language is a very powerful and evocative tool. Therefore, the language and terminology used in this document has been carefully chosen to reflect the values of equality and empowerment which form the basis for the policy. The term 'disabled people' has been used throughout the Policy in accordance with the UPIAS classification of disability and impairment which has been developed by disabled people themselves (UPIAS 1976). Where disabled people are referred to in the Policy this should be understood to include all disabled people, including those with learning difficulties, mental health difficulties and sensory impairments.

South Dublin County Council notes that there is an extensive range of financial and advisory supports available from other state agencies. In the context of the Code, South Dublin County Council will keep themselves informed of the range of services available as a resource and such information will be available to any disabled staff member.

### **Policy Statement**

South Dublin County Council are committed to implementing a policy of equal opportunity for disabled people and, in particular, are committed to making sure that:

- disabled people have access to the full range of recruitment and career development opportunities available in South Dublin County Council
- disabled people are facilitated to give effective performance in the jobs which they hold or to which they aspire and are not disadvantaged by reason of having an impairment, and
- all reasonable accommodations are made to meet the requirements to which some impairments give rise so as to maximise access to employment in the local authority service for disabled people and to enable all staff to make the fullest possible contribution to the work of South Dublin County Council.

The Government has set an objective of the employment of disabled people in the public service to a minimum of 3% of total staff. South Dublin County Council are committed to playing their full part in making sure that this objective is, at the very least, met and maintained.

### **Recruitment**

Disabled people are entitled, as of right, to apply for any post in the local authority service for which they are qualified and to have their applications considered on the basis of their abilities, qualifications and suitability for the work in question. Furthermore, it is recognised that disabled people which, in the past, would have been regarded as unsuitable for any or most types of employment are now in a position, through personal assistance and the use of advanced technology, and other means, to overcome the restrictions resulting from their impairments and the environment in which they live and work and to engage in a far wider range of employments. South Dublin County Council will maintain contact with organisations of and for disabled people to make sure that a high level of awareness of job opportunities is available in the local authority service.

Before a disabled person is refused employment in South Dublin County Council, solely on the grounds of his / her impairment following medical examination, he / she is entitled to seek a second opinion from a medical specialist who would be appointed and paid by the local authority for this

purpose. The candidate should be advised of his / her entitlement and a reasonable period of time should be allowed for this process.

In deciding whether candidates comply with health requirements specified in qualifications for local authority positions, South Dublin County Council will make sure that decisions are based on objective considerations related only to the core functional needs of the post concerned, rather than on assumptions concerning the limitations imposed by a particular impairment.

**The following guidelines apply in relation to recruitment –**

- No obstacle should be placed in the way of disabled people applying for posts in South Dublin County Council.
- Through contacts with organisations of and for disabled people, South Dublin County Council will actively encourage disabled people to consider the local authority service as a career choice.
- South Dublin County Council will make all reasonable efforts to provide such facilities and equipment as are necessary to enable disabled applicants to participate in competitions for posts.
- Interview boards should be briefed on disability awareness, on the local authority's equal opportunities policy and on the Employment Equality Acts, 1998 - 2015 and should be given a copy of this Policy.
- In specifying the duties of officer and non-officer posts the Minister for Housing, Planning, Community and Local Government and the local authorities should avoid specifying non-essential requirements, which could have the effect of excluding disabled people. Where the suitability of a particular disabled candidate is at issue, South Dublin County Council will also have regard to any flexibility which might reasonably be employed to facilitate the person with the impairment in question, for example re-allocation of certain tasks where a disabled person may not be in a position to perform certain functions attaching to the post in question.
- Where South Dublin County Council form an initial opinion that a candidate is unable, by virtue of an impairment, to properly discharge the duties of a post, the candidate in question will be

afforded an opportunity to respond to that initial opinion before a final decision is made.

- Advertisements, job descriptions, person specifications and application forms should be monitored to make sure that they do not discriminate against disabled people.
- Information, application forms and job descriptions in print and other formats should be provided in a way which is encouraging to potential disabled applicants.

