
*Co. Clare Vocational
Education Committee*

*Code of Practice
for
the Employment
of People
with Disabilities*

Code of Practice for the Employment of People with Disabilities with Co. Clare Vocational Education Committee

Introduction

1. In keeping with the terms of the Employment Equality Act, 1998, Co. Clare Vocational Education Committee implements a policy of equality of opportunity for all staff.

Employment Equality Act, 1998

2. In the Employment Equality Act, 1998, "disability" is defined as follows:

'disability' means-

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

3. Section 16(3) of the Act provides that:-

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

4. It will be noted that the definition covers a very wide range of disabilities, so wide, indeed, as to render misleading most generalised statements or assumptions about the capabilities or limitations of people with disabilities in employment. While some disabilities are obvious (e.g. as in the case of wheelchair users), others are not readily apparent (e.g. epilepsy or mental ill-health). Furthermore, the same disability can vary in its impact and affect people differently. Finally, while some people with disabilities may require special assistance and/or equipment to realise their full potential, most can be fully effective employees without special help. Accordingly, policy and its implementation should avoid the use of stereotypes and every person with or without a disability should always be treated as an individual with equal rights. Consideration of any question concerning the employment of people with disabilities should proceed from a position of presumed ability.

5. Co. Clare Vocational Education Committee notes the extensive range of financial and advisory supports available from other state agencies and will keep itself informed of the range of services available as a resource and will make such information available to any staff member with a disability.

Policy Statement

6. Co. Clare Vocational Education Committee is committed to implementing a policy of equal opportunity for people with disabilities and, in particular, is committed to ensuring that

- people with disabilities, as people with abilities, should have access to the full range of recruitment and career development opportunities available in Co. Clare Vocational Education Committee,
- people with disabilities are facilitated to give effective performance in the jobs which they hold or to which they aspire and are not disadvantaged by reason of having a disability, and
- all reasonable accommodations are made to meet the requirements to which some disabilities give rise so as to maximise access to employment in Co. Clare Vocational Education Committee for people with disabilities and to enable all staff to work to their maximum potential.

7. The Government has set an objective of the employment of people with disabilities in the public service to a minimum of 3% of total staff. Co. Clare Vocational Education Committee is committed to playing its full part in ensuring that this objective is met and maintained.

Recruitment

8. People with disabilities are entitled, as of right, to apply for any post in Co. Clare V.E.C. for which they are qualified and to have their applications considered on the basis of their abilities, qualifications and suitability for the work in question. Furthermore, it is recognised that people with disabilities which, in the past, would have been regarded as rendering them unsuitable for any or most types of employment are now in a position, through the use of advanced technology and other means, to overcome the restrictions resulting from their disabilities and the environment in which they live and work and to engage in a far wider range of employments. Co. Clare Vocational Education Committee will maintain contact with organisations representing people with disabilities to ensure that a high level of awareness of job opportunities is available in the V.E.C.

9. Before a person with a disability is refused employment with Co. Clare V.E.C. solely on the grounds of his/her disability following medical examination, he/she is entitled to seek a second opinion from a medical specialist who will be appointed and paid by the V.E.C. for this purpose. The candidate will be advised of his/her entitlement and a reasonable period of time should be allowed for this process.

10. In deciding whether candidates comply with health requirements specified in qualifications for V.E.C. positions, Co. Clare Vocational Education Committee will ensure that decisions are based on objective considerations related only to the core functional needs of the post concerned, rather than on assumptions concerning the limitations imposed by a particular disability.

11. The following guidelines apply in relation to recruitment; –

- No obstacle should be placed in the way of people with disabilities applying for posts with Co. Clare V.E.C.

- Through contacts with organisations which deal with disability, Co. Clare V.E.C. will actively encourage people with disabilities to consider the V.E.C. as a career choice.

- Co. Clare Vocational Education Committee will make all reasonable efforts to provide such facilities and equipment as are necessary to enable applicants with disabilities to participate in competitions for posts.

- Interview boards will be briefed on disability awareness, on the Committee's equal opportunities policy and on the Employment Equality Act, 1998 and will be given a copy of this Code of Practice.

- In specifying the duties of officer and non-officer posts, Co. Clare Vocational Education Committee will avoid specifying non-essential requirements which could have the effect of excluding people with disabilities. Where the suitability

of a particular candidate with a disability is at issue, Co. Clare Vocational Education Committee will also have regard to any flexibility which might reasonably be employed to facilitate a person with the disability in question, e.g. re-allocation of certain tasks where a person with a disability may not be in a position to perform certain functions attaching to the post in question.

