



Workway

A joint ICTU/IBEC initiative to promote employment of people with disabilities



Your Questions Answered



IBEC/ICTU
Workway Disability and
Employment Guidelines



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testimonials



Turlough O'Sullivan

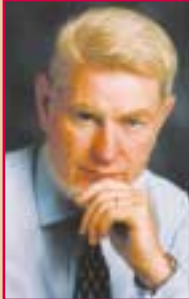
Director General, IBEC

Many of us are aware through personal contacts that people with disabilities have important talents, skills and abilities that could contribute positively to our businesses, but they are still under-represented in the workplace. Notwithstanding significant progress in recent years, people with disabilities continue to face barriers in accessing the labour market, education and training activities. Workway was established by the Social Partners to identify and address the practical barriers to people with disabilities specifically in the area of employment. This project was not designed to actually place people with disabilities directly into employment. Rather its focus is on the long-term perspective, to change attitudes at a fundamental level by raising awareness and developing guidelines and solutions to address the underlying issues and problems associated with the continued high level of unemployment among people with disabilities. It is our hope therefore that Workway will have a long-term impact by actually changing behaviour and understanding.

Working together in partnership, key stakeholders, including, employers, people with disabilities, union representatives, service providers and Government agencies, engaged with Workway to assess the practicalities involved in the employment of a person with a disability. This has enabled the project to develop pragmatic tools and initiatives to provide employers with guidance so they can make an informed employment decision in line with best practice recruitment procedures. The project has also aimed to provide the person with a disability with practical information on how to access the labour market and how to go about getting a job.

This guideline is the result of a two-year research and consultation process undertaken by the Social Partners and four Workway regional networks in Cork, Kerry, Donegal and Galway. It is a practical publication containing comprehensive information on the employment of people with disabilities that are either joining the workforce or are coming back into employment having acquired a disability. We hope that managers will use it as a resource to inform themselves about best practice in dealing with disability in the workplace. IBEC looks forward to playing a leadership role in promoting these guidelines and encouraging good practice. It is also envisaged that these guidelines will be useful for people with disabilities who are engaged in or thinking about seeking a job. It is my sincere hope to see this guideline used as a practical reference document in a wide range of workplaces throughout the country.





David Begg

Secretary General, ICTU

As trade unionists we know we have a role to play in bringing about change to improve employment opportunities for people with disabilities. Influencing the broad employment environment and negotiating company-level equal opportunities agreements, which establish the level playing field needed by many people with disabilities, has long been pursued by Congress and our unions. Union representatives have negotiated on behalf of workers who acquired a disability to retain their jobs, and to access new, different jobs and training and promotion opportunities. Through several Social Partnership agreements we have successfully negotiated employment equality legislation and developed a wide range of employment supports. However, implementing legislation and ensuring the awareness and take up of supports at company level remains a serious challenge.

Employment for many people with disabilities is key to developing or maintaining an acceptable level of economic and social independence. Yet, people with disabilities comprised just 6% of the workforce in 2003, and unemployment among people with disabilities is estimated at 60%.

People with disabilities are not looking for favours; they are looking for a fair chance to get or keep a job, prove their abilities and find ways of overcoming the barriers which workplaces, often unwittingly, present, depending on the disability. Yet, assumptions based on prejudice or ignorance and people's experience of discrimination are evident.

Many people with disabilities who do succeed in getting jobs often lose those jobs in the first few weeks due, primarily, to a lack of appropriate management, knowledge or collaboration.

Congress welcomes the development of the Workway Employment Guidelines as a practical tool intended to complement good employment practices. Developed through the Local Workway Networks, the Guidelines set down the distinctive perspectives of people with different disabilities, union representatives, co-workers and employers, in respect of all stages of employment. The important issues of disclosure of disability and reasonable accommodation have been extensively examined. The Guidelines importantly refer to relevant information about managing disability in the workplace and availing of employment supports, including the sources of such support. The approach advocated is one of partnership and collaboration to find acceptable solutions.

We will only know real change is happening when we see employers and people with disabilities embracing and using new legislative provisions and, informing themselves about, and availing of, employment supports and incentives. Congress and our affiliated unions look forward to playing our part in implementing the Guidelines, influencing company employment practices through company level partnerships and, achieving the greater goal of increasing employment and career opportunities for people with disabilities in the future.



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1 introduction

Welcome to the Workway Disability and Employment Guidelines. Workway is an IBEC/ICTU initiative that aims to increase awareness and promote the employment of people with disabilities. Established in 2001 under the Programme for Prosperity and Fairness (PPF), and funded by the National Development Plan (NDP), Workway is the first partnership project in Europe to tackle the issue of unemployment among those with disabilities. The membership of the Workway National Steering Committee includes IBEC, ICTU, the Department of Enterprise, Trade and Employment, FÁS, People with Disabilities in Ireland (PwDI), Comhairle, the Federation of Voluntary Bodies, the Irish Association of Supported Employment (IASE), the Department of Health and Children, the Brothers of Charity, Cneasta, the Department of Social and Family Affairs and the Disability Federation of Ireland.



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introduction

These guidelines have been developed in consultation with the four local Workway networks that were established in Cork, Kerry, Donegal and Galway, whose members include private sector employers, people with disabilities, trade union representatives and individuals involved in the provision of support services. It is intended that these guidelines will be used in conjunction with current recruitment and employment policies and practices. The language and content of the document reflect the breadth of the audience at which it is aimed, and the particular requirements of its component elements.

Purpose of guidelines

- To provide a resource for employers to ensure that they are informed and prepared for the practicalities of employing a person with a disability. The guidelines are relevant in the context of the recruitment of a new member of staff or the requirements of a staff member who acquires a disability.
- To assist people with all types of disabilities in improving their job-seeking skills and adapting to a new working environment, and to equip them with the resources to demonstrate their ability.
- To provide a resource to co-workers and trade union representatives to ensure they are informed and prepared for the practicalities of working with and representing a person with a disability in the workplace.

These guidelines should also be useful for personal advocates working with people with disabilities.

The business case

There are many benefits to business in employing people with disabilities, yet their employment level still remains quite low. One in four Europeans has a family member affected by a disability, but only 4% have a colleague with a disability. In Ireland, the Quarterly National Household Survey for the fourth quarter of 2002 reported that just over 40% of people with disabilities/long-standing health problems were in employment in 2002, compared with an employment participation rate for the population as a whole of 65%.

This is not an issue just for the Government and disability groups. Business has a vested interest in society, and the importance of issues that were once viewed as being peripheral to the operation of a business is now recognised. It can make good business sense to promote diversity in the workplace, and investors are often interested in organisations having responsible employment practices and, therefore, most organisations understand that what happens in society affects business, and what happens to business affects society.

A diverse workforce can enable an organisation to gain a greater appreciation of the needs of its consumers. For instance, it has been estimated that nearly 40 million people in the EU have a disability. By employing people with disabilities, a company is adding value to the business and it will be more likely to meet the needs of people with disabilities as consumers. Furthermore, this can increase customer loyalty, as

consumers will respond favourably towards a company where differences are recognised, valued and embraced.

Equal opportunities

Experience shows that promoting a company as an equal opportunities employer and providing equal opportunities for all candidates in recruitment and promotion gives the widest choice of candidates, helps to overcome skills shortages, improves job satisfaction and lifts employee morale generally. In short, it is good employment practice.

An equal opportunities policy is a necessary precursor to the employment of people with disabilities. It can be referred to in job advertisements and specifies how equality of opportunity will be actively promoted within an organisation. It is also recognition that discrimination has no place within a modern employment relationship. The policy should be endorsed by staff and union officials and incorporate the experiences of all involved in the company.

Such a policy can play a valuable part in an organisation's strategy in meeting challenges posed by labour market conditions, as discrimination against certain categories of employees is not only unlawful, but impedes the realisation of the potential of all employees. It is also an effective tool in ensuring that all employees are aware of the company policy on equal opportunities and discrimination, thereby clearly setting standards of conduct. A positive action programme to enable an under-represented group

to develop to its full potential within the work environment can complement an equal opportunities policy. Section 33 (1) of the Employment Equality Act, 1998 allows measures to be taken to reduce or eliminate the effects of discrimination in order to facilitate the integration into employment of people with a disability. Section 35 (2) enables employers to provide special treatment or facilities for disabled persons to avail of work or vocational training.

The Act outlaws discrimination on grounds of disability in relation to:

- access to employment;
- conditions of employment;
- training or experience for, or in relation to, employment;
- promotion or regrading;
- classification of posts.

Perceptions of people with disabilities

The views of people with disabilities vary according to the nature and severity of the disability, their educational experience (mainstream or segregated) and the extent of their previous experience, ie, in employment or accessing employment. To date there has been little documented evidence of their personal experiences. However, workshops held by Workway for people with disabilities highlighted some of their experiences, perceptions and approaches to employment. They are summarised as follows:

- a number of participants who had several unsuccessful job

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applications experienced job search fatigue;

- a lack of confidence and low self-esteem made some reluctant to apply for jobs;
- some had been successful in their search for employment and were now benefiting from economic independence and increased participation in work and society in general.

The individual experiences of the workshop participants and their approaches to employment are complex and require differentiated responses to overcome the attitudinal, physical and communication barriers. To achieve greater employment opportunities for people with disabilities, the range of psychological and real physical barriers needs to be identified and addressed for all concerned. In practice, this involves organising ways of achieving a deeper and better understanding and increased collaboration in the workplace between employers, managers, supervisors, co-workers and people with disabilities, to realise greater access to job opportunities and more success in securing employment.

It is important to note that people with disabilities are looking for equal opportunity rather than favoured treatment, where they are capable and competent, with the assistance of appropriate treatment or facilities, of undertaking the job concerned.

The role of trade union representatives

The views and experiences of co-workers can vary depending on the impact of working alongside a person with a disability and the implications for the reorganisation of work. Usually, co-workers will be expected to give support and cooperate in finding solutions to accommodate the needs of people with disabilities. Trade union representatives should be involved in consultation processes which might be required to give effect to more serious changes in work organisation, or where current attitudes or practices give rise to discriminatory behaviour and the experience of discrimination by an employee who is also a trade union member.

Local trade union representatives in companies should be sensitive to low levels of job applications, unsuccessful interview outcomes and difficulties in job retention among people with disabilities. The effectiveness of trade union representatives in this context depends on their openness and awareness of the impact of disability in the workplace and their positive, constructive input as to how accommodations, if necessary, can be put in place. Many trade union representatives have successfully negotiated equal opportunities policies with employers, which incorporate the needs of people with disabilities. This proactive, cooperative partnership approach, involving all parties concerned, is advocated throughout these guidelines.

Supporting and communicating with people with disabilities in the workplace

Many of us have little or no experience of meeting, working or communicating with people with disabilities, and may not be aware of their needs, if any. People with disabilities can also be apprehensive in relation to the workplace environment and attitudes of employers and colleagues when they take up employment. Effective communication is key to ensuring successful positive action programmes and the development of equal opportunities. The following are some guidelines which may be of help in overcoming problems associated with communicating with people with disabilities. They should be developed and applied using a partnership approach, consulting with union/employee representatives, as appropriate. This approach will facilitate joint learning and a better communication system involving all concerned.

- If you offer assistance, wait until the offer is accepted. Then listen to or ask for instructions.
- Treat adults as adults. Address people who have disabilities in the same manner as everybody else.
- Do not be afraid to ask questions when unsure of what to do.
- Avoid using words/expressions like 'crippled', 'deaf and dumb', 'spastic', 'mentally handicapped' and 'confined to a wheelchair', as these can often be hurtful and offensive. It is better to say: 'a person who is without speech', 'a person with cerebral palsy', 'learning difficulty' or 'wheelchair user', for example.

People who are blind or visually impaired

- Speak to the individual when you approach him or her.
- If the person does not extend their hand, verbally communicate a welcome.
- State clearly who you are; speak in a normal tone of voice. There is no need to shout.
- When conversing in a group, remember to identify yourself and the person to whom you are speaking.
- If you have met before, state the context of the previous meeting to jog the person's memory.
- Talk directly to the person and not through a third party, directing your voice towards, and not away from, him or her.
- Never touch or distract a service dog without first asking the owner.
- Let the person know if you move or need to end the conversation. Tell the individual when you are leaving.
- Do not attempt to lead the individual without first asking; allow the person to hold your arm and control their own movements.
- If giving directions, do so clearly.
- If you are offering a seat, gently place the individual's hand on the back or arm of the chair so that they can locate it.
- Clear paths of obstacles. Entrances, exits, circulation routes, bathrooms, rest areas and work areas should be kept free of unnecessary obstructions.
- If circulating memos or written

documents to employees or colleagues within the workplace, large print, voice mail or an inexpensive tape recorder can be used. Emails can also be accessed if the person has use of a computer software package for screen reading, or magnification to enlarge the text.

- As with all types of disability, someone should be assigned to assist a person who is blind or visually impaired in the event of an emergency.

People who are deaf or hearing impaired

There are five methods of communication used by people with hearing difficulties; sign language, finger spelling, hand-writing, lip reading and hearing aids. We should not assume that, if a person is deaf or hearing impaired, they can use or understand sign or lip-read, for example. A method preferred by one individual may not be suited to another.

A few basic rules can be followed to aid communicating with a colleague who is deaf or has a hearing impairment.

- Converse in a quiet environment or move to one in order to facilitate communication. Amplification devices are very sensitive to ambient noise.
- Speak clearly and avoid unnecessary jargon.
- If in a group or at a meeting, only one person should speak at a time
- If you need to attract the attention of a person who is deaf or hearing impaired, touch him or her lightly on the shoulder.
- If the person lip-reads, look directly at them. Speak clearly at a normal pace. Do not exaggerate your lip movements or shout. Speak expressively because the person will rely on your facial expressions, gestures and eye contact.
- Position yourself about three to six feet directly in front of the person in an area that is well lit, but avoid sitting in front of a bright window.
- Do not cover your mouth or eat, keeping hands, pens, cigarettes etc. away from your face when speaking.
- There is no need to shout. Only raise your voice when requested. Brief, concise written notes may be helpful.
- Do not turn away when speaking, and allow time for what you said to be absorbed by the person.
- If an interpreter is present, it is commonplace for the interpreter to be seated opposite the person with the hearing impairment.
- Interpreters facilitate communication. They should not be consulted or regarded as a reference for the interview.
- Speak clearly and at a pace that allows the sign-language interpreter to interpret for the person who is deaf and to allow him or her to respond through the interpreter.
- Support colleagues/employees who may wish to train as sign language interpreters.

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People who use mobility aids

- Enable people who use crutches, canes or wheelchairs to keep them within reach.
- Be aware that some wheelchair users may choose to transfer themselves out of their wheelchairs (into an office chair, for example) for the duration of the meeting.
- The main issue facing a colleague who is a wheelchair user is access. Therefore, access to the building, toilets, canteen or other meeting places should be ramped. Remember to avoid unnecessary obstacles in path ways, rest areas, bathrooms and work areas.
- Rearrange furniture or objects in a room to accommodate wheelchairs, scooters or other mobility aids.
- Speak to the person and not just directly to other individuals who may be in their company.
- When speaking to a person in a wheelchair or on crutches for more than a few minutes, sit in a chair. Place yourself at that person's eye level to facilitate conversation.
- Do not lean on a wheelchair or any other assistive device.
- Do not assume the individual wants to be pushed – ask first.
- If you telephone the individual, allow the phone to ring longer than usual to allow extra time for them to reach the telephone.

People with speech impairments

- If you do not understand something the individual says, ask

them to repeat what they said and then repeat it back.

- Try to ask questions that require only short answers or a nod of the head.
- Do not speak for the individual or attempt to finish their sentences.
- If you are having difficulty understanding the individual, consider writing as an alternative means of communicating, but first ask if this is acceptable.
- Do not raise your voice. Most people with speech impairments can hear and understand.
- Do not allow the person to be excluded during meetings or from conversations.

People with learning/cognitive disabilities

- If you are in a public area with many distractions, consider moving to a quiet or private location.
- Be prepared to repeat what you say, orally or in writing.
- Be prepared to explain something more than once if necessary, remembering to keep to the point using straightforward language.