### **Integration into the Workplace**

It must be recognised that some disabled people may encounter greater difficulties than other members of staff in adjusting to a new workplace. Accordingly, particular attention is required when placing disabled staff and when monitoring their performance in the initial stages of employment. It should be noted that impairment varies in degree and kind and special treatment may, for example, mean in the case of people with mental health difficulties the provision of psychosocial support, particularly during the initial period of employment through contact between the person and Human Resources. Also, the development of personal assistance services (for example personal assistants, job coaches), or assisting disabled people to access such services would enable disabled people with certain impairments to integrate more fully into the workforce and could help improve their job satisfaction and performance.

Where a disabled staff member employs the services of a personal assistant, if necessary, all reasonable effort will be made by South Dublin County Council to accommodate the assistant in or near the disabled person's workspace.

Good communication is a key requirement in overcoming any difficulties that may arise. It is an obvious fact, but one which may be overlooked in practice, that the best source of information about impairment and what that might imply in the workplace, is the disabled person.

Disabled people should be recognised as experts in their own lives.

Accordingly, full and frank discussion of any problems that some disabled staff

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

**The following guidelines apply in relation to the integration of disabled staff into the workplace –**

- Where Human Resources is aware that a new staff member is disabled, a meeting should be arranged to discuss her / his initial placement, any problems which she / he might encounter and any reasonable accommodations which may be required to optimise performance on the job.
- In deciding on the placement of a new disabled staff member, regard should be had to any particular issues that may need to be addressed. For example, staff with mobility difficulties should, where possible, be located close to accessible toilets and ramped entrances.
- The person who will be the new staff member's line manager should be fully informed of the staff member's circumstances relating to his / her work and should be involved in any discussions concerning any difficulties which might arise and reasonable accommodations which might be required. (The right to medical confidentiality must, of course, be respected.)
- Training courses for supervisory staff should contain material on workplace disability issues. General training to promote better understanding of all types of physical, sensory and mental impairments should be provided as part of the ongoing training programme of all grades of staff to underpin a positive culture. The assistance of an external appropriate agency or agencies, for example National Disability Authority, Citizens Information Board, Inclusion Ireland , Center for Independent Living, Deafhear.ie and so on may be sought, as required.
- The co-operation and support of co-workers is essential to the successful induction and integration of any new member of staff.

Human Resources and line supervisors will promote positive peer support for disabled members of staff.

- Human Resources will maintain regular contact with the new staff member to facilitate his / her integration into the workforce, particularly in the initial stages of employment.

### **Career Development**

Disabled Staff must have the same opportunities as other staff to develop full and rewarding careers in the local authority service.

### **The following guidelines apply in relation to career development**

- In assigning duties to disabled staff, care should be taken to make sure, to the greatest extent possible, that they are given the same opportunities as other staff to acquire the range of skills and experience necessary for future career development.
- While it is appreciated that some disabled staff may not be able to undertake the duties of all posts in their grade, every effort should be made to afford them the same opportunities as other staff to broaden their experience through staff mobility arrangements and provision of reasonable accommodations.
- Disabled staff will be offered the same access to training as other staff and measures will be taken to make sure that they are not inhibited from availing of such opportunities by issues of physical or sensory access to training centres or conference rooms or by the format of training materials, and so on.
- Disabled staff will be positively encouraged to apply for promotion where it appears that they may be reluctant to do so because of their impairment.
- Disabled staff will not be excluded from promotion solely because their impairment may prevent them carrying out the full range of duties in the higher grade; the criterion should be whether they would be capable of successfully undertaking the duties of a reasonable number of the posts in the higher grade.

## **Retention in Employment**

Any staff member can acquire an impairment at any stage during his / her working life or may have an impairment which is progressive in nature. Where a staff member acquires an impairment or where a staff member's impairment is progressive, every reasonable effort should be made to retain that person in employment. This could include measures such as job restructuring, rehabilitation, re-training, re-location and flexible working arrangements.

## **Accommodation and Equipment**

It is the policy of South Dublin County Council to make sure that, insofar as is practicable, the working environment is such as to minimise problems which disabled staff may face. While most disabled staff can operate effectively without requiring modifications to their working environment, specific facilities may be required by some. However, even where assistive devices are not required the provision of such devices can greatly enhance the comfort, efficiency and job satisfaction of the staff concerned.