- Where Co. Clare V.E.C. forms an initial opinion that a candidate is unable, by virtue of a disability, to discharge the duties of a post properly, the candidate in question will be afforded an opportunity to respond to that initial opinion before a final decision is made.

- Advertisements, job descriptions, personal specifications and application forms should be monitored to ensure that they do not discriminate against persons with disabilities.

- Information, application forms and job descriptions in print and other formats shall be provided in a way which is encouraging to potential applicants with disabilities.

Integration into the Workplace

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

13. Good communication is a key requirement in overcoming any difficulties which may arise. It is an obvious fact, but one which may be overlooked in practice, that the best source of information about disability and what that might imply in the workplace is the person with the disability. People with disabilities should be recognised as experts in their own lives. Accordingly, full and frank discussion of any problems which some staff with disabilities may encounter in the workplace is essential if difficulties are to be resolved satisfactorily.

14. The following guidelines apply in relation to the integration of staff with disabilities into the workplace:-

- Where the Personnel Department is aware that a new staff member has a

disability, a meeting will be arranged to discuss her/his initial placement, any problems which s/he might encounter resulting from the disability and any reasonable accommodations which may be required to optimise performance on the job.

- In deciding on the placement of a new staff member with a disability, regard will be given to any particular issues which need to be addressed. For example, staff with mobility problems will, where possible, be located close to accessible toilets and ramped entrances.

- The person who will be the new staff member's supervisor will be fully informed of the staff member's circumstances relating to his/her work and will be involved in discussions concerning difficulties which might arise and reasonable accommodations which might be required. (The right to medical confidentiality must, of course, be respected.)

- Training courses for supervisory staff should contain material on workplace disability issues. General training to promote better understanding of all types of physical, sensory and mental disabilities will be provided as part of the ongoing training programme of all grades of staff to underpin a positive culture. The assistance of an external appropriate agency or agencies, e.g. National Rehabilitation Board, the Irish Council of People with Disabilities, etc. may be sought, as required.

- The co-operation and support of co-workers is essential to the successful induction and integration of any new member of staff. The Personnel Department and Supervisors will promote positive peer support for members of staff with disabilities.

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

Career Development

15. Staff with disabilities must have the same opportunities as other staff to develop full and rewarding careers with Co. Clare V.E.C.

16. The following guidelines apply in relation to career development -

- In assigning duties to staff with disabilities, care will be taken to ensure, to the greatest extent possible, that they are given the same opportunities as other staff to acquire the range of skills and experience necessary for future career development.

While it is appreciated that some staff with disabilities may not be able to undertake the duties of all posts in their grade, every effort will be made to afford them the same opportunities as other staff to broaden their experience through staff mobility arrangements and provision of reasonable accommodations.

- Staff with disabilities will be offered the same access to training as other staff and measures will be taken to ensure that they are not inhibited from availing of such opportunities by problems of physical or sensory access to training centres or conference rooms or by the format of training materials, etc.
- Staff with disabilities will be positively encouraged to apply for promotion where it appears that they may be reluctant to do so because of their disability.
- Staff with disabilities will not be excluded from promotion solely because their disability may prevent them carrying out the full range of duties in the higher grade; the criterion should be whether they would be capable of undertaking successfully the duties of a reasonable number of the duties in the higher grade.

Retention in Employment

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

Accommodation and Equipment

18. It is the policy of Co. Clare V.E.C. to ensure that, insofar as is practicable, the working environment is such as to minimise problems which staff with disabilities may face. While most staff with disabilities can operate effectively without requiring modifications to their working environment, special facilities may be required by some. However, even where assistive devices are not required, the provision of such devices can greatly enhance the comfort, efficiency and job satisfaction of the staff concerned.

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

20. Co. Clare Vocational Education Committee will acquaint itself with the range of assistive devices and equipment available to assist people with disabilities. These devices include, for example, telephones that flash and have volume control, voice-activated synthesiser software and computer screen enlargement software and customised work stations.

21. The following guidelines apply in relation to accommodation and equipment
- Co. Clare Vocational Education Committee will take the requirements of people with disabilities into account fully in its assessment of premises for rental purposes.