- Added time may be required to complete tasks.
- Offer assistance in completing forms or understanding written instructions and provide extra time for decision-making. Wait for the individual to accept the offer of assistance; do not over-assist or be patronising.
- Be patient, flexible and supportive. Take time to understand the individual and make sure the individual understands you.
- Use precise language in simple sentences.
- Give exact instructions.
- Too many directions at one time may be confusing.

At the recruitment stage

People who have an intellectual disability will usually apply for a position with help from a support person, a parent or an employee of an organisation providing this specific service (an advocate), eg, a job coach with the local supported employment programme.

At the interview

The advocate's role is to offer support to applicants and, where necessary, help the interviewees present their case.

example

An employee with a learning disability has great difficulty reading. He has trouble understanding memos circulated to employees. However, he has no difficulty understanding oral communication. The supervisor furnishes him with a tape recorder for use at work and now records all memoranda so that the employee may listen to them

Settling into the job

Many people who have intellectual disabilities learn in small steps through repetition. This means that their responsibilities may need to be subdivided and learned in stages using repetition. This learning adjustment phase will often be conducted by the support worker (job coach). The support worker will usually reduce the level of supervision as the individual adjusts. The points outlined on the previous page also apply once a person with a disability has been employed. In addition to these, the following should be borne in mind:

- comment should be made, where appropriate, on a job well done;
- care should be taken to avoid exploitation of eagerness to please;
- while making appropriate allowances, respect should be accorded to such individuals during everyday interaction with them, fostering a sense of inclusion;
- do not be over-protective, as taking a risk can sometimes mean the acquisition of a new skill or the development of confidence;
- people with a disability may need help with unexpected things, eg, handling money, deciding which bus to catch or where to catch it, waiting their turn or standing in queues. Your own patient instructions, voice or behaviour will be their best opportunity to learn a new social skill.

People with mental health difficulties

While people with mental health difficulties have no specific communication needs, a supportive working environment is essential.

A small number of people with mental health difficulties require minimal support, while others need occasional or substantial support. The level varies over time for the individual. Typical requirements include help in interacting effectively with supervisors, maintaining concentration and handling stressful situations.

There are a variety of tips that are effective for people who are experiencing mental health difficulties.

Effective supervision

- Preconceptions regarding the abilities of individuals should be avoided.
- Responsibility should be clearly defined.
- Feedback should be given in a timely and constructive fashion.
- Policies and work assignments should be framed and allocated with sensitivity.
- The effectiveness of accommodations should be evaluated.

Maintaining stamina during the working day

- Allowing flexible scheduling.
- Providing additional time to learn tasks/new responsibilities may be necessary.
- Provision should be made for a job coach, if requested.

Maintaining concentration

- Distraction in work area should be minimised.
- Frequent breaks can assist concentration.
- Through division into smaller tasks, assignments can be made more manageable.

Interacting with co-workers

- Sensitivity training should be provided for co-workers/supervisors.
- Fraternisation outside of the work area can foster inclusion.

Aiding memory

- The provision of tape recorders, type-written notes, checklists and instructions is useful.

Dealing with stress

- Recognition of achievements is essential.
- Counselling and employee assistance programmes should be available.
- Telephone calls to a doctor during working hours should be allowed.
- Time off for scheduled medical appointments or support groups should be permitted.
- A flexible approach to leave may be necessary to allow a worker to remain in their job after a period of hospitalisation.

② getting a job

Any person searching for a new job can find it a difficult and daunting task. If you have already had a job it may be easier. The secret to a more successful search is

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preparation. In the workshops organised by the Workway networks, preparation for job-seeking

was identified as one of the most significant factors in increasing the employment of people with disabilities. The preparation stage is critical for a person trying to minimise the impact of their disability and maximise their job potential.





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getting a job

There are a range of organisations which can help with preparation for employment. For instance, a supported employment project job coach can advise and assist in finding a suitable job match. (See Appendix A on grants, supports and incentives and for further details on supported employment job coaches). This section explores a range of issues which need to be considered by a person with a disability looking for a job or looking to develop their career. While a number of approaches and perspectives are common to all people searching for jobs, many will require more emphasis for those with disabilities.

Identifying employment needs

People's employment expectations and requirements vary considerably. It is important that you try to work out what it is that you want from your job and how a job can build on your strengths.

What motivates you to work?

Is it security and a regular salary, excitement and challenge, or status in society? Do not underestimate the importance of identifying what it is that you are looking for in a job.

Be realistic. Most people aspire to an exciting job with full benefits and a good salary. Many will find that their first jobs do not provide these things, but do offer the potential of advancement. It is worth asking those who have secured their desired job about their experiences. Key to success is establishing a goal and identifying the stepping stones along the path to its achievement.

Get experience. It may be difficult to assess how your disability will affect you in a prospective job. Use every opportunity you can to try new experiences and gain new skills. By so doing you will gain a greater understanding of where your abilities lie. The knowledge you gain will help you assess your suitability for a specific job, and what accommodations you may need to request to overcome any difficulties.

In summary

- Get some help in considering these issues from professionals (FÁS/LES or manpower placement services), family and friends.
- Become aware of your strengths. Use your strengths to help you get a job and to achieve your career objectives.
- Remain in control. Be the one to make things happen. Do not wait until you are offered.
- Take special note of the career directions that your interests point you towards. You are more likely to experience both job satisfaction and job success if you are motivated by an interest in your work, and a personal commitment to your chosen career.
- Try to remain flexible. If you refuse to consider alternatives to the path or career you have chosen then you may miss some great opportunities.
- Make sure that your options or goals are realistic. Try to work out how your disability may affect those goals and inform yourself of any accommodations you may need in the workplace.
- Use all available opportunities to gain work experience.
- Learn to prioritise. You can practice this skill when moving through the job search process. Put your objectives in order of priority. In the workplace, this skill will help you to handle a heavy workload and also work to deadlines.

Where to look

Once you have decided on the direction of your career, there are numerous considerations in find-

Use every opportunity you can to try new experiences and gain new skills. By doing so you will gain a greater understanding of where your abilities lie

ing the job, the first one being where to look. While the local and national print media are the usual starting point, not all advertising is media-related.

Consider the following in undertaking your job search:

- FÁS database;
- family and friends;
- recruitment agencies;
- recruitment websites;
- websites of potential employers;
- local employment service (LES);
- supported employment offices;
- resource centres for the unemployed;
- jobs clubs;
- local and national radio;
- internal networks involving trade-related magazines, websites and professional bodies, and even shop windows and public notice boards;
- draw up a list of possible employers in the local area and contact these directly.

The amount of information an employer can include in a job advert is often limited, therefore do not base your decision to apply (or not) solely on the advertisement. Contact the company to get more detailed information on the job specification.

Disclosure of a disability

People with disabilities

Deciding on the appropriate time to inform an employer of a disability is a difficult decision for many. A range of factors can influence this decision. These include the type of disability, the issue of supports, the reaction of your employer and co-workers to your disclosure, experience of negative reactions to their disclosure in the past or the perception that they will be discriminated against and treated unfairly when searching for, or in, employment.

It is important to recognise that in many instances, the disability may be apparent to the employer and therefore the issue of disclosure is decided by the nature of the disability. In addition, some individuals will need to work with appropriate support personnel (eg, job coach) to make an informed decision in relation to this.

Managing a disability in different environments

You may have a disability from birth or have acquired one as a result of illness, accident or other activities. The supports you may have, your lifestyle and demands on your activities may change and will differ from other people, including other people with disabilities. Disability affects people in different ways.

getting a job

You may have developed ways to overcome your disability in everyday life, at home, in school, in training etc. Other people may have been involved, eg, professionals, family or friends. Their assistance will depend on you disclosing your disability and allowing them to become familiar with its impact in various circumstances.

Employment is one of the most important of life's activities for many people. The often competitive, performance-related environment can make this distinct activity a challenging one. Managing disability in the workplace can draw on the experience gained in overcoming barriers in respect of other life activities.

Disability may or may not be a factor in finding or doing a job. You may not need to disclose a disability if there is no impact on the job or the work environment, or if the impact is not relevant to your job performance (ie, if you do not require any accommodations to be made to the workplace, changes to the organisation of work or assistance from colleagues/managers).

The general concerns of many in relation to disclosure derive from:

- current low levels of employment of people with disabilities;
- discrimination experienced in school, college, the local community and employment;
- the reactions of the employer and work colleagues to the manner and timing of the disclosure.

People who have gained work experience will have developed ways of overcoming the challenges and barriers associated with the workplace, and disclosure will be easier when they can confidently speak of previous work experience.

If you have not worked, are returning to work, or are taking up a new position in the same company having acquired a disability, you may be unaware or only partially aware of its impact in your new work environment.

Why should anyone disclose their disability to prospective/existing employers?

While a range of disabilities are obvious, others are hidden. Disclosing information about your disability should always be a personal decision and have a personal or practical purpose. You may have good reason to be concerned about disclosure. You may initially choose not to disclose a disability. However, non-disclosure can be stressful and counter-productive in the longer term, where the cooperation of colleagues and reasonable accommodations may be needed to overcome challenges and barriers related to the employment environment

Whether you disclose information about your disability or not will largely depend on how you feel an employer may react. Some employers need time to become more aware of the issue of disability, adopt positive action programmes and a commitment to the prospects of employing people with disabilities. However, progressive employers have

already adopted equal opportunities policies and will approach any accommodation you may need with goodwill. For these employers, there can be no reasonable expectation of accommodating the needs of prospective or existing workers if they know nothing of your disability.

Preparation

Preparation is the key. Take time to ask yourself some questions which will help you to think through whether or not you need to disclose your disability.

- Have you established how your disability may affect your job performance?
- Have you done your research on the employer and the business?
- Do they promote equal opportunities? Can you take advantage of a positive or equal opportunities environment?
- Have you identified what accommodations or assistance you may need?
- Have you visited the workplace or spoken to anybody that works there?

If, after answering these questions, you find that you will require additional supports in the workplace, you will need to decide on an appropriate time to disclose that you have a disability. In this case, it is important that you adopt a positive approach.

Adopt a positive approach and promote your abilities.

- Prepare a positive way of disclosing your disability and its impact. Promote the skills you have developed to overcome it.

Finding ways to overcome problems reflects strength of character, flexibility, innovation and maturity.

- Employers must make a reasonable effort to accommodate the needs of people with disabilities in the workplace. This requirement is subject to the principle of disproportionate burden (Council Directive 2000/78/EU). It would be useful to indicate to employers sources of assistance to accommodate your needs in the workplace (see Appendix B).
- You will be in a better position of trust if you can give full details of your disability to your manager or employer. Check if the company has adopted an equal opportunities policy. Speak to your work colleagues or union/employee representative if you are in employment and check if there are other people with disabilities working in the organisation (or other similar organisations) and find out how they disclosed their disability.
- Make sure you control the manner and timing of the disclosure of your disability. Rehearse what you will say.
- Disclosing your disability can help to explain gaps in work experience and on your Curriculum Vitae (CV) which might otherwise have counted against you when applying for a job.

When to disclose a disability

a) On an application form/CV?

When formally applying for a job you will be required to fill in an application form or submit a CV with a cover letter. These documents provide opportunities

Make sure you control the manner and timing of the disclosure of your disability. Rehearse what you will say.

to disclose and discuss the impact of your disability at the earliest stage of recruitment. You will need to judge whether or not this is the right time for you based on your requirements for support.

The detail required in these documents can vary considerably depending on the job, the size of the organisation, and whether formal recruitment procedures exist in an organisation. An application form normally has space to provide additional information, while a CV is less restrictive but does require a certain layout.

Disclosure at this stage may be an advantage where:

- the position is working with or for people with disabilities, and your experience would be viewed as being essential for the job;
- you may feel that your disability and your life experiences have given you a range of skills that will help you to do the job successfully – in this case you may wish to disclose in the section on the application form that asks about why you feel you are suitable for the job.

The application form

Application forms may include a question seeking information as to whether you have any special needs. If you know that, without certain accommodations, some of the job requirements will be very difficult, eg, answering the telephone if you have a hearing impairment, then you have three choices:

1. disclose and discuss the impact of your disability;

2. indicate on the form that you intend to discuss the issue at the interview stage;

3. leave the question unanswered with a view to discussing it at interview. Remember, if you require accommodations for the interview you will need to contact the prospective employer in advance and tell them what supports you may require.

CV

Your CV should contain information about previous employment (if any) and skills that have been acquired as a result. This provides evidence to the potential employer that your disability has not impeded your career development or job performance.

Cover letter

It is normal protocol to submit the CV with a cover letter. In general, it is recommended not to disclose your disability in your cover letter unless it helps to satisfy the job requirements. If you do so, you will need to take great care to stress the positive and emphasise your ability to do the job.

b) When invited to an interview

If you feel that disclosing your disability before the actual interview is the most favourable time to do so, then there is always the option of contacting the interviewer personally between the offer of the interview and the interview itself.

getting a job

Make sure that you call the company and find out precisely who will be doing the interview and speak to them directly. If you are to be interviewed by a panel, ask who will head the panel and speak to them. When you are fully prepared, make the call and disclose your disability in as confident and positive a manner as possible.¹

If you do choose to disclose your disability at this point, only do so to a person who will be part of the interview process. It is best to avoid leaving a message with another person or on an answering machine, as your message may be delivered in a manner that portrays your disability in a less than positive light.

Benefits of disclosing on invitation to interview are:

- the time gained to prepare a positive message;
- the employer will have time to adjust and seek information before the interview about accommodating your disability in the workplace;
- the employer will have an opportunity to put the right supports in place to accommodate your needs at the interview.

The disadvantage in disclosing at this stage is:

- you are still not face-to-face with your interviewer and will have to discuss it over the phone. This may not give you the same degree of control over the discussion as in an interview situation.

Even though disclosure is a personal choice and is based on whether your disability will affect your job performance, an employer may see may to disclose a disability during the recruitment process negatively. In many cases employers are open to hiring a person with a disability, and failure to disclose might result in a missed opportunity.

If you have a non-visible disability then the situation is by no means as clear. Before disclosing, there are some questions you need to ask yourself.

- Is my disability going to affect me in the workplace?
- Are there compensatory techniques I can learn, or are there simple accommodations that I can put in place to compensate for my disability?²
- Will I have to rely on co-workers to support me and will they resent this?
- If absences are required for medical or other reasons, how will I explain such absences? Will it look like I have a lack of dedication and am performing poorly in my job?
- Is it in my best interests to disclose my disability at this time?

c) When you first meet at the interview

The first few minutes will set the tone of the interview and are often the time when interviewers makes their initial judgement of your suitability for the job. Remember that interviews should

not focus on your disability but on your skills, abilities and your suitability for the job.³

Be prepared to assure the interviewer/panel that you have the requisite skills to perform the job to the highest standard. Present examples of how you have handled other jobs or life experiences, showing that you can manage the impact of your disability with or without appropriate assistance.

Employers are often unaware of the kinds of supports that are available to them and also of the cost involved in employing a person with a disability. Equality legislation makes it difficult for an employer to ask these kinds of questions during the recruitment process. Therefore, it would be helpful to know what kind of supports you may require and the grants that are available, so that you can inform the employer.

You need to decide at this point whether or not to disclose your disability on the basis of a well prepared message. If you do disclose, be prepared to talk about your disability and how it affects you. Providing the employer with other sources of information concerning your disability would also be helpful.

Attitude is one personal characteristic that employers look at closely. If you demonstrate a positive determination to overcome any negative impact of your disability, you are more likely to be successful in your job search.⁴

^{1, 2 & 3} Disability Services at University of Northern British Columbia *UNBC Resource Book on Disclosure and Self-Advocacy Issues for Students with Disabilities*

d) At the conclusion of the interview

Disclosure at this point is really only an option for people with non-evident disabilities. The danger of disclosing at the conclusion of an interview is that you may be introducing an element of doubt at the last minute. The discussion in the last few minutes of an interview is the one that the employer will probably remember. Surprises like this can be difficult for employers to deal with, as they may feel inexperienced, unprepared for the situation and wary of overstepping the boundaries of the equality legislation. This may overshadow the atmosphere of the interview. However, if you make the disclosure in a positive manner, you can capitalise on the successful way that you have communicated your skills and abilities. You may further convince the interviewer that you satisfy the job requirements.