The key to progress in this regard is sensitivity to the barriers which particular physical environments place in the way of people with certain impairments and a planned approach to their progressive removal. Particular importance attaches to providing access for people with mobility or sensory impairments but, of course, barriers also include attitudes, services and communication issues.

South Dublin County Council will acquaint themselves with the range of assistive devices and equipment available to assist disabled people. These devices include, for example, telephones that flash and have volume control, voice-activated synthesiser software, computer screen enlargement software and customised work stations.

### **The following guidelines apply in relation to accommodation and equipment:**

- South Dublin County Council will take the requirements of disabled people fully into account in their assessment of premises for rental purposes.

- South Dublin County Council should consider what alterations might reasonably be carried out to their premises in order to improve accessibility.
- In undertaking any significant structural alteration to existing buildings South Dublin County Council will make sure that the works include such alterations as are necessary to bring the buildings concerned up to the standard of accessibility, and provide adequate facilities, for disabled people, as required by Part M of the Building Regulations.
- Officers in South Dublin County Council with responsibility for accommodation will, in the course of their normal duties, specifically note any access problems or other features of the premises occupied by their staff which may cause problems for disabled people, with a view to the progressive elimination of such problems.
- South Dublin County Council will consult disabled staff about assistive devices which might enhance their efficiency and effectiveness in performing their duties and adopt a positive approach to reasonable requests for such equipment.

### **Safety, Health and Welfare at Work**

Specific provision is required in South Dublin County Council's Safety Statement to address the safety requirements of disabled people.

South Dublin County Council will provide training for staff in relation to matters of health and safety. Such training must take account of individual capabilities and the needs of particularly sensitive risk groups.

Disabled people may be particularly at risk in certain working conditions. All appropriate safeguards will be taken by South Dublin County Council to protect the safety, health and welfare of disabled members of staff. Places of work generally should be arranged to take account of disabled staff. Attention must be paid to doors, passageways and stairs, sanitary provisions as well as work locations used directly by disabled staff.

South Dublin County Council is duty bound to take account of the possibility of emergencies, for example fire, and to provide counter-measures, arrangements, facilities and trained personnel in proportion to the risk presented. South Dublin County Council should provide a copy of their Safety Statement outlining their safety management programme to all disabled members of staff. As a matter of good practice disabled staff should be consulted in the development of the programme. South Dublin County Council should also provide information relating to the safety and health risks, the results of risk assessment and protective and preventative measures taken in the workplace.

South Dublin County Council will re-assess the risks in the workplace environment for all disabled members of staff including those who have acquired an impairment. The risk assessment must establish if a particular impairment could be hazardous to oneself or co-workers while at work or performing any particular task in the workplace and whether the job entails any risk to a disabled person. If risks are found to be present the local authority must:

- eliminate those risks, and
- put in place measures to protect the health and safety of the staff member

Measures to protect the member of staff could include

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

### **Evacuation Procedures**

Disabled staff may have particular problems in regard to evacuation procedures. For example, the evacuation of people with mobility difficulties raises particular issues where lifts cannot be used. People who are deaf or hard of hearing may require some specific arrangement to make sure that they are aware that the alarm has been raised. It is of particular importance that such problems are identified and that appropriate alarm and evacuation arrangements are put in place.

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

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

**Implementing this Policy**

All staff in South Dublin County Council have a role in making sure that the provisions of this Policy are adhered to. Special responsibility in this regard attaches to Human Resources for the employment of disabled people.

In giving effect to the provisions of this Policy, South Dublin County Council are likely to require advice and assistance on a wide range of issues. The Department of Housing, Planning Community and Local Government will advise on questions concerning the interpretation of this Policy.

On questions which require expert advice, at both recruitment and employment level (for example, the availability of assistive devices in particular circumstances), South Dublin County Council should, after consulting the disabled person, directly approach the most relevant organisation of or for disabled people where the required expertise is most likely to be found.

The implementation of this Policy will be monitored on an ongoing basis by a national local authority monitoring committee.