- Co. Clare Vocational Education Committee will consider what alterations might reasonably be carried out to its premises in order to improve accessibility. It is acknowledged, however, that progress might be constrained by the wide variations in the premises occupied by the V.E.C. and by financial considerations.

- In undertaking any significant structural alteration to existing buildings, Co. Clare Vocational Education Committee will ensure that the works include such alterations as are necessary to bring the buildings concerned up to the standard of accessibility, and provide adequate facilities, for people with disabilities, as required by Part M of the Building Regulations.

- Officers employed by Co. Clare Vocational Education Committee with responsibility for accommodation, will be expected, in the course of their normal duties, to note specifically any access problems or other features of the premises which may cause problems for people with disabilities, with a view to the progressive elimination of such problems.

- Co. Clare Vocational Education Committee will consult staff with disabilities about assistive devices which might enhance their efficiency and effectiveness in performing their duties and will adopt a positive approach to reasonable requests for such equipment.

Safety, Health and Welfare at Work

22. All appropriate safeguards will be taken by Co. Clare V.E.C. to protect the safety, health and welfare of members of staff with disabilities. Places of work generally will be arranged to take account of staff with disabilities. Attention will be paid to doors, passageways and stairs, sanitary provisions as well as work locations used directly by staff with disabilities.

23. Co. Clare V.E.C. is duty bound to take account of the possibility of emergencies, e.g. fire, and to provide counter-measures, arrangements, facilities and trained personnel in proportion to the risk presented. The V.E.C. will provide a copy of its Safety Statement outlining its safety management programme to all members of staff with disabilities. As a matter of good practice, staff with disabilities will be consulted in the development of the programme. The V.E.C. will also provide information relating to the safety and health risks and protective and preventative measures taken in the workplace.

24. Co. Clare V.E.C. will re-assess the risks in the workplace environment for all members of staff with disabilities including those who have acquired a disability. The risk assessment must establish if a particular disability could be hazardous to oneself or co-workers while at work or while performing any particular task in the workplace and whether the job entails any risk to a person with a disability. If risks are found to be present the V.E.C. will

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

Measures to protect the member of staff could include

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

Evacuation Procedures

25. Staff with disabilities may have particular problems with regard to evacuation procedures. For example, the evacuation of people with mobility problems raises particular difficulties where lifts cannot be used. People with hearing difficulties may require some specific arrangement to ensure that they are aware that the alarm has been raised. It is of particular importance that such problems are identified and that appropriate alarm and evacuation arrangements are put in place.

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

- The Personnel Department will, on assignment of a person with a disability to a particular area, make this fact known to the relevant supervisor and Safety Officer, and the supervisor and Safety Officer should meet the person with a disability to discuss all his/her safety needs.
- Heads of Departments who identify staff in their areas with specific needs in this respect will, in consultation with the Safety Officer and with the other people concerned, devise means, whether by way of particular equipment or otherwise, by which those needs can best be met.
- Staff with disabilities will never be excluded from evacuation drills, rather it will be a priority concern of Safety Officers to ensure that any particular arrangements which may be required for the evacuation of such staff are fully tested and used at each drill. Implementing this Code

27. All staff in Co. Clare V.E.C. have a role in ensuring strict adherence to the provisions of this Code of Practice.

28. In giving effect to the provisions of this Code, Co. Clare Vocational Education Committee will liaise with the Local Government Personnel Section of the Department of Education and Science, Post Primary Administration, Portlaoise Road, Tullamore, Co. Offaly.

29. On questions which require expert advice, at both recruitment and employment level (for example, the availability of assistive devices in particular circumstances), Co. Clare Vocational Education Committee will, after consulting the person with the disability, directly approach the relevant organisation dealing with the disability.

30. The implementation of this Code will be monitored on an ongoing basis by Co. Clare V.E.C. in consultation with its local Partnership Group.

31. Legal Interpretation:

In the event of any ambiguity or inconsistency or conflict arising between any of the provisions of this policy and any of the provisions of the Employment Equality Act, 1998, the provisions of the Act will prevail.

This policy constitutes a statement of intent on the part of Co. Clare V.E.C. However, its provisions, save to such extent as may be required by law, shall not constitute a legally binding or enforceable commitment, contract or agreement whether expressed or implied.

In order to comply with its statutory obligations, Co. Clare V.E.C. will record on Personnel records those employees who have a disability, as defined under the Employment Equality Act, 1998.