If you have a non-evident disability, you should consider your options carefully. Think about whether it will affect you in the workplace, but also consider whether your particular disability might become apparent to your employer at a less-than-optimum moment.

e) When you receive the job offer

This is the last opportunity to disclose before you actually start work. Realistically, disclosure at this stage is only an option for those with invisible disabilities.⁴ At this stage you will know more about the requirements of the job than

If you demonstrate a positive determination to overcome any negative impact of your disability, you are more likely to be successful in your job search

at the application stage. This will help you with your decision to disclose at this point.

It is difficult to predict how an employer is going to react when you disclose at this point in the recruitment process. They may express concern that you have withheld such information or express surprise at how well you have disguised your difficulties.

f) When you start work

This stage is clearly important for those people returning to work, to the same or a different job, having acquired a disability. Are you well prepared and do you know the duties that will be demanded of you in your job? If there are aspects of your job that you can do well without accommodations, then it might be useful if you can demonstrate this fact before disclosing.

If the disability is going to affect you in all parts of your job, but you know that with accommodations you could do the job well, do not wait any longer before disclosing. If you wait until you are underperforming then your employer will look on your disclosure as an excuse for bad work performance. If your disability presents a health and safety hazard/risk in the workplace, you are obliged to disclose it. In such a case you have a duty of care to yourself and others. The

employer is legally obliged to minimise risks and hazards, and should cooperate with you in ensuring a safe and healthy environment for you and your colleagues. Remember that an employer is also responsible for the health and safety of visitors with disabilities to the workplace.

g) When problems arise as a result of your disability

Many of the considerations and recommendations identified apply at this stage, but the disclosure will probably be received in a less than positive manner. The understanding and assistance of your work colleagues at this point is therefore particularly important, as they will have to accommodate your needs in the absence of any preparation. If you have a work colleague or supervisor who you think may be sympathetic, by all means discuss your disability with them first.

Do not rely on the supervisor or work colleague to be your advocate. The employer will not appreciate being the last to know. Be well prepared to describe exactly what accommodations you may need and provide the employer with some helpful information as to where they may be able to secure assistance and advice.

⁴ & ⁵ Disability Services at University of Northern British Columbia *UNBC Resource Book on Disclosure and Self-Advocacy Issues for Students with Disabilities*

h) Employers' concerns

It is important to be aware that employers may have a number of questions and concerns about employing a person with a disability. The following are some examples:

- The functional limitations of your disability, ie, will your disability affect your work performance or attendance?
- What will be the cost of present and future accommodations you may need?

If you can clearly identify potential problems to the employer, and at the same time provide solutions by way of accommodations, then you are more likely to have a successful outcome to the interview.⁶

Remember that you are the best equipped to inform of a solution in this situation, and the interviewer cannot possibly know what accommodations will or will not work for you. If you are unsure of either the kinds of accommodations that you could reasonably ask for, or what kind of accommodations would be most appropriate, then an excellent source of information is your local FÁS employment services officer or agency personnel with experience.

An employer may only ask about reasonable accommodation that is needed now or in the near future. An applicant is not required to disclose what may be needed in the more distant future. Such knowledge may not be available to the applicant.

Employers – what to do if an individual discloses that they have a disability

Employers should be aware of the difficulties faced by people with disabilities in securing employment. It is important to recognise that people with disabilities are not a homogenous group. It is generally accepted that there are four types of disability – physical, mental, intellectual and sensory. A person can have one or a combination of disabilities, either from birth or acquired subsequently. Fostering an understanding of these distinctions, and people's resultant needs, is the first step in encouraging the employment of people with disabilities.

The second step comes with an acknowledgement of ability. As with the general population, there are highly trained and educated people who can perform workplace tasks with limited or no assistance. Others may require a substantial amount of help, guidance and training. In this case, workplace grants are available from FÁS to employers to make the workplace accessible. Whatever the circumstance, employers should be aware of the supports available.

The third step is to realise that the anxiety a person is likely to experience in disclosing their disability is understandable, particularly where a company has no obvious equal opportunities policy. This applies equally to

those with disabilities who have no employment experience or who acquired a disability and are trying to return to work as well as coming to terms with the often devastating impact of the disability on their lives.

Whether a person applying for a job in your company tells you during the recruitment and selection process that they have a disability or, if a person working for you tells you they have a disability it is important to treat the information in the same manner.

These are a few guiding principles.

- Approach the treatment of the information with an open mind and in a positive and constructive manner, acknowledging the challenge of disclosure of disability in recruitment or job retention circumstances;
- Actively listen to what they have to say and take notes of the exact nature of their disability;
- Give them time to explain their disability to you as they may be nervous about confiding such personal information with a stranger/employer and may be wary of a negative reaction;
- Treat the information in a confidential manner;
- You can ask them about whether they will require any supports in employment. They may even be able to tell you what supports they require or where to access the information;
- Contact FÁS for information on

⁶ Disability Services at University of Northern British Columbia *UNBC Resource Book on Disclosure and Self-Advocacy Issues for Students with Disabilities*

example

A cleaning team work in an office building. One member of the crew uses a prosthetic leg that enables him to walk well, but climbing steps is painful and difficult. Although he can perform his essential functions without problems, he cannot perform the marginal function of sweeping the steps located throughout the building. The marginal functions of another team member include cleaning the small staff room, which is something the employee with a disability can perform. In consultation with the two employees involved, the supervisor switches the marginal functions performed by these two employees.⁷

the types of grants and supports that are available to you. A person with a disability may be unsure of what supports they require if they are returning to employment having acquired a disability or if they are applying for a job. FÁS will be able to guide you to the right source for information;

- In the case of an interview, do not diverge from the list of interview questions. It is very important to ask the same questions of all candidates;
- Do not ask any questions about their disability which do not relate to job performance or supports required in the workplace;
- Finally, do not make any firm decisions or conclusions based on a person's disability. Be open to difference and focus on their knowledge and abilities instead.

Reasonable accommodations

The Employment Equality Act, 1998 requires employers to take reasonable steps to accommodate the needs of employees and prospective employees with disabilities.

Definition

Reasonable accommodation can be defined as some modification to the tasks or structure of a job or workplace, which allows the

qualified employee with a disability to fully do the job and enjoy equal employment opportunities. Where the modification results in a change to the way colleagues do their jobs, they must be consulted as to the nature and extent of the modification required. Employers must also make accommodations to enable people with disabilities to return to work having acquired a disability, as well as to participate in the job application process and enjoy benefits and privileges accorded to other employees. Reasonable accommodation is an issue of law, not convenience.⁸

While employers should be aware of their legal obligations, it should be noted that they are not obliged to provide special treatment or facilities where the cost of so doing proves excessive/disproportionate. (*Please see the Council Directive 2000/78/EC or www.ibec.ie for further details*).

example

Finbar. *Position:* Administrative Assistant

Finbar has cerebral palsy. He can use his index finger and thumb on his right hand, but is unable to grasp objects with his left hand. He is unable to lift stacks of paper or handle boxes due to limited strength and range of motion in his elbows and shoulders.

Responsibilities: Dealing with correspondence and communicating with customers in the office and by telephone, filing, book-keeping, photocopying, word processing.

Summary of accommodations: Finbar has a file holder attached to his chair and the supervisor reorganised the wall shelving units so that the materials that were used most frequently were accessible. An electric hole-punch was also purchased.

Cost of accommodations:

File holder	€ 20
Electric hole punch	€ 104

Finbar was eligible to apply for the FÁS WEAG grant.

^{7 & 8} Public Service Employee Relations Commission 2002 *A Manager's Guide to Reasonable Accommodation* Victoria

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Categories of reasonable accommodations

- i) Changes to a job application process enabling a qualified applicant with a disability to be considered for a position.
- ii) Changes to the work environment, or to the way a job is usually done to enable a qualified individual with a disability, as a new or existing employee returning to work, to perform the essential functions of that position.
- iii) Changes that enable an employee with a disability to enjoy the same benefits and privileges of employment (such as access to training) as are enjoyed by comparative employees without disabilities.

The level of accommodation required in making a workplace or workstation accessible to a worker with a disability varies greatly. Rather than assuming that the costs of making a reasonable accommodation will be high, it is critical to establish what type(s) of accommodations are needed, as not all such accommodations require financial outlay. However, should costs be involved, grants may be available from FAS to offset them.

Examples of reasonable accommodations include:

- rearranging office furniture;
- installing a higher than average desk for a staff member using a wheelchair;

example

A cashier with multiple sclerosis becomes fatigued if required to stand for long periods of time. The employee requests a stool because sitting greatly reduces the fatigue. This accommodation seems reasonable because it removes the workplace barrier requiring the employee to stand when the job can be effectively performed sitting down.⁹

example

A cleaning company rotates its staff to different floors on a monthly basis. One employee has a mental health difficulty. While this does not affect his ability to perform the various tasks associated with his position, it does make it difficult for him to adjust to alterations in his daily routine. The employee has significant difficulty adjusting to the monthly changes in floor assignments. He asks for a reasonable accommodation and proposes three options: staying on one floor permanently, staying on one floor for three months and then rotating, or allowing a transition period to adjust to a change in floor assignments. These accommodations could be seen to be reasonable, as they appear to be feasible solutions to this employee's problems in dealing with changes to his routine. They also appear to be effective because they would enable him to perform his cleaning duties.¹⁰

- adapting standard equipment or providing something specially designed, eg, providing a Minicom (text phone) or a handset amplifier for use by an employee with a hearing impairment;
- adjusting or modifying tests and training materials;
- accepting that there may be alternative ways of accomplishing a given task or objective which were not taken into account during the preparation of the job description or selection criteria;
- providing company information in appropriate formats (eg, staff manuals, health and safety notices etc) and assisting in communication, where necessary.

If the person with a disability does

not know what, if any, accommodation is required, an occupational health specialist will be able to help in this regard. However, in all cases discussions should be held with the individual. If changes are likely to affect work colleagues they should also be included, and their views sought on the most practical way of removing barriers. A record of accommodations made for employees with disabilities should be kept to inform future actions and to avoid misunderstandings because of a change in personnel.

An employer is not obliged to recruit or retain in employment a person who is not fully competent or capable of undertaking 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 this can be facilitated through the provision of reasonable accommodations. Also, in determining an employee's

^{9 & 10} Public Service Employee Relations Commission 2002 *A Manager's Guide to Reasonable Accommodation* Victoria

competence, an employer must act reasonably and objectively. This may involve a number of steps such as communicating with the employee, determining the person's suitability for the job and carrying out a safety assessment. Failure to provide reasonable accommodation for people with disabilities can amount to discrimination.

The employment equality legislation allows for the provision of special rates of remuneration, treatment or facilities for persons with a disability, if by reason of that disability employees are restricted in their capacity to do the same amount of work (or to work the same hours) as able-bodied persons employed in the same capacity.

Disproportionate burden

(Council Directive 2000/78/EU)

Cost must be based on an assessment of the current circumstances that demonstrate that provision of a specific reasonable accommodation would cause significant expense to the employer. A determination should be based on several factors, including:

example

Susan. **Position:** Customer Care

Susan has a spinal cord injury. She has limited use of her arms and hands and uses a wheelchair for mobility.

Responsibilities: Dealing with incoming telephone calls, accessing computer database for product information and sales.

Accommodations provided: Susan's desk was raised to accommodate her wheelchair. A trackball mouse was purchased so that Susan could access the information on the computer.

Cost of accommodations:

Raised desk	no cost
Trackball mouse	€96

...employment equality legislation allows for the provision of special rates of remuneration, treatment or facilities for persons with a disability, if by reason of that disability employees are restricted in their capacity to do the same amount of work as able-bodied persons employed in the same capacity.

- the nature and cost of the accommodation requested;
- the overall financial resources of the employer and the number of employees;
- the impact of the accommodation on the operations of the business.

Employers must consider possible sources of funding, such as the FÁS Workplace/Equipment Adaptation Grant, when assessing the cost of a particular accommodation.

Whether the cost of a reasonable accommodation constitutes a disproportionate burden depends on the employer's resources, not on the individual employee's salary, position or status. If an employer finds that one particular reasonable accommodation amounts to a disproportionate burden, an alternative which incurs fewer costs may be adopted, as long as it is effective.

Frequently asked questions about reasonable accommodation

How must an individual request a reasonable accommodation?

At a time of their choosing, individuals should let the employer know that an adjustment at work is needed for a reason related to a disability (see section on disclosure). The request need not refer to the employment equality legislation or use the term 'reasonable accommodation'. A request may be made verbally or in writing.

example

An employee who is a wheelchair user informs the employer that his/her wheelchair cannot fit under the desk in her office. This is a request for a reasonable accommodation.¹¹

When should an individual with a disability request a reasonable accommodation?

An individual with a disability may request a reasonable accommodation at any time during the application process or during the period of employment. As a general rule the request should be

¹¹ Public Service Employee Relations Commission 2002 *A Manager's Guide to Reasonable Accommodation* Victoria

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made when they know that there is (or may be) a workplace barrier that is (or will) impede them, due to a disability, from effectively competing for a position, performing a job, or gaining equal access to a benefit of employment.

example

Before I had bipolar disorder, I was a laboratory technician. Manic depression did not take that away from me – I still have that knowledge, those skills, and that experience.

What must an employer do after receiving a request for reasonable accommodation?

If the need for accommodation is not obvious, once the disability has been disclosed, the employer may ask the individual for related documentation, so that any reasonable accommodation required can be agreed by all concerned. All accommodation requests must be based on a clear and legitimate work-related requirement.

An employer cannot ask for documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation. Nor can an employer ask for validating documentation when both the disability and the need for reasonable accommodation are obvious. It may be necessary to research the accommodation options available.

example

A warehouse worker in Kerry has diabetes and needs to avoid risk of a hyperglycaemic reaction. As the workplace canteen is quite a distance from the warehouse, the employer installed a soft drinks dispensing machine in the warehouse.

Must the employer provide the accommodation that the individual requests?

A sensible, reasonable and objective approach to this situation should be adopted. An employee looking for particular accommodations should justify their choice and as 'experts', their views should be taken into account by the employer. The employer may offer alternative suggestions for accommodations to remove the workplace barrier. Where there are a number of options, the employer may choose among accommodations as long as the chosen accommodation is effective in removing the workplace barrier and this is accepted by the employee concerned. Where there is doubt, a trial arrangement needs to be considered. If there are two possible accommodations, and one costs more, or is more difficult to provide, the employer may choose the one that is less expensive or easier to provide, as long as it is effective.¹²

An employer is not required to:

- eliminate an essential function of the job;
- provide personal use items if they are also needed off the job, such as eyeglasses and hearing aids;
- tolerate disruptive behaviour or poor performance by a person with a disability.

May an employer tell other employees that someone is receiving an accommodation?

An employer may respond to a question about why a co-worker is receiving different or special treatment by highlighting the policy of assisting any employee who encounters difficulties in the workplace. The employer may also find it helpful to point out that many of the workplace issues encountered by employees are personal, and that, in these circumstances, it is policy to respect employee privacy. An employer may be able to make this point effectively by reassuring the employee asking the question that their privacy would similarly be respected if they were experiencing difficulties for whatever reason. Where the accommodation has a direct impact on the work of colleagues, they must be fully consulted and involved in its provision.

May an employer ask whether a reasonable accommodation is needed when an employee with a disability has not asked for one?

An employer may ask an employee who is known to have a disability if an accommodation is required.

¹² The US Equal Employment Opportunity Commission 1999 *Small Employers and Reasonable Accommodation*

Does an employer have to provide a reasonable accommodation to enable an employee with a disability to have equal access to information communicated in the workplace to able-bodied employees?

Yes. Employers must ensure that employees with disabilities have access to and understand information that is provided to comparable employees without disabilities. Access to such information needs to take account of any communication/comprehension difficulties an individual may have.

Does the employer's obligation cease once a reasonable accommodation has been made?

The duty to provide reasonable accommodation is ongoing during the employment of a person with a disability.

What are the steps to consider when making a reasonable accommodation in the workplace?

Accommodations should be determined on a case-by-case basis, but there are procedures that can be used as a guide. Following a disclosure of disability or a request for an accommodation, a dialogue should take place between the applicant/employee with a disability and the employer.

Step 1: Decide if the employee with a disability is qualified to

perform the essential functions of the job involved with or without an accommodation

Step 2: Identify the employee's workplace accommodation needs by:

- involving the employee who has the disability in every step of the process;¹³
- exploring ways of providing workplace accommodations;
- using job descriptions and job profiles to analyse essential functions of the job;
- consulting with the individual to ascertain the precise job-related functional limitations and how these could be overcome with potential accommodations;
- consulting with co-workers who may be affected by any of the proposed accommodations;
- consulting with rehabilitation professionals where necessary.

Step 3: Select and implement the most reasonable and effective accommodation that is also the most appropriate for the employee and employer.

Remember: Accommodations selected should be effective, reliable, easy to use, and readily available for the employee needing the accommodation.¹⁴ An employee should try the product or piece of equipment prior to purchase if the equipment has to be purchased.

Step 4: Check results by:

- monitoring the accommodation to see if the adaptation enables the employee to complete the necessary work task(s);

- keeping a record of the accommodations provided;
- periodically evaluating the accommodation(s) to ensure effectiveness.

Step 5: Provide follow-up, if needed, by:

- modifying the accommodation if necessary;
- repeating the steps outlined above if appropriate.

Examples of reasonable accommodations

A person who uses a wheelchair could not use the furniture in the office provided for her because the desk height was too low for the wheelchair to fit into it. Raising the desk with wooden blocks allowed the proper amount of space for the wheelchair to fit in, thus saving the expense of purchasing a special desk

Estimated cost €0.00

A person with the use of only one hand needed to be able to use a camera as part of his job. A tripod had proven to be too cumbersome. By providing a waist pod (such as used in carrying flags), he was able to manipulate the camera and keep his job.

Estimated cost – approximately €48.00

^{13 & 14} The Able Trust Employer Resource Kit Because People Want to Work Florida Governor's Alliance for the Employment of Disabled Citizen www.abletrust.org

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A seamstress diagnosed as having carpal tunnel syndrome due to repetitive wrist motion purchased a pair of spring-loaded ergonomically designed scissors.

Estimated cost – approximately €19.00

A headset for a phone was purchased that allowed an insurance agent with cerebral palsy to write while talking.

Estimated cost – approximately €60.00

An office worker with limited use of her hands was provided with a special type of folder for her desk. This prevented her from having to reach across her desk and allowed her to remain in her job as before.

Estimated cost – approximately €80.00

A one-handed person working in a catering service was able to perform all of the tasks in her position except opening cans. A one-handed can opener enabled her to perform that one remaining task.

Estimated cost – approximately €29.00

A groundskeeper who had recovered from a stroke had limited use of one arm and needed to be able to rake grass to maintain his position. The use of a detachable extension arm on the rake allowed him to grasp the handle on the extension with the affected hand and control the rake with his functional arm.

Estimated cost – approximately €65.00

A timer with an indicator light allowed a medical technician who was deaf to be able to perform the laboratory tests required for her job.

Estimated cost – approximately €27.0015

Examples of making the workplace accessible

The workplace can often be made accessible with minimum effort. The employer is not required to do anything under the Employment Equality Act that would result in a breach of any statutory obligations under health and safety legislation.

Listed below are some of the facilities that could need to be tested for accessibility to allow easy access to, and within, the workplace.

Outside/entering the building

- Are disabled parking spaces available near the building entrance and are they clearly marked?
- Are set down areas and pedestrian routes clear of obstructions?
- Is there level or ramped access at the entrance to avoid steps?
- Are pathways and ramped access slip resistant?
- Are there clear directional signs to the entrance of the building?
- Is the doorway wide enough for wheelchair users?
- Is the location of doorbells or intercoms at an accessible height for wheelchair users?
- If premises are accessible through use of intercom, are there visual or other indicators put in place for people who are hearing impaired or deaf?
- Are there audio or warning sounds which indicate opening or closing movement of doors?

The reception area

- Height of counters and desks may obstruct communication or cause difficulty for a wheelchair user, as would the height level of public telephones, light switches, control buttons and coat rails.
- Counters/reception partitioned with glass may obstruct communication with a person with a hearing or speech impairment.
- Have staff members received disability awareness training and are the receptionist and other staff members aware of how best to facilitate people with disabilities?

- Is the entrance and reception area spacious enough to allow wheelchair users get past other waiting visitors?

Meeting others and taking breaks

- Are the entrance, reception area, corridors, canteen and all other areas generously sized and free from obstructions to allow everybody move around comfortably?
- Is there a good level of lighting in meeting rooms, corridors and the reception area?
- Are canteen facilities at a height to avoid accidents or spillage?
- Are provisions made for special dietary needs?

Changing levels/ getting upstairs

- Is there a lift and is it located in an area for easy access?
- Are there gentle stairs located in an area for easy access?
- Are warnings at the top and bottom of stairs and signposts legible and well lit?
- Are there warnings at stairwells or other hazardous areas for people that have visual disabilities?
- Are there handrails on all the stairs?

Toilets

- Are toilets accessible by lift or ramp if located on another level or floor?
- Is there sufficient room in toilets to allow a wheelchair user move around comfortably?
- Are washbasins, hand dryers, switches and mirrors at an accessible height for all users?

Workspace

- Chairs should be at the proper height with back support.
- Getting a wheelchair under a desk or table may prove to be difficult and therefore involves height consideration for desks and tables.
- Ensure storage of files, stationery and pigeon holes for post are at an accessible, low level.
- Provide assistive technology for the person to use the computer, such as Screen Reader software, voice activation, headphones and/or speakers or screen magnification.

Work experience

Previous work history is often an important consideration for employers in the process of filling vacancies. However, applicants with a disability may not have had the same opportunity as their peers to acquire employment experience. Therefore, the opportunity to avail of good quality work experience is of great benefit to people with disabilities. It allows candidates the opportunity to acquire practical employment skills and useful CV references while also demonstrating their abilities.

Employers can also benefit from providing work placements for people with disabilities, as it enables them to improve their awareness of their abilities and increases awareness of the issue amongst staff.

Flexible working arrangements

The concept of work/life balance has been promoted for several years as a means of helping

employees to reconcile family and working life. Many employers have implemented work/life balance policies for this reason, but such policies can also constitute a form of reasonable accommodation, as they can help with the retention of people with disabilities and retain employees that acquire a disability over the course of their working lives. Some examples of work-life balance policies are:

- part-time working;
- flexitime;
- job sharing/job splitting;
- compressed working week;
- reduced working hours;
- personalised/flexible hours;
- e-working;
- term-time working;
- work sharing;
- information resource service;
- employee assistance programmes;
- career breaks/secondments.

For further information on work/life balance policies see IBEC Guide to family-friendly/work-life balance policies or the ICTU Toolkit to family-friendly policies.

example

An employee with cancer is undergoing chemotherapy twice a week, which causes her to be quite ill afterwards. The employee requests a modified schedule – leave for the two days a week of her chemo-therapy. The treatment will last six weeks.

Health and safety at work

Contact IBEC or ICTU for further information on health and safety in the workplace.

Adjustments may need to be made to health and safety policies and procedures to accommodate the needs of people with disabilities. It is critical that employers undertake a risk assessment and discuss these procedures with all relevant parties.

When drawing up a safety statement remember to:

- assess the individual's capabilities;
- involve the employee concerned;
- consider all the relevant work place health and safety factors;
- identify the actual duration and frequency of hazardous situations;
- assess the risk to the individual and others;
- identify potential adjustments and implement them;
- evaluate and review the situation periodically;
- provide visual alarms to ensure safety of employees who are deaf or hearing impaired;
- ensure instructions are provided in accessible formats;
- provide directions for buildings;
- plan ahead;
- establish evacuation routes;
- assign 'buddies' to those who may need assistance during emergency evacuation.

3

recruitment and selection



A good recruitment and selection procedure will result in the appointment of the candidate who is best qualified for, and suited to, the job. However, there are a number of steps that can be taken as part of a positive action programme to accommodate the needs of people with disabilities applying for a position. It is important to remember that it is prudent to put the following suggestions into place, irrespective of the existence of a positive action programme in the workplace.



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recruitment and selection

The support of senior and middle management, supervisors and co-workers is a pre-requisite to the success of a positive action programme for people with disabilities. Senior management play a key role in ensuring that people with disabilities are recruited and promoted into a range of positions at all levels within the company. Middle management and supervisors are generally involved in all stages of the recruitment and selection process. They are the first point of contact with an applicant and, as such, are the people who receive the job applications/CVs from people with disabilities and make the decision to call them to an interview or reject their application. As a result, they will also have a significant influence on the public perception of the company.

As well as responsibility for recruitment and selection, middle management and supervisors are responsible for the induction, integration and training of new employees into the workplace. Starting a new job or returning to work after a prolonged absence can be a daunting experience. In some cases this may be made more difficult by a disability. The attitudes and support given by middle management and supervisors at this stage can mean the difference between success and failure.

Co-workers play an important role in the recruitment and employment of people with disabilities. The co-workers often establish the expected attitude and ethos for teamwork and productivity. Therefore, it is important that all staff members in a company contribute to policy and practice and are involved in decisions regarding their role in its implementation.

Some questions to consider are:

- Are you aware of the needs of individuals with different disabilities?
- How open are you to working with people with disabilities when it means some level of work reorganisation or changes in the manner in which the work was undertaken previously?
- As a trade union representative, have you reviewed past experiences of working with a person with a disability and improved (if relevant) support procedures?
- As an employee, have you consulted with your union official (where relevant) as to whether you can play a role in job analysis or job profiling to assist in making the exercise relevant to people with disabilities?

Job analysis

Job analysis is the first step in the recruitment process as it provides an organisation with the information needed to develop a job profile and personal specification. It can also be referred to when advertising, interviewing and shortlisting to fill a job vacancy. In addition, it can be used to identify the training needs of employees and referred to when considering promoting them. It is important to be aware of the fact that a job analysis describes the job, not the person who fills it. The analysis details the core and peripheral functions of the job, how it is organised, its setting/location and the qualifications required.

In the context of the recruitment of people with disabilities, it is a useful tool as it can:

- reduce the likelihood of the interview panel asking questions which could be seen to be discriminatory;
- develop objective and job-related selection criteria, thus helping to reduce the likelihood of bias emerging during recruitment;
- determine what supports or changes could be made to the work environment to assist a person with a disability in performing the job if they are recruited;
- inform objective performance appraisals.

To encourage the employment of people with disabilities, the following questions could be referred to when conducting the job analysis:

Essential functions

- What is the relationship between the tasks involved in the job? Is there a special sequence which they must follow? It is noteworthy that once shown the sequence of the tasks, employers have indicated that people with intellectual disabilities will follow that sequence to the highest standard each time.
- What physical activities are required to undertake the job?
- How is the job organised in the overall work environment? Could some reorganisation improve the opportunity for someone with a disability?
- Would removing some of the tasks to accommodate someone with a disability fundamentally alter the job?

Work environment

- Where are the essential functions of the job carried out?
- How is the work organised for maximum safety and efficiency?
- What are the physical conditions of the job setting (indoors, outdoors, underground, air-conditioned, dirty, greasy, noisy, sudden temperature changes etc)?
- What are the social conditions of the job (works alone, works around others, works with the public, works under close supervision, works under minimal supervision, works to deadlines)?

This information is particularly important for people with disabilities when applying for a job so that they can decide what supports and changes to the work environment (if any) they might need to fulfil its requirements

Skills/qualifications/experience

- What are the general skills needed for the job?
- What specific training is necessary? Can it be obtained on the job?
- What previous experience, if any, can be substituted for the specific training requirements?

Consultation with relevant service providers, in particular job coaches with supported employment consortia, can assist the employer in answering some of these questions.

Developing a job profile

Following analysis, a suitable and detailed job profile can be compiled. This tool can help an employer to find the right match between the requirements of the job and the qualifications and abilities of the people applying.

Establishing a job profile which encourages applications from people with disabilities requires further consideration of the aspects of a job which are essential, and identification of those that might not be considered so, but which might alienate or discourage applications from a person with a disability if included.

The job profile should:

- make a distinction between essential and desirable requirements for the job;
- be clear in the language used and, where possible, avoid jargon;

recruitment and selection

- encourage the application of a suitably qualified person with less experience, who can improve with on-the-job training;
- take into account, where feasible, non-mainstream educational qualifications.

Personal specification

The personal specification is drawn up on the basis of a job profile. It sets out the requirements for the job in terms of qualifications, personal skills and experience. Issues such as qualifications and experience should be examined carefully, and should only be included in the personal specification if they are essential requirements for the job. For example, a requirement to possess a driving licence, if driving is not an essential part of the job, might discriminate against certain people who are not medically permitted to drive, such as people with severe cases of epilepsy.

Advertising a job vacancy

Traditionally, employers have advertised job vacancies by placing adverts in local and national newspapers. However, limiting advertising to these media could result in a missed opportunity to tap into a wider labour pool, included in which are people with disabilities.

- (i) Content and wording of a job advertisement
- Equal access to job opportunities should be reflected in all company advertisements, job descriptions, personal

specifications and application forms.

- Ensure all advertisements convey positive messages welcoming applications from people with disabilities, and by stating in your advertisements that necessary arrangements can be made at interview stage to accommodate the needs of candidates with disabilities.
 - Avoid using terms like 'handicapped' and 'disabled people' in an advertisement. The correct term is 'people with disabilities'.
 - Review the job profile to make sure it is clear and easy to understand.
 - Make sure the information on job vacancies, job profiles and application forms is available in accessible formats for applicants who may be visually impaired or have a learning difficulty. If this information can be made available on your organisation's website, confirm that it is fully accessible to people with disabilities.
 - Provide an email address and/or fax number for alternative means for people with disabilities to contact the company for details of the job profile and/or to submit completed application forms/CVs.
- (ii) Placing of a job advertisement:
- Have you considered advertising within unemployment support services agencies, specific disability-related publications or with disability organisations?
 - FÁS may assist employers wishing to employ people with disabilities by listing vacancies.

Vacancy details can be registered through CALLNET (Tel: 1850667766), including a statement specifying 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 on the Internet.

- FÁS placement officers may also assist in identifying suitable candidates with disabilities for vacancies.
- The supported employment consortium in your area will have a database of people with disabilities seeking work and will refer individuals from its database, whose skills match the requirements of the vacant position (*see Appendix B for further details*).
- If you are using a recruitment agency, have you assessed its ability to accommodate potential candidates with disabilities?

What to avoid

An advertisement may discourage or prevent some people with a disability from applying for the position by asking for:

- A driver's licence – where this is not an essential requirement of the job;
- Five years' experience – where it is the skills gained that are important rather than the length of the experience;
- Someone who is 'fit and active' – this covers a wide range of physical states. The job description would need to specify what the height and

weight requirements are and why they are necessary. Most requirements can be overcome with a slight adjustment to the workplace;

- 'Must be able to work under pressure'. This is not an objective or a competence. Place more emphasis on skills, experience and the standards required. If there are pressurised parts of the job, be specific about what they are;
- Written applications where a phone number or address is not supplied will exclude and/or discourage some people with disabilities who are not able to write clearly. It would be useful to email a soft copy of the application form to applicants with disabilities so they can use a computer to type in the information.

Making the information accessible

Flexibility in the provision of information is a key positive action step for people with disabilities. Providing more than one way to respond to and access job application forms can help to meet the needs of this diverse group.

- Providing enlarged text of a job advertisement to a person who has difficulties reading the published text.
- Explaining what a particular job requirement means to a person whose intellectual or learning disability causes difficulty understanding the business jargon.
- Providing a variety of options (such as by telephone, fax or email) for people to find out more about a job vacancy or to reply to a job advertisement.
- Consideration should be given to

including the full selection criteria in the information sent to candidates. This is good practice in terms of equal opportunities; it also enables the candidates to make an informed decision about whether or not to apply for the post, thus reducing the likelihood of large numbers of applications from clearly unsuitable candidates.

Application process

Employers

In designing an application form for a position, an employer should take the following into consideration:

- the form should contain clear instructions that are simple to follow;
- the questions should focus on requesting information on relevant work-related educational attainments, skills, knowledge and abilities;
- there should be an option to outline non-mainstream but equivalent educational qualifications (a large proportion of people with disabilities have non-mainstream educational qualifications) and relevant work experience;
- as previously stated, the form should be available in a number of formats such as hard copy, large print, Braille and soft copy.

People with disabilities – guidance on the construction of a CV

A CV provides you with the opportunity to sell your skills and knowledge to an employer in order to get an opportunity of an interview. Your CV is usually the first detailed information about you that an employer will see. It usually includes:

- your name, telephone number and address;
- details of your current or most recent job;
- a description of your previous jobs;
- your educational qualifications;
- any other relevant experience, eg volunteering;
- hobbies, interests, sports and/or other activities;
- the names and contact details of your referees.

The following advice will be helpful in constructing or improving your CV.

- Analyse what you have to offer and emphasise your strong points.
- Sell yourself – the CV is meant to show an employer that your skills and experience will be useful and relevant to the job at hand. Emphasise what you have done well.
- Use evidence – back up the description of your skills with other people's opinions and objective facts. Be factual, do not lie or over-exaggerate your skills and work experience.
- Chronological order – if you are listing your career history, jobs, education and other experience, start with the most recent and work back in time.
- Target your CV – outline and describe how you meet the necessary and preferred requirements listed in the advertisement or job description to demonstrate that you possess the skills they require.
- Keep it brief – two pages

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should be the maximum for most jobs, as employers usually have many CVs to get through. Tailor your CV to match the job description, and leave out anything that is not essential. Elaborate covers should be avoided.

- Structure – make it simple and easy to follow.
- Spelling and grammar – make sure the spelling and grammar is correct. It may be a good idea to get someone else to read it for you, especially if you have any difficulties with language.
- Use white paper.
- Avoid gaps – if you have a gap in your work history, include an explanation for this.
- Always include a covering letter with the CV or application form.
- Disability-related skills – do not overlook any skills and experience gained because of your disability.

Applying for a job

Research, practice and gathering experience are fundamental activities in securing employment. The following are examples of some of the activities you can do to gain skills and abilities that will contribute to your employment prospects.

- Get experience in writing job applications and attending interviews. FÁS employment services officers, mediators with the LES service and job coaches with your local supported employment service can all help in this area, as can local Jobs Clubs, which deliver job-finding and interview skills training.

- Get information about the physical difficulties the work may involve so that you can suggest solutions at interview if asked. Where possible, visit the prospective place of work beforehand, talk to workers or union/employee representatives.
- Research the company background. This can be easily undertaken through accessing its website or contacting the company directly.
- Get as much work experience as possible, including voluntary work. Ask for references from these experiences afterwards.
- Choose whether or not to mention your disability in the job application form or later on in the recruitment process (see section on disclosure). Either way it makes sense to explain any restrictions to the employer, explaining how they can be overcome and how they can be coped with in the proposed job.
- Do not wait for jobs to be advertised. Initiative shown in approaching employers is highly regarded as an indicator of a motivated person who will make a good employee.

References

Use your family, friends and acquaintances as part of your network of possible sources or contacts regarding job possibilities, but never use a family member as a referee.¹⁵ Your last employer should be used as a referee, but make sure to ask their permission before doing so. Choose an employer you have got on well with.

There are three basic kinds of reference that you can aim for:

1. The character reference

Pick someone who has known you well, or reasonably well, for at least one year, preferably longer. The employer wants to know if you are honest, reliable, a hard worker, a good timekeeper and pleasant to work with. In other words, do you have the potential to become a useful employee?

2. The work reference

This can be particularly difficult to get if you have not had the opportunity to gain any work experience. It may then be a good idea to arrange to do some voluntary work. This does not necessarily have to be within the voluntary or community sector, though this is always a good source of work experience. It is sometimes possible to arrange for volunteer work in a company or business in the career field of your choice. As well as work experience, there are many other benefits. First, you will be expanding your network of contacts. Secondly, you could gain a valuable work reference. Thirdly, the experience will look good on your CV.

3. The skills and abilities reference

Pick someone who has had first-hand opportunities to observe your skills and abilities. You are the one who decides who will act as a referee for you. Choose wisely, since referees can have a very positive or negative effect on your chances of getting the job you want.¹⁶

¹⁵ & ¹⁶ Disability Services at University of Northern British Columbia *UNBC Resource Book on Disclosure and Self-Advocacy Issues for Students with Disabilities*

Aptitude Tests

Some companies organise aptitude tests as part of the screening process. This usually takes place before the interview stage, and it helps the company to identify suitable candidates. If additional tests are to be used by a company, familiarise yourself with the format of the test. If you require any accommodation or assistance in undertaking the test, inform the employer as soon as possible so that these can be put in place.

Interviews

Employers

At this point in the recruitment process all of the people on an interview panel should be appropriately trained in disability awareness to avoid asking discriminatory questions. Consideration should be given to an automatic interview for applicants who meet the qualification requirements and have disclosed a disability on their CV or application form. All necessary steps should be taken to ensure that the interview is fully accessible to those with a disability.

The selection process¹⁷

- Familiarise yourself with the requirements of the Employment Equality Act, 1998 and the range of grants and employment supports and services available.
- Clear descriptions of the company's expectations should be given to candidates in order to allow them to discuss their ability and willingness to meet those expectations.
- The company should regularly review its expectations and screen for practices which could contain systemic bias. It is useful to take the views of current workers/union officials (as appropriate) into consideration.
- Examine the interview process and ensure that it does not unintentionally disadvantage any candidates, including those with disabilities.
- Members of the interview panel should treat all candidates with equality, respect, and candour.
- Eligibility requirements should be based on qualifications rather than individual status or traits.
- Gender-neutral language should be used.
- All candidates should be asked the same open and direct questions about their ability to perform.
- Questions relating to a person's ability to do a particular job should be discussed with the individual before the final decision is made.
- Outline the decision-making process to each candidate.

Note: For effective communication tips when interviewing an applicant with a disability please see Section 1

example

An employer sets job candidates a short oral test. An applicant has a speech impairment, which worsens when under stress. It may be a reasonable accommodation to allow the applicant more time to complete the test, or give the test in written form instead, though not if oral communication is relevant to the job and assessing this was the purpose of the test.

Person with a disability

Going for an interview

The interview process is your opportunity to sell yourself as the best candidate for the job. Therefore it is vital that you make a good impression at the interview. It is important to remember that a different approach can be adopted between a panel interview and an interview conducted by one or two people. With a panel, the interview will be broken into specific sections such as background information, work history and questions relating to the job. With a one- or two-person interview you can be asked to speak about your abilities and therefore there may be a greater onus on you to be prepared to highlight achievements and skills that directly relate to the job

Before the interview

- Seek help and practice interview procedures with professionals, friends or family.
- If you require specific accommodations for the interview, these should be arranged well in advance. Arrive early to give yourself time to negotiate unforeseen hazards,

¹⁷ The Law Society of Saskatchewan *Guidance for Equitable Interviews, Equity and Diversity Policies*

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familiarise yourself with your surroundings and relax before interview.

- Be prepared to answer work-related questions regarding your disability if you have disclosed or if you have an obvious disability.

At the interview

- Talk to the employer about your ability to do the job – be positive and enthusiastic.
- Do not be afraid to ask for clarification of the requirements of the job or any of the questions you have been asked.
- If you have a visual impairment, ask the panel to introduce themselves and indicate seating if this has not already been done.
- If you will require accommodations to perform the job (if your interview is successful) you may need to discuss this (*see disclosure section*).

Pre-employment medical exam

An employer should always arrange for a successful candidate to be medically examined before offering them a job, irrespective of whether they have a disability or not. The company should provide the doctor with a full and detailed job description before examining the candidate. Job descriptions should include all of the relevant requirements for doing the job, including the most basic elements such as lifting, bending, driving and travel. If the doctor finds that the candidate cannot do the entire job because of a disability, the doctor should be asked to give an opinion as to whether any special treatment or facilities (special induction, lighting, seating or gloves, for example) might be available to enable the candidate to meet all of the requirements. The employer should also seek the assistance of other professionals as appropriate, ie occupational therapists.

④ in employment

4 in employment





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in employment

Induction process

What is induction?

The purpose of induction is to gradually introduce a new or existing employee who has acquired a disability, to their new work environment. Induction involves gaining insight into:

- the reality of a new job, ie, the specific aspects of the work (how it is performed), the expectations of the employer and initial on-the-job training;
- how an organisation works, ie, the role of the new employee within the overall work environment and how that employee interacts with and relates to supervisors, team leaders and other work colleagues.

A range of factors will determine whether or not an organisation or company provides an induction process for new staff. While in some circumstances a new employee may be thrown in at the deep end, this is not good practice and most companies or organisations will provide some form of induction, either informally (sit and watch) or through more formal procedures.

Induction is a process which may take place irrespective of whether or not there is an official probationary period. It is usually led by a supervisor and involves the collaboration of work colleagues.

For people with disabilities who have successfully come through the interview process, effective induction is critical. Many leave their new jobs at an early stage due to the lack of or ineffective induction.

Depending on the nature and severity of the disability, it is at this stage that initial physical, communication, attitudinal and other barriers manifest themselves, requiring an appropriate response. It should be remembered that for employers, people with disabilities and co-workers, the initial response can often be experimental or temporary. The induction process should be regarded as the initial phase of an integration programme which identifies particular needs and provides appropriate accommodations and ongoing support, as necessary.

It is equally important to remember that a new employee with a disability got the job on the

basis that they are capable of undertaking the work, with (or often without) some form of accommodation or assistance. The induction process is about how to do the job and what forms of assistance are required to realise that capacity, not whether or not the job can be done. The induction period, depending on the complexity of the work environment or tasks involved, is usually quite short, but more time may be necessary when the new employee has a disability, depending on the nature and severity of that disability.

For employers, co-workers and people with disabilities, the induction process can be, to varying degrees, both a stressful and apprehensive time. The management of the work environment, appropriate assistance, education and training, collaboration of management, work colleagues and people with disabilities require sensitive consideration and appropriate action. As the process continues, where barriers are addressed effectively, it can be a confidence-building time, where an employee with a disability can enjoy the benefits of working life and the workforce and employer can benefit from their contribution.

Developing a disability-friendly and informed work environment

The approach to induction will depend on whether or not the company or organisation has a track record in employing people with disabilities and a flexible policy in relation to issues which may arise. A company/organisation may already have a well established induction process, influenced by a disability/equality officer who is more aware and experienced in dealing with such issues. Such a person will recognise the importance of the induction phase, be aware of potentially prevalent reactions or attitudes among management or the workforce, and will provide relevant training and consult those concerned in order to influence misconceptions and address problems at the earliest possible stage.

Alternatively, a company may be in the position of employing a person with a disability for the first time, in the presence or absence of a formal induction process. In such circumstances, the person with the disability will be breaking new ground and, generally speaking, managers, supervisors and co-

workers will not be aware of the issues involved. There is clearly scope for such a company to gain insight from the induction processes of other organisations through the exchange of best practice. A person with a disability in these circumstances should try to discuss their situation with a person with similar experience and contribute to ways of overcoming barriers as they emerge. There may also be some level of experience among co-workers or union officials, which should be harnessed. It is essential that the induction process is characterised by a collaborative approach.

Disability awareness training

Appropriate and targeted training is often key to improving communications, addressing misconceptions and building a positive environment before or during induction. The training should be available to all relevant personnel, tailored to reflect the individual roles and responsibilities in the company – managers, supervisors, health and safety officers/representatives and colleagues. It is advisable to schedule disability awareness training even if there are no people with disabilities currently employed.

example

An employee with a learning disability is undergoing induction and on-the-job training at a company. He has been hired to deliver messages. It is noticed during his training that he often mixes up messages for 'R. Naughton' and 'T. Naughton'. The supervisor knows about his disability, suspects that the performance problem is linked to it, and knows that this particular employee may be unable to ask for a reasonable accommodation because of his disability. The supervisor asks the trainee about mixing up the two names and asks if it would be helpful to spell the first name of each person. When the trainee says that would be easier, the supervisor instructs the receptionist to write the full first name when messages are left for one of the Naughtons

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Some disabilities may have a changing impact on a job over time, either positively or negatively. Issues which were identified and addressed during induction may need to be revisited and appropriate actions taken. Disability awareness training grants are available from FÁS. Such training should be undertaken as part of the working schedule and activities to ensure good attendance.

Accessing advice

There are a range of organisations providing assistance, advice and support on aspects of disability. Supervisors, managers and work colleagues may also provide valuable assistance in relation to the organisation of work and how the job is to be performed if the environment developed during induction is one of collaboration. A list of service providers is included in Appendix A.

Initial on-the-job training

The initial induction process serves to build knowledge and awareness of the work environment and to provide initial on-the-job training. It may be necessary to review the way this training is delivered in order to take account of the needs of the new employee. Remember to give sufficient time and to ensure that training materials and job instructions are available in the employee's preferred format, such as large print, Braille, tape or disc.

Integration into the workplace

The nature of the relationship between new employees with disabilities and their managers, supervisors and work colleagues will influence the extent to which

integration is achieved. While a relaxed, supportive management style will encourage ongoing dialogue and closer relationships, a highly structured and directive management style will provide a more formal, less personal environment which may suit people who feel less comfortable with intensive dialogue about their disability. There are a variety of management styles. People with disabilities must be able to work with that variety. Appropriate awareness training should give managers insights into how to deal with individuals who are more sensitive about disclosing or discussing the impact of their disability.

Equally, the relationships formed with work colleagues are critical. Developing collaborative approaches during induction will assist in ensuring the cooperation of the workers on an ongoing basis. As the impact of the disability or work practices themselves may change over time, it is important to be in position to respond and to be able to rely on the support and cooperation of work colleagues in developing solutions to barriers which may emerge.

Assignment of roles and responsibilities

The assignment of roles and responsibilities in any company is essential to ensuring the effective integration of the employee with the disability. Dealing with disability issues often requires the engagement of a range of people, including the person with the disability, who are in positions to discuss, reflect and understand

problems and to contribute to or deliver a solution. This requires disability awareness training, problem-solving skills and ongoing commitment to engagement, as necessary.

Mentoring

A mentoring system should be considered for new employees with disabilities. This should be agreed between the new employee and the potential mentor and should have a specific timeframe. The system should operate during working hours or work-related social events. Employees with disabilities should also be trained as mentors. Everyone can benefit from the guidance of a more experienced worker, irrespective of disability.

Involvement

Employers and managers need to be careful to integrate employees into whatever workplace arrangements prevail. Where such arrangements involve teamwork, employees should have opportunities not only to work with others on group projects, but, when appropriate, to assume leadership roles. Where there is no formal team approach and the work is organised in a more traditional system, employees with disabilities should be involved in staff meetings and service/event planning. Employees with disabilities should also be involved in union meetings if they are members. This degree of involvement should also extend to social events, informal employee gatherings and sporting activities, for example.

Returning to work after acquiring a disability

Success in the integration of an employee returning to work after an injury, long-term illness or chronic health problem hinges on the expectations and attitude of the employer, the abilities of the returning employee and the support of the supervisor and work colleagues. A number of steps may be taken to facilitate a smooth and safe resumption of work:

- availing of all advice and support;
- implementing a formal return-to-work planning process and programme;
- communicating the policy in the employee handbook;
- providing supervisors with training that defines their roles and functions in the return-to-work process;
- ensuring that supervisors and employees know that you will work with them to find ways to modify an employee's job or work site if required;
- preparing up-to-date job descriptions;
- meeting with your employee to discuss accommodation options and ideas;
- defining and facilitating reasonable accommodations;
- availing of vocational rehabilitation counselling;
- developing temporary, on-site work options such as reduced hours or limited responsibilities;
- consulting with supervisors, trade union/employee representatives and employees

to identify ways in which the employee can return to work in an incremental fashion;

- providing appropriate awareness training for co-workers;
- constant communication should be maintained with the employee(s) in question.

Job task analysis

Undertaking a job task analysis will provide the basic framework within which appropriate assignments can be determined. Employees who perform the work are most familiar with how the work is done, and are a valuable resource in completing the task analysis.

A job task analysis breaks down each job into separate physical tasks and describes details required to do the work, such as endurance required, postures, work environment, equipment used, and weights of objects to be used. Having this information to hand will speed up the determination of appropriate assignments and facilitate a successful return to work.

Job descriptions

Accurate, up-to-date job descriptions assist doctors in making appropriate return-to-work determinations.

Duration of assignments

Alternate assignments can be considered temporary. Some modifications to the returning worker's current job may result in permanent changes. At times, it is only when the worker has returned to the workplace for a period of time that a fuller realisation is arrived at regarding restrictions in capability and accommodation needs.

FÁS support

FÁS operates a retention grant to encourage and assist employers in the private sector in retaining existing employees who develop a disability through sickness or injury while in employment. Employees who acquire an illness or disability can be offered retraining to work at their existing duties using modified techniques or to undertake alternative duties. *For more detail, see Appendix A.*

Other supports which can be accessed as part of the retention grant are the Workplace/ Equipment Adaptation Grant, Employers' Support Scheme and the Personal Readers Grant.

The key role of the supervisor

Gaining the support and commitment of supervisors, managers and team leaders requires planning, education, support, and feedback. Regardless of the nature of the work or the level at which the person with the disability is employed, their supervisor obviously plays a major role in the induction phase and is key to a successful integration of the worker with a disability. Subsequently, employers need to support the role of the supervisors in meeting the established needs of the new employee with the disability. This may involve providing written information, developing contacts with community resources, and interaction with other people who have disabilities. Depending on the size of the organisation, it might be best to develop a training programme for all supervisors, using available experience

in employment

and expertise to inform and develop the role of the supervisor in relation to handling disability. This will create an internal network and increase awareness throughout the organisation.

Knowledge of a person's performance expectations, reliability, and specific needs is paramount. For example, knowing that most workers with disabilities are extremely dependable and responsible will help the supervisor begin to see the person as an asset. Apprehension may not totally disappear until the supervisor has gained some degree of experience with workers who have disabilities.

Ongoing support from others, including top management, is important. Management must be clear about its commitment, providing consistent goals to the supervisor and the worker. Employers and other managers need to support and encourage supervisors who successfully manage workers with disabilities.

It is advisable to involve the supervisor in the employment process, including recruitment, interviewing, and job modification. Supervisors will know what is expected of them and will become aware of the independence that most workers with disabilities wish to attain. With the exception of possible job accommodations, the supervisor's role should not significantly change.

With the benefit of any necessary accommodation, a supervisor should ensure that an employee with a disability has the same opportunity as other workers to

fully and effectively perform duties, as well as access to training and promotion. Indeed, being overly cautious or protective will have a negative effect on the person's career mobility, self-esteem and relationships with co-workers.

It is possible that supervisors may be unsure of their own abilities and require extra coaching and support. A job coach from a supported employment office can also be of assistance in this regard. An employer can help ensure success for the supervisor by:

- carefully planning support processes;
- involving the supervisor in the employment process;
- providing education and resources;
- providing coaching and feedback;
- rewarding results.

Training

The degree of training undertaken in companies varies considerably. Good practice does indicate, however, that the capacity of companies to progress, grow and introduce new work practices requires investment in training, including on-the-job training. Such training should be available to all employees at every level, including those with disabilities. Training approaches must be examined to ensure accessibility for employees with disabilities.

For a person with a disability, training is vital, not just to learn the job initially, but also to move with changes and developments in the company. It is important that

people with disabilities participate fully in training on an ongoing basis. On-the-job training is often provided in a team situation so that co-workers might be called upon to provide assistance to a colleague with a disability. This provision should be available following consultation and collaboration between all concerned.

Existing employees who develop a disability or whose disability is progressive should be reasonably accommodated to be retained in employment. If they are no longer able to fulfil the essential criteria of their current position with or without reasonable accommodation, retraining for alternative work, reassignment or redeployment should be open to them.

Employers

Whether training is designed and delivered in house or externally, an employer should consider the following:

- Have employees with disabilities been consulted as to their training needs?
- Can the person being trained understand and apply the training?
- If variations in training are required, have these been identified and explained?
- Have the appropriate supports been provided to make the training accessible to all employees?
- Does the employee require more specific training, extra tuition time, an alternative format for course materials or a slower pace of delivery?
- What are the constraints with respect to training taking longer and costing more?

- If one of your employees who has a disability is an expert in the skill or topic being taught, consider designating that person as the trainer for the course.
- Are there external supports that can be used to overcome training-related constraints?
- Have you contacted your local supported employment office for details of supports on training issues?

An employee with disability needs to consider the following:

- Awareness of ability and skills.
- What career/work options are available that require further training?
- What training needs should I pursue?
- What is the system of accessing training opportunities in the company/organisation?
- Am I prepared to ask for help and, if so, from whom?
- In the context of training and disability, do I know what training supports can be drawn upon to help the employer as well as the trainee?
- Am I aware of sources of extra resources which could assist?

Note: Please refer to section 3 on accommodating disability in the workplace

Performance Review

Performance review usually involves the comparison of performance with the job description for the position and the goals and standards established when the individual was hired. The issue of reward for achievement can be linked to the review.

Person with a disability

A company conducts a performance review for the following reasons:¹⁸

- to assess your work during the period in question;
- to assess the impact of training you may have had and find out what kind of training you may need;
- to help you develop your role in the company/organisation;
- to set goals or targets for your future performance;
- to determine whether, and when, to promote you;
- to reward you based on how well you perform.

If it is your first review, the company may also consider how well you have integrated into the company practices and procedures and how you collaborate with others.

People with disabilities need to plan and prepare for their assessment:¹⁹

- in preparing for review, consider achievements in work to date and whether targets and goals, as set out in your job description, have been met;

- the review should be approached with confidence and suggestions on future improvements should be discussed and acknowledged;
- alternative accommodations to improve your performance should be considered;
- be prepared to also use the review as a forum to raise issues of concern or to identify areas in which you would like to receive training.

Employers

- Set goals relative to the job description and ensure these are understood and agreed with the employee at the outset.
- Ensure that you are sufficiently aware of relevant issues to effectively conduct a performance review with the employee with a disability.
- Advice from relevant support agencies should be sought to assist employers in this assessment process.
- Approach a discussion where targets have not been achieved in a positive and constructive manner.
- Review of the accommodation put in place should also happen at this time. Where co-workers contribute to the supports of an employee with a disability, the review should also include their comments.

¹⁸ & ¹⁹ Online Resource www.irishjobs.ie

Career development and promotion

Research has documented that career progression is often difficult for people with disabilities. While some people with disabilities may want or need a steady routine, others want to progress in their career and face new challenges. The opportunity to progress within an organisation should be as open to people with disabilities as to those without them.

The opportunity of career advancement raises morale, skill levels, commitment and job satisfaction. The exploitation of opportunities within a company through investment in employees can result in the enhancement of the overall performance of the company.

Career progression for an employee with a disability requires consideration of related issues at all levels in the company or organisation. The questions of access, communication systems and attitudinal barriers often addressed at entry level need to be anticipated and addressed in respect of other levels and locations. There should be regular consultation between managers, supervisors and workers with disabilities and their union/employee representatives, where appropriate, to determine if assistance is required to overcome any difficulties.

Career development for individuals with disabilities can include:²⁰

- expanding their existing role;
 - moving to a different role;
 - varying the type of support they provide;
 - moving to a different organisation.
- Employers need to discuss their career development needs with employees with disabilities. While not using the performance review process exclusively for this purpose, it does present an opportunity to facilitate this discussion. An employee with a disability should also seek other opportunities for discussion.
- A number of steps employers can take to enhance career development among people with disabilities are as follows:
- identify what career development means to the employee and assist and encourage them to identify their specific career goals;
 - create individual development plans to assist them in achieving their goals;
 - actively facilitate development opportunities for employees, including the introduction of coaching and mentoring as support mechanisms.
- There may be variations on these aspects of work organisation or ways of introducing them which increase the possibility of a person with a disability availing of career development opportunities. All training plans or promotional programmes should be 'disability-proofed' to ensure equality of opportunity.
- In assigning duties to employees with disabilities, the greatest possible care should be taken to ensure that they are given the same opportunities as other staff members to acquire the range of skills and experience necessary for their future career development
- It is easy to fall into the trap of isolating employees with disabilities from others. Make sure these employees have opportunities not only to work with others on group projects, but, when appropriate, to take on leadership roles themselves.
- a staff development budget;
 - internal recruitment, where possible;
 - the inclusion of career and skill development in induction programs;
 - the integration of career discussions into the performance appraisal process.
- The availability of career opportunities is usually predicated on developing organisational systems that support career development initiatives, examples of which include:
- the introduction of flexible rostering;

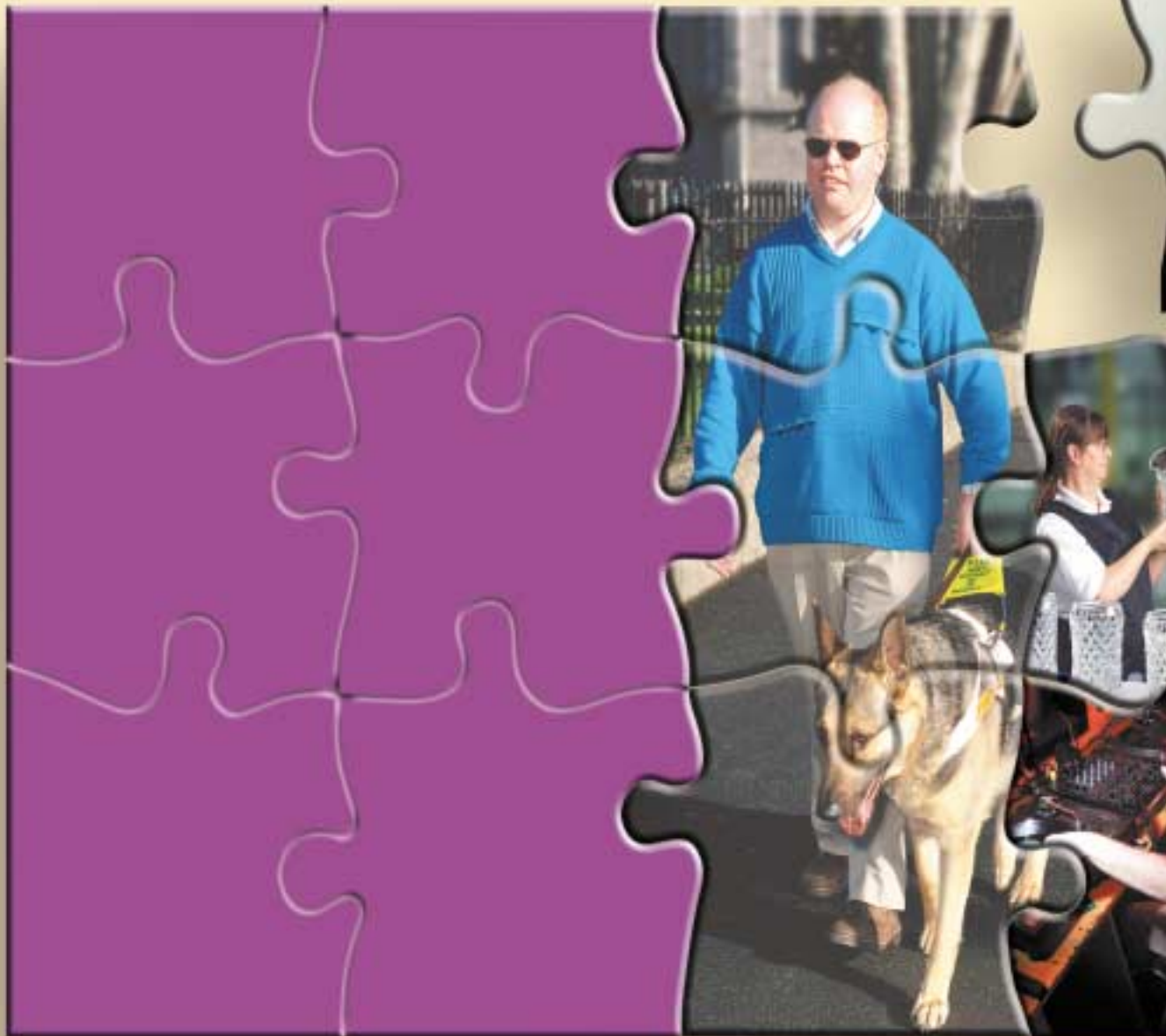
Designing career opportunity programmes

The availability of career opportunities is usually predicated on developing organisational systems that support career development initiatives, examples of which include:

^{20 & 21} Disability Services, Queensland
People Management Toolkit

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Appendix A

Grants/supports and incentives

Grants, supports and incentives are currently available from FÁS, the Department of Social and Family Affairs and the Revenue Commissioners. Employers recruiting or planning to recruit a person(s) with a disability and/or who wish to retain an employee who has developed a disability can avail of many of these grants and incentives, as can a person with a disability who is actively seeking or currently in employment.

Disability Awareness Training Support Scheme

A grant is available to all organisations in the private sector towards providing disability awareness training to their staff. The Disability Awareness Training Support Scheme is intended to assist in the integration of people with disabilities into the workplace and to eliminate mistaken perceptions about people with disabilities and their capacity to be productive and effective colleagues and employees.

Disability awareness training is of benefit to everyone, as we are often unsure of appropriate etiquette when dealing with people with disabilities, be they our work colleagues, clients, employees or customers. Disability awareness training grants are available to private sector employers from FÁS, which has a list of accredited trainers. Funding is available at a level of 90% of cost in the first year of training and thereafter, 80% of eligible programme costs are granted.

For further information, contact your local FÁS Employment Service Office

Retention Grant

The purpose of the Retention Grant is to encourage and assist employers in the private sector in retaining existing employees who develop a disability through sickness or injury while in employment. Employees who acquire an illness or disability can be offered retraining to continue working at their existing duties using modified techniques or the option of undertaking alternative duties. Other supports which can be accessed as part of the Retention Grant are the Workplace/Equipment Adaptation Grant, Employers' Support Scheme and the Personal Readers Grant.

How does it work?

This scheme consists of two stages:

- **Stage I** facilitates employers by enabling them to 'buy in' external specialist skills and knowledge needed to develop an individualised retention strategy.

Funding available for development of the retention strategy.

Funding of 90% of eligible programme costs is available to companies, up to a maximum of €2,500 towards the development of a retention strategy for any one employee.

- **Stage II** provides funding to the employer towards the implementation of the written retention strategy, including retraining, job coaching and/or hiring of an external coordinator to oversee and manage its implementation.

Funding available for implementation of a retention strategy

Funding of 90% of eligible programme cost is available to companies, up to a maximum of €12,500 towards the implementation of a retention strategy for any one employee. Funding for the specialist personnel is limited to a set number of hours and application may not be made without the support of an individualised retention strategy (*refer to Stage I*).

For further information, contact your local FÁS Employment Service Office

Workplace Equipment/ Adaptation Grant (WE/AG)

If you are a person with a disability who has been offered employment or are currently in employment and require a more accessible workplace or adapted equipment to do your job, you or your employer may apply to FÁS for a grant towards the costs of adapting the workplace or equipment. This should be done in consultation with your employer.

Examples of adaptations for which a grant may be given:



- minor building modifications such as ramps or modified toilets;
- alarm systems with flashing lights;
- equipment adaptations such as voice synthesisers for computers or amplifiers for telephones;
- a maximum grant of €6,350 is available towards the cost of adaptations to premises or equipment and can also be used to upgrade adapted equipment funded previously.

Who can apply?

You or your employer can apply for this grant if you:

- have been offered employment and require an adaptation to equipment or premises to undertake the duties required;
- are in employment or recently changed jobs and require an adaptation to equipment or premises to undertake the duties required;
- are self-employed.

How does this grant work?

- The employer or employee contacts their local FÁS Employment Services Office to obtain an application form.
- The application identifies the equipment and/or adaptation needed, justifying why it is needed and giving quotations.
- FÁS and the applicant review the application.
- FÁS pays a grant to the applicant to cover the costs agreed.

For further information, contact your local FÁS Employment Service Office.

Job Interview Interpreters Grant

A person actively seeking employment who has a hearing or speech impairment can apply for funding to have an interpreter present at job interviews. Interpreters can be family members or friends and a professional interpreting service is also available through Irish Sign Link. There is no limit to the number of interviews a job seeker can attend with an interpreter. FÁS will normally pay a fee for a three-hour period. Travel costs are also paid.

Who can apply?

You can apply for this grant if you:

- have a significant hearing or speech impairment;
- are actively seeking employment;
- feel you would benefit from having an interpreter present at job interviews.

Irish Sign Link
25 Clyde Road, Ballsbridge, Dublin 4
Tel/Minicom: 01-6080437
Fax: 01-6685029

How does this grant work?

- The job seeker arranges a job interview and contacts their local FÁS Employment Services Office to obtain and complete an application form.
- The application form, on approval, is brought to the interview and signed by the employer and interpreter.
- On return of the application form, payment is made directly to the interpreter.

For further information, contact your local FÁS Employment Service Office.

Employment Support Scheme (ESS)

The ESS offers financial assistance to employers of people with disabilities on a full-time basis (20 hours or more) whose work productivity levels are between 50% and 80% of average performance. The shortfall in productivity is determined by the employer in consultation with the employee and agreed with a FÁS employment service officer. The employer is paid a subsidy of between 20% and 50% of the employee's wages to cover the shortfall.

A person employed under the ESS is subject to the same conditions of employment as other employees. These include:

- PRSI contributions;
- tax deductions;
- minimum wage requirements;
- annual leave.

For further information, contact your local FÁS Employment Service Office.

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Supported Employment Programme

The aim of the programme is to identify, maintain and support the employment of people with disabilities in the open labour market by providing a supported employment network. It operates through a consortium of organisations and provides for a job coach who will facilitate the integration of the new employee into the working environment and provide ongoing advice and support. This is a free service to both people with disabilities and employers.

Benefits for the employer:

- facilitation of integration of the new employee through a job coach;
- provision of ongoing support;
- information and advice on other grants available;
- any other assistance or practical measures necessary.

Benefits for the individuals with disabilities:

- assistance in identification of skills and interests;
- help in finding suitable employment which matches skills and interests;
- analysis of job tasks and tailored support;
- workplace support.

For further information, contact your local supported employment consortium

Personal Readers Grant

If you are blind or visually impaired and require assistance with job-related reading, you may be entitled to a grant to allow you to employ a personal reader. FÁS will normally pay an hourly fee. It will be paid on a short-term basis, up to a maximum of 16 weeks.

Who can apply?

- Those in employment in need of assistance with work-related reading.
- Those who have recently become visually impaired and are in danger of losing their job.
- People returning to their original employer to do new or different work.
- Those with restricted promotion prospects because of reading difficulty due to visual impairments.

How does the grant work?

- Employees contact their local FÁS Employment Services Office to obtain and complete an application form.
- FÁS, the employee and the employer agree the number of hours and duration based on the amount of reading required.
- FÁS pays a grant to the employee to cover the costs of a personal reader.
- The personal reader must not be replacing any reading help normally given by work colleagues, relatives or friends.

For further information, contact your local FÁS Employment Service Office.

Back to Work Allowance (BTWA) Scheme

This is a weekly social welfare payment that can be made in addition to wages. It provides a financial cushion to support social welfare recipients who return to work for a minimum of 20 hours per week. Individuals who have been in receipt of disability allowance, blind pension or invalidity pension for 15 months (12 months if aged over 50 years) and people in receipt of disability benefit for three years are eligible. In addition to their wage, participants can retain a percentage of their weekly social welfare payment for a period of up to three years (75% in the first year, 50% in the second year and 25% in the third year). Secondary benefits may also be retained, subject to certain conditions.

Criteria for employment are:

- likelihood that the job will be long term and will last at least 12 months;
- the employee will work for a minimum of 20 hours per week;
- acceptance of the job will not involve leaving existing employment.

Employees must apply before commencing work

Note:

Periods spent on CERT, FÁS Training, Back to Education courses, Job Initiative, community employment, Social Economy Programme, or TEAGASC can count towards satisfying the 15 months qualification period.

For further information, contact your local social welfare office or check www.welfare.ie

Employer's PRSI Exemption Scheme

This scheme benefits employers who recruit a person with a disability who are participating for the first time in the Back to Work Allowance scheme. Employers are exempted from their portion of the PRSI contribution for a maximum period of two years in respect of each first-time participant in the Back to Work Allowance scheme, provided the person continues in their employment. There is no need for employers to apply separately for this exemption, as it is processed automatically with the employee's application for the allowance.

For further information contact your local social welfare office or check www.welfare.ie.

Back to Work Enterprise Allowance

The back to work enterprise allowance supports certain social welfare recipients who wish to become self-employed, including individuals in receipt of disability allowance, blind pension or invalidity pension for 12 months and disability benefit for three years.

The scheme provides financial support to people who wish to set up a business which has been approved in advance by a jobs facilitator, by allowing them to retain a percentage of their weekly social welfare payment for up to four years in addition to their earnings (100% in the first year, 75% in the second year, 50% in the third year and 25% in the fourth year). A number of other financial supports are also available, including grants for training, market research and business plans. Secondary benefits may also be retained, subject to certain conditions.

For further information contact the jobs facilitator at your local social welfare office or check www.welfare.ie.

Revenue Job Assist – double deduction

Revenue Job Assist will give employers *double wage deduction in their accounts for a period of three years if they recruit a person who has been unemployed for 12 months or more. The scheme also enables such a person to receive extra tax allowances for three tax years if they take up employment.

Employment:

- must be for a minimum of 30 hours per week;
- must be for at least 12 months;
- must not have come about as a result of a redundancy in the position in the past 26 weeks;

- must not have come about as a result of unfair dismissal of the previous employee;
- Revenue Job Assist can apply to both new and existing jobs.

Employers

* Double wage deduction under Revenue Job Assist is for a period of three years for:

- wages paid to a qualifying employee;
- employer's PRSI contributions paid in respect of such wages (provided employer is not availing of PRSI exemption scheme).

Note:

It is necessary to have a tax clearance certificate.

Employee

Secondary benefits and medical cards can be retained for a period of three years from the date an employee returns to work. Other secondary benefits such as rent/mortgage subsidy and fuel allowance can be retained for a period of three years (subject to weekly income). The family income supplement can also be claimed if family income falls below a certain limit (subject to conditions).

Applicants must have been claiming one of the following for 12 months or more:

- unemployment benefit;
- unemployment assistance;
- blind pension;
- disability allowance;
- one-parent family payment.

Note:

Tax credit does not apply to those in receipt of the back-to-work allowance or other employment schemes. Periods spent on FÁS training courses, back to education courses, community employment or job initiative programme are all accepted as periods of unemployment, provided applicants were in receipt of one of the above payments immediately before taking up a course or scheme.

Revenue Job Assist does not apply if a person is becoming self-employed.

For further information, contact your local tax office, the Central Revenue Telephone Information Office at (01) 878 0000 or at www.revenue.ie.

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Useful contacts

FÁS employment services

North-West region

Main Street, Ballybofey, Co. Donegal
074 -31233: 074 -31446

Government Buildings, Shannon Lodge,
Carrick-on-Shannon, Co. Leitrim 078 -20 03 0/20505

Na Doire Beaga/ Gweedore
Ionad Oiliuna FÁS Na Doire Beaga, Leitirceanainn
075 -31211/31114

Government Buildings, Cranmore, Co. Sligo
071 -43390/44120

Ballyraine Industrial Estate, Ramelton Rd., Letterkenny,
Co. Donegal 074 -22200/24840

Western region

Island House, Cathedral Square, Galway
091 -534400.562718

Industrial Estate, Mervue, Galway
091 -706208/706210

Riverside, Church Road, Ballina, Co. Mayo
096 -21921/21211

Humbert Mall, Main St., Castlebar, Co. Mayo
094 -22011/22832

High Street, Tuam, Co. Galway
093 28066/28068

Mid-West region

42 Parnell Street, Ennis, Co Clare
065 682 9213/682 8502

18 Davis Street, Limerick, Co. Limerick
061 48 7915/41 2326

79 Connolly Street, Nenagh, Co. Tipperary
067 31 879

Government Buildings, Gortboy,
069-62411/6156

Shannon Industrial Estate, Shannon, Co. Clare
061 471133/472613

Friar Street Thurles, Co. Tipperary
0504 22 188/23 574

Southern region

Government Buildings, Sullivan's Quay, Cork
021-85 6200/96 8389

Warner Centre, Barrack Street, Bantry, Co. Cork
027 50 464/50 203

Kenmare Place, Killarney, Co. Kerry
064 32 466/32 759

25 O'Brien Street, Mallow, Co. Cork
022 21 900/22 582

17 Lower Castle Street, Tralee, Co. Kerry
064 712 6444/712 2954

North-East region

49 Church Street, Cavan, Co. Cavan
049 433 1767/433 2527

14 North Quay, Drogheda, Co. Louth
041 983 7646/983 8120

79 Park Street, Dundalk, Co. Louth
042 933 1608/933 6311

16 Church Square, Monaghan, Co. Monaghan
047 81 511/83 441

Tara Mall, Trimgate Street, Navan, Co. Meath
046 23 630/21 903

Midlands region

Townhouse Centre, St. Mary's Square, Athlone
0902 75 288/75 291

7 Market Square, Longford, Co. Longford
043 46 820/45 702

Church Avenue, Mullingar, Co. Westmeath
044 48 805/43 978

4 Meehan House, James Fintan Lawlor Avenue
Portlaoise, Co. Laois
0502 21 462/20 945

Castle Street, Roscommon, Co. Roscommon
0903 26 802/25 399

Church Street, Tullamore, Co. Offaly
0506 51 176 /21964

South-East region

28 Patrick Street, Waterford, Co. Waterford
051 301 501/304 932

Carlow Shopping Centre, Kennedy Avenue Carlow
0503 42 605/41 759



6 Mary Street, Clonmel, Co. Tipperary
052 24 422/4 565

Irishtown, Kilkenny
056 -65 514/64 451

Crescent Mall, Henrietta Street, Wexford
053 -23 126/23 177

Dublin region

D'Olier House, D'Olier Street, Dublin 2
01 -612 4800 /679 9092

Unit 14C, Finglas Shopping Centre, Finglas, Dublin 11
01 -834 6222/834 6386

Poppintree Industrial Estate, Jamestown Road
Finglas, Dublin 11
01 -814 0200 /834 6336

34 Main Street, Swords, Co Dublin
01 -840 5252 01 -840 3751

The Brace Centre, Main Street
Blanchardstown, Dublin 15
01 -820 1011/21 1635

Unit 1A, Northside Shopping Centre
Coolock, Dublin 17
01 -847 5911/847 5770

Enterprise House, 6 Bridge Street Balbriggan
01 -841 5141/841 5624

235 Crumlin Road, Crumlin, Dublin 12
01 -456 3000/456 3018

Main Street, Clondakin, Dublin 22
01 -4591766 / 459 1612

27-33 Upper Baggot Street, Dublin 4
01 -607 0500/607 0611

18-21 Cumberland Street, Dun Laoghaire
01 -280 8488/280 8476

Room 1, Old School Building, Loreto Ave, Rathfarnham
Dublin 14 01 495 1414/495 1415,

Social Services Centre, Square Complex, Tallaght,
Dublin 24 01 452 5111/452 5591

Department of Social and Family Affairs jobs facilitators

Western region

Hynes Buildings, Augustine Street, Galway
091-564893091-567206

Government Buildings, Ballina, Co. Mayo
096-60368 x 7668

Mid-West region

Government Buildings, Cabra Road, Thurles
0504 -20153

Social Welfare Local Office, Dominick Street, Limerick
061-414799 ext 8230

Social Welfare Local Office, Dominick St., Limerick
061 -419989

Social Welfare Local Office, Kilrush Road, Ennis,
Co. Clare 065 -6867830

Midlands region

Clonminch Road, Tullamore, Co. Offaly
0506 -25146/25140

Government Buildings, Pearse St, Athlone
0902 -21640

North-East region

Wilton House, Stapleton Place, Dundalk, Co. Louth
042 -9355535

Customs House Quay, Drogheda, Co. Louth
041-9871132

Dublin Road, Cavan
049-43689709

Southern region

Social Welfare Services Office, Hanover Street, Cork.
021 -4806859

Social Welfare Services Office, Hanover St, Cork
021 -4806858

Hanover St, Cork.
021-4806804

Godfrey Place Tralee, Co Kerry
066 -7149545/7121088

Beech Road, Killarney, Co. Kerry
064 -31658

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North-West region

Government Buildings, Cranmore Road, Sligo
071 -40532

Irwin Buildings, Milltown, Donegal
073-40061 x7531

Hign Road, Letterkenny, Co. Donegal.
074 -60483

Government Buildings, Cranmore Rd, Sligo.
071-44511/48219 X 6279

South-East region

Cork Road, Waterford
051 -356028/356000

Government Buildings, Cork Road, Waterford
051-356024/356038

Government Buildings , Hebron Road, Kilkenny.
056 -63086

Ann Street, Wexford.
053-65400 X 5852

Eastern region - Dublin South

Cumberland St, Dun Laoghaire.
01-2145540 X 7797

Werburgh St., Dublin 8.
01-4070530/4070530 X 5900

Nutgrove Shopping Centre, Dublin 14.
01-4069010 X 6629

Eastern Region - Dublin North

Mellows Rd, Finglas, Dublin 11.
01 -8581120

Greendale Centre, Kilbarrack, Dublin, 13.
01 -8063830

North Cumberland St., Dublin 1
01 -8899501

North Cumberland St Dublin 1.
01 -8742583

Jobs Facilitator, Finglas SWSO, Ballymun SWLO
01 -864 0480 5171

Mellows Rd., Finglas, Dublin 11
01 -858 1121

Eastern Region - Dublin West

Thomas Street, Dublin 8
01-671 7577

Rossmore Avenue, Ballyfermot, Dublin 10
01- 623 1555

The Square, Tallaght, Dublin 24.
01-4527019

Eyre Street, Newbridge, Co. Kildare.
045-432 443

Supported employment consortia

South-East region

Carlow Area Supported Employment, Strawhill
Industrial Estate, Carlow.

Tel: 059 - 9135564 E-mail: case1@eircom.net

KSES, Irish Wheelchair Association, Claddagh Court,
College Road, Kilkenny.

Tel: 056 - 7762775 E-mail: kses@eircom.net

Wexford Consortium Supported Employment,
Captain Wafer Hall, Springvalley, Enniscorthy,
Co. Wexford.

Tel: 054 - 43930 Fax: 054 - 43921

WESA, 22 Ballybriken Green, Waterford.

Tel: 051- 876012 E-mail: wesa@eircom.net

WSEN, Main Street, Arklow, Co. Wicklow.

Tel: 0402 - 29469 E-mail: wsen@eircom.net

Mid-West region

Clare Supported Employment Services, 8 Carmody
Street, Ennis, Co. Clare.

Tel: 065 - E-mail: csuppemp@eircom.net

Limerick Supported Employment, C/O NTDI,
Raheen Industrial Estate, Raheen, Limerick.

Tel: 061 - 229777

E-mail: limericksupportedemployment@eircom.net

North-East region

Monaghan Supported Employment Services,
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Appendix B: Case studies

Merit Medical

Merit Medical Ireland Ltd. is a subsidiary of an American multinational based in Utah. It has been in Galway since 1996 and has a workforce of 1,300 employees worldwide. Merit Medical manufactures medical devices for sale throughout the world.

According to Deirdre O' Brien, HR manager 'the whole experience of employing people with disabilities has been a positive experience for the company, the employees and certainly for me personally'.

Initial experience - recruitment

About three and a half years ago, Deirdre was approached by Tony Dolan of the National Association for the Deaf (NAD) who was trying to integrate people with hearing impairments into the workforce using control and support such as interpretation. Merit Medical agreed to participate, and interviewed four candidates at the time, with Tony as interpreter. Colette, Fiona, Gerard and Dara were hired through the usual process by reference checking, attending a medical examination etc. Exactly the same criteria were used as for all candidates. The quality of their applications, qualifications, work experience and skills was examined. The normal format was used for the interview, but with Tony's help.

All four were successful, and they started in groups of two at a time, as they knew each other quite well and thus provided mutual support. Merit Medical has since taken on other people who are hearing-impaired and have a learning disability. Some 5% of their workforce is now made up of people with a disability.

Merit Medical also runs a work experience programme which has been availed of by two people from the National Training and Development Institute (NTDI) in Castlebar. The second of the two, Sandra, is currently working with the company. Sandra's time with Merit has been very successful to date, and the company is looking forward to her joining as a full-time employee at the end of the placement period.

Training

When Merit Medical started this initiative there was a degree of apprehension on the part of employees and supervisors regarding training, health and safety and communication. A slightly more formal process had to be put in place, especially with regard to communication. Deirdre O'Brien says 'Once we got past that and got to know the gang, it was as though they were always part of the company. It has brought diversity to the company and with it a broad mindedness. I'm not saying they are perfect. They have their personalities and quirks the same as everybody else. They have "heated conversations" with each other and other employees but to me that's a sign that they are integrated into the workforce. They also do not get any special treatment from their colleagues. If they say something that people do not agree with they are told so in no uncertain terms!'

On-the-job training

Because the company manufactures medical devices, training is one of its highest priorities. There are very formal, written policies and processes which must be adhered to. Paperwork is vital, as all parts and finished products are tracked by number. Also, every part of the process is documented and signed off by the employee who completes it. Given this, the trainers did spend additional time with the hearing-impaired employees, especially as they had not worked for a medical device manufacturer before. However, the training methods employed were exactly the same as for other employees. Merit Medical is lucky to have some people working with the company who have various levels of sign. They have been a huge help in training people with a hearing impairment and making them aware of the policies and procedures of the company. A lot of these procedures – both on-the-job procedures and the employee manual – are written, making them easier to comprehend. In any event, these procedures have to be read by all new employees as part of their first-day induction. The first-day training normally takes about five hours, which the new employee will spend with the same trainer. In this way, a relationship is established between new employees and trainers.

Full day induction

The employee receives a full day of induction within the first few weeks of employment. This will cover aspects of the company which they might otherwise be unfamiliar with, such as its structure or financial

systems. The company would always have an external interpreter for this.

Health and safety

In the context of health and safety, training is of the utmost importance. During induction people are given a thorough knowledge of the company safety systems. There is an informal 'buddy system', where people in a particular area look out for each other. For example, if the fire alarm goes off, the team leader or designate in that area will make sure that people with a hearing impairment are made aware of the situation and get out of the building immediately.

Social Aspect

Merit Medical has a very active sports and social club which holds events about five or six times a year. Hearing-impaired employees are very active members and attend these events, thus benefiting socially.

Support

The company has learned through trial and error over the past three and a half years of the various organisations and grants that are available to organisations in this area, such as FÁS and NAD. The company would like to see more public information available to employers, in the belief that this would make the integration of people with a disability into organisations much easier.

Advantages

Some companies have a problem with staff turnover. Merit Medical's retention rate of people with a disability is 100%. Keeping punctuality and attendance at budgeted levels is a challenge that every company faces. Deirdre O'Brien has never yet had to bring any of the employees with a disability to task in this regard. They are a valuable part of the workforce, doing an excellent job and participating in company events.

Conclusion

The above issues apply to all employees, not just those with a disability. What this means is that the company views all employees the same way. While some need more support and communication to help them integrate into the workplace and perform their duties, this does not mean that they cannot perform satisfactorily; they are as capable as anybody else and simply require slightly different training and communication methods. While 5% of the workforce has a so-called disability,

this has not, in real terms, been a problem. It has not impinged on their ability to work and interact successfully within the company. According to Deirdre O'Brien, employing people with disabilities 'has been a huge success with loyal, bright, hardworking, social people and the company hope to continue this way in the future...any extra time or resources spent on them has been a small price to pay for the reliability, loyalty, quality of employee with 100% retention rate. Merit Medical has high standards and expectations for all employees and the reason these people are employed there is because they meet those standards'.

Kiernan's Supermarket/Diner

Kiernan's Supermarket/Diner is based in Newtowncunningham in Co. Donegal and is a busy operation providing motorway forecourt services, incorporating a supermarket, diner, fuel pumps, post office and an off-licence.

Kiernan's has 50 employees and employs four people with various disabilities, some of whom have worked there for two and a half years, and none for less than 18 months. They all have different responsibilities such as scanning operator and till operator, pump attendant and general shop assistant. Sarah, who has worked there for the longest period of time, is hearing impaired and works in the restaurant. Prior to this, Sarah worked as a sewing machinist in the Galtex factory until it closed down. Sarah enjoys work and says 'like everyone else I need to work for money and would be bored staying at home all of the time'.

Martin Kelly is general manager of the company and says that 'my expectations of people with disabilities employed in the company as with all of the employees are a level of commitment, a conscientious effort and that they take the training provided on board and carry out their duties as best they possibly can...all of our employees with a disability are absolutely meeting these expectations'.

Martin says that a rapport quickly built up between the employees with a disability and their co-workers and they are all very much an integral part of the team. No difficulties have arisen. Sarah, for example, has a notebook and communicates with him and the rest of the staff by writing and by hand gestures. There is an annual training budget for employees, and all four have participated in training. The company and its

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employees avail of the support of a job coach, James, from the North West Supported Employment Programme. James keeps in regular contact, either in person or by phone.

Management had no concerns in employing people with disabilities and were very keen to be seen as an equal opportunities employer. Martin points out that everyone is affected by disability in some way. His advice to other employers is: 'be open-minded. Look outside of the box at the bigger picture. Give people a chance and if they are given a fair crack of the whip they will perform well and, after all, performance is everything in business. The people with disabilities working here are very much part of the team and are important contributors to the success of the business'.

Campbell Catering

Campbell Catering took over the purchasing and cleaning function in the hospitality department of Limerick Institute of Technology in September 2000. According to Pat Brown, catering manager with Campbell Catering, 'during this Celtic Tiger era, we faced many challenges in finding catering staff, as employee turnover was high and employee retention difficult'. Therefore, the company considered the possibility of employing people with disabilities when contacted by Mary Joe Meehan of Work Access, the supported employment consortium in Limerick. Like every other manager, Pat's main priority was to find someone reliable to stabilise his work force and so in March 2002 Jerry O'Meara joined the team, followed by James Cronin who joined in October of the same year. Both Jerry and James are employed as kitchen porters. In total there are five kitchen porters employed and they have full responsibility for cleaning and maintaining the hygiene of the whole hospitality department.

Over time it became apparent that Jerry and James have different approaches to work. For instance, Jerry needs to be repeatedly told on a daily basis each task that has to be completed. While it is usual to coach all staff initially, usually after a few weeks they require less constant supervision. However, this is not the case with Jerry, and after one and half years it is important that the tasks are reiterated on a daily basis – this perhaps gives comfort and is now routine. The instructions need to be very specific. As Pat explained,

'it's not enough to ask Jerry to clean the oven, I must be specific and say inside and outside or it will only be done in part. However, once precise instructions are given, Jerry is a tremendous worker and completes the job with care and ensures that a thorough job is done'.

James, in contrast, is meticulous, with immense attention to detail, but it was soon realised that he does not work well under pressure. Bearing this in mind, he was made responsible for cleaning the class kitchens in the evenings, and as he can work at his own pace, his performance is now exemplary.

In general, working with Jerry and James has not presented any major challenges – they are regular employees, do not benefit from any grants and are paid the same rate as their counterparts. Pat emphasised the importance of remembering 'that employing someone with a disability is a learning process and you have to be patient to learn habits and preferences to ensure job satisfaction. Also, you need to know their backgrounds, and have an understanding of their needs, and of course acknowledge their successes and efforts. Praise is integral, as it is for us all'.

Jerry and James have really become part of the team in the hospitality department and they get along well with colleagues, students and lecturers. They have successfully completed several in-house training sessions, namely manual handling, introduction to food hygiene, food safety awareness, personal hygiene, job talks on all pieces of equipment and chemicals.

Pat stated that 'Campbell Catering are delighted and proud to have Jerry and James working with us and hope they continue to stay a part of our team, they are reliable, hardworking and real team players'. He emphasised the importance of focusing on people's abilities, thereby ensuring equality of opportunity.

Bishopstown Bar, Cork City

Bishopstown Bar is a large establishment located close to the Cork Institute of Technology in Cork City. The bar has a busy food and drinks trade and is a popular lunchtime destination as well as being busy in the evenings.

Joe Kelleher is the owner and has 50 staff working with him. One of the staff members is Patrick, who has worked in the bar for a number of years. Patrick has a learning disability. He works as the senior storesperson

and is responsible for dealing with daily deliveries, checking these are correct, stocking the shelves behind the bar counters and ensuring that there is enough produce in stock at all times.

According to Joe, 'Patrick is an excellent worker who is reliable and consistent in his work'. Joe has regular meetings with Patrick to monitor his performance and resolve any problems. Patrick is fully integrated into the workforce and has built up a good relationship with other staff members. He initially started working in the bar through a placement by DORAS, and is now a full-time employee. DORAS is a support service offered by COPE Foundation to young people with learning disabilities wishing to access employment in the open labour market. This service offers ongoing support to both Joe and Patrick, as required. Joe has not encountered any difficulties in employing Patrick, and no specific accommodations were required.

Patrick really enjoys working in Bishopstown Bar and says he would like to stay there. When he first started in this job he was a junior storesperson. When the senior storesperson left, Joe offered him the opportunity of taking up the vacant post. Patrick is now delighted to hold this responsible position. Patrick has no difficulties in his job. It offers him the opportunity of independence in earning his living and gives him the freedom to enjoy a social life with his friends and his passion for sport.

Rehab Recycling

Rehab Recycling is a leading post consumer waste recycler in Ireland with over 1,600 sites, collecting glass, aluminium drink cans and textiles. Its customers include most local authorities throughout Ireland, the major Irish drink manufacturers and a large number of hotels and public houses. Rehab Recycling is a commercial organisation and works closely with Repak Ltd. The Cork depot covers the entire Munster region, as well as Kilkenny, Galway and Mayo.

John Murray has a disability and he is one of 16 people with disabilities who work for the company in Cork. Rehab Recycling has 25 employees in Cork. John has been a success and has been employed there for the past three years. He started on a six-week work experience programme and, following completion of this, was offered a full-time position. John is now an

administrative assistant/reports coordinator. His main duties include collecting and logging all documents relating to the lorries bringing the waste for disposal. He gathers all information regarding the weighing in and out of trucks and handles the fees paid for disposal. He inputs all collected data into a computerised system and produces all the monthly reports regarding the depot. He has also worked in the reception area of the depot.

John previously worked as a successful sales person in London after completing his university studies. However, his life changed dramatically due to a breakdown which resulted in the experience of chronic fatigue, anxiety and depression. John returned home to Ireland and for a long period of time he was on different medication to deal with his mental health difficulty. He has also spent a period of time in hospital. After a period of seven years John has finally found medication that suits his disability and this, together with excellent family support, has assisted him in returning to the workforce. John stated that one of the key benefits of working in Rehab Recycling is 'working in a commercial company that provides a supportive environment for its workforce with management that is helpful and aware of each individual's strengths and weaknesses. Employers' awareness is vital'. John believes his quality of life has improved considerably as a consequence of returning to work.

Richard Jordan is recycling services manager in Rehab Recycling in Cork and he has never experienced any problems with the people with disabilities employed there. Every employee, irrespective of ability, is treated equally and is provided with the same training and opportunities. There has been no need for specific accommodations to be put in place, although training might be restructured or provided over a longer period of time if necessary. According to Richard, the experience of employing people with disabilities has been very positive.

Appendix C: Legislation

The Employment Equality Act, 1998

The Employment Equality Act, 1998 was enacted on 18 October 1999. The act makes it illegal to discriminate with regard to pay (excluding pensions) and non-pay issues on nine grounds, including disability.

Definition of disability

The Employment Equality Act, 1998 and the Equal Status Act, 2000 define disability as:

- (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.

Under the Act, it is unlawful for an employer to discriminate against an employee who has a disability or a prospective employee who has a disability in relation to:

- Recruitment to employment.
- Conditions of employment (other than remuneration or pension benefits).
- Training or work experience.
- Promotion or regrading or classification of posts.

- Discriminatory rules or instructions are also unlawful.
- Industrial relations agreements are null and void to the extent that they discriminate or provide for different rates of remuneration in respect of like work based on any of the discriminatory grounds.
- The Act makes it unlawful to advertise a job in such a way that the advertisement could reasonably be interpreted as indicating an intention to discriminate. It applies to both the publisher and the advertiser. In addition, the Equality Authority may seek an injunction to prevent a job being filled where the job advertisement appears to be discriminatory.
- The Act makes it unlawful for a trade union, organisation of employers, a professional or trade organisation or any body which controls entry to or the carrying on of a profession, vocation or occupation, to discriminate as regards admission to membership or any benefits (other than pension rights) that are provided for members.

Vicarious liability

The Act states that an employer is liable for the acts of employees committed in the course of employment, whether or not the acts are committed with the employer's knowledge or approval. An employer is also liable for acts committed by agents where such acts are committed with the authority of the employer. Employers can avoid liability for acts committed by their employees by proving that they took reasonable steps to prevent the particular act of discrimination or that type of act generally.

Savings and exclusions (exemptions)

- The Act provides that it is not unlawful for an employer to refuse to employ, retain or promote, a person who is unwilling to carry out or accept the conditions under which the duties attached to a post are to be performed or is not fully capable of carrying out all the duties concerned.
- People with disabilities would be considered fully competent and capable for a job if they could do the work with the aid of special services or facilities, provided those services or facilities could be provided by the employer or prospective employer at nominal cost. (Council Directive 2000/78/EU has proposed that the concept of 'nominal cost' be changed to 'disproportionate burden'. Please see below for further details).



Special measures

The Act allows for special measures for persons with a disability to facilitate their integration into employment, by reducing or eliminating the effects of discrimination. The Act allows for the provision of special rates of remuneration, treatment or facilities for persons with a disability, if by reason of that disability the employee is restricted in his/her capacity to do the same amount of work (or to work the same hours) as a person who is employed to do the work.

The Act also provides that an employer is not obliged to provide special treatment or facilities if more than a disproportionate burden is likely to be incurred.

The concept of 'nominal cost' (disproportionate burden) includes the following:

- the nature of the accommodations that would be required;
- the cost of the accommodation and the number of people who would benefit;
- the financial circumstances of the employer;
- the disruption that would be caused by the provision of the accommodation.

The case law to date indicates that nominal cost is not a fixed sum but will be assessed on the basis of company size and turnover, and that the particular circumstances will be evaluated in each case.

Types of discrimination

There are different types of discrimination provided for in the Employment Equality Act, 1998. They are direct or indirect discrimination.

Direct discrimination occurs when one person is treated less favourably than another, specifically because of their disability

Indirect discrimination is defined as being by impact or effect. It occurs where there are requirements or practices which outwardly appear to apply to everyone, but actually work 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 circumstances.

Pay

The Employment Equality Act, 1998 allows an employer to provide a special rate of pay for an employee with a disability if that employee is restricted in his/her capacity to do the same amount of work or work the same number 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.

An individual who feels they have been discriminated against may take a case to the Office of the Director of Equality Investigations (ODEI) or the Labour Court, as appropriate.

The ODEI or the Equality Tribunal is an independent quasi-judicial body that hears and decides complaints of unlawful discrimination under both the Employment Equality and Equal Status acts. ODEI equality officers issue decisions that may be appealed. The ODEI also provides a mediation service.

Council Directive 2000/78/EU – disproportionate burden

An amendment²² is to be made to the notion of nominal cost as a result of Council Directive 2000/78/EU. Employers will have to provide reasonable accommodation unless it imposes a disproportionate burden on them. This amendment will be introduced when the Equality Bill, 2004 is enacted. The following is a brief reference to the suggested amendments under the Directive and their relevance to the current legislation.

Section 16 - Nature and extent of employers' duties in certain cases

'...a person who has a disability is fully competent to undertake, and fully capable of undertaking, any duties if the person would be so fully competent and capable on appropriate measures being undertaken by the person's employer.

The employer shall provide reasonable accommodation where needed in a particular case to enable a person who has a disability:

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

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

In determining whether the measures would impose such a burden account shall be taken, in particular, of:

- (i) the financial and other costs entailed;
- (ii) the scale and financial resources of the employer's business;
- (iii) the number of persons who would benefit from the measures;
- (iv) any disruption that would be caused by them;
- (v) the nature of any benefit or detriment that would accrue to any person likely to be affected by them;
- (vi) the possibility of obtaining public funding or other assistance, and
- (vii) any benefit that would accrue to the employer.'

And the following definition shall be inserted in the legislation:

"reasonable accommodation", in relation to a person with a disability—

- (a) means effective and practical measures, where needed in a particular case, to adapt the employer's place of business to the disability concerned,
- (b) ...includes the adaptation of premises and equipment, patterns of working time, distribution of tasks or the provision of training or integration resources, but
- (c) does not include any treatment, facility or thing that the person might ordinarily or reasonably provide for himself or herself'.

**Please contact IBEC or ICTU
for further information**

²² At time of publication – March 2004



Workway

A joint ICTU/IBEC initiative to promote employment of people with disabilities

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