

## ABILITY IN THE WORK PLACE - Presenter Reading Appendices

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- Appendix 1- 6**      Different disability types and case studies (See web site)  
And Reasonable accommodation examples of each of the 6 groups
- Appendix 2-**      2 x Codes of Practice
- Appendix 3-**      Disproportionate Burden
- Appendix 4 –**      Reasonable accommodation examples
- Appendix 5 –**      Aishling project background

### Appendix 1

**See Workway website under Best practice**

([http://www.workway.ie/article/index.php?cat\\_id=613](http://www.workway.ie/article/index.php?cat_id=613) ) for specific examples of:

#### **Case Studies**

- Physical Disability
- Sensory Disability
- Learning Disability
- Mental Health Disability
- Hidden Disability

#### **Reasonable Accommodation**

- Physical Disability
- Sensory Disability

**Presenter's Reading Appendices**  
**Ability in the workplace**

- Learning Disability
- Mental Health Disability
- Hidden Disability

## **Appendix 2:**

### **Codes of Practice Examples:**

#### **1. Eircom x 4 pages**

### **CODE OF PRACTICE FOR THE EMPLOYMENT OF PEOPLE WITH DISABILITIES IN EIRCOM**

#### **Introduction**

eircom, as an employer, is committed to a policy of equality of opportunity in employment practices. The purpose of this Code of Practice is to provide a clear statement of this policy in relation to people with disabilities and to provide guidance for all employees in relation to their employment.

All Business areas of eircom will be required to ensure that they afford equality of opportunity to any existing employees who have a disability and to any job applicants with disabilities.

The core principle enshrined in this Code of Practice is that consideration of any question concerning the employment of people with disabilities will proceed from a position of presumed ability unless otherwise demonstrated.

#### **1. Definition of "Disability"**

This Code of Practice adopts the definition of disability set out in the Employment Equality Act, 1998:

The impact on an individual of a duly recognised physical, sensory, psychological or mental impairment which affects or substantially reduces their prospects of securing, retaining or advancing in employment.

Physical, sensory, psychological, mental impairment means:

(a) the total or partial absence of a person's bodily or mental functions, including the absence of a part of a person's body.

(b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness.

(c) the malfunction, malformation or disfigurement of a part of a person's body,

(d) a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or

(e) a condition, illness or disease which affects a person's thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour,

and includes 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.

This definition covers a wide range of disabilities, so wide, indeed, as to render misleading most assumptions or generalised statements about the capabilities or limitations of people with disabilities in employment. While some people with disabilities may require special assistance, and/or equipment to realise their full potential, most can be fully effective employees without specialist help.

While some disabilities are obvious (e.g. as in the case of wheelchair users) others are not readily apparent (e.g. epilepsy or mental illness). Furthermore, the same disability can vary in its severity or affect people differently. Accordingly, care should be taken to avoid the use of stereotypes and every person with a disability should be treated as an individual.

## **2. Recruitment and Selection.**

Company policy is that individuals are selected for particular roles on the basis of the match between their set of skills and competencies and those required by the role.

In drafting role profiles care will be taken to 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, the company will consider any flexibility which might reasonably be employed to enable the individual to perform the role. No unnecessary or irrelevant obstacle will be placed in the way of people with disabilities applying for roles filled by competition. The Company will make all reasonable efforts to provide such specific facilities and equipment as are necessary to enable applicants with disabilities to participate in competitions

In an interview situation, candidates with disabilities will be interviewed in a manner which tests their ability to perform the role. Any discussion of disability will be concerned only with the nature of adjustments, if any, that may be required to enable the applicant to do the job.

Where a selection process determines that a person is unable, by virtue of disability, to properly discharge the duties of a role, the person in question will be afforded an opportunity to respond to that opinion before a final decision is made.

All parties involved in selection processes will be briefed on disability awareness and on this Code of Practice for the Employment of People with Disabilities which is an integral part of the Equal Opportunities Policy of the Company.

### **3. Inclusion in the Workplace**

Disability does not necessarily affect a person's ability to perform their role, but it may affect the manner or the place in which they perform it. Most people with disabilities can operate effectively without requiring modifications to their working environment. However, specific facilities are required by some.

The Company will ensure that, insofar as it is practicable, the working environment will be designed to minimise those problems which face employees with a disability. The Company will also ensure that all reasonable efforts are made to meet the specific requirements of an individual with a disability so as to maximise their access to, and successful participation in, their employment with eircom.

People with disabilities may encounter greater difficulties than others in adjusting to a new workplace. Good communications are a key requirement in overcoming difficulties which may arise. Clearly, the best source of information about disability and what might apply in the workplace is the person with the disability. Accordingly, full and frank discussion of any problem encountered is essential if difficulties are to be minimised.

People with disabilities should feel that they can discuss any particular issues with their line manager. It is thus important that managers and colleagues who deal with staff with disabilities should overcome any inhibitions which they may feel about discussing a person's disability directly with him or her. Educational awareness information will be available to all employees in the context of Equal Opportunities communications.

### **4. Career Development**

Employees with disabilities will have the same opportunities as other staff to develop their skills and competencies to enable them to have full and rewarding careers in eircom.

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

Employees with disabilities will be offered the same access to training and development opportunities as all other employees, and all reasonable measures will be taken to ensure that they are not inhibited from availing of such opportunities for reasons of physical or sensory access to training centres, conference rooms, format of training materials, etc.

## **5. Accommodation and equipment.**

It is Company policy to ensure that, insofar as is practical, the working environment is such as to minimise problems which face staff with disabilities. The Company will take the requirements of people with disabilities fully into account in its assessment of buildings. When structural work is undertaken on buildings consideration will be given to reasonable alterations which might be included in the work to improve accessibility.

Line managers will consult staff with disabilities about specific equipment or other personal supports which might enhance their efficiency and effectiveness in performing their role. Line managers will notify the Company Property Management Services of any access problems or other features of buildings which may cause barriers for people with disabilities, with a view to the progressive eradication of such barriers.

## **6. Health and safety.**

Employees with disabilities may have particular difficulties in regard to evacuation procedures. It is of particular importance that such problems are identified and that appropriate alarm and evacuation arrangements are put in place by the Fire Marshall in consultation with the employee with a disability. Persons with a disability should make themselves aware of who their Fire Marshall is, and if they need particular assistance in the event of an evacuation, they should make this fact known in advance both to their line manager and to the relevant Fire Marshall. Fire Marshalls who identify staff in their areas with specific difficulties in this respect will in consultation with the people concerned, devise methods, whether by means of particular equipment or otherwise, by which those difficulties can best be overcome.

Employees with disabilities will not be excluded from evacuation drills: it is a priority concern of Fire Marshalls to ensure that any particular arrangements which may be required for the evacuation of such staff are fully tested and used at each drill. Health and Safety Statements will address the needs of people with disabilities. Health and safety of people with disabilities will be included in all health and safety training.

### **Implementation and Monitoring of this Code.**

All employees of eircom have a role in ensuring that the provisions of this Code are adhered to. Specific responsibility in this regard attaches to Managers.

In giving effect to the provisions of this Code, Managers and employees may require assistance and advice on a wide range of issues. Line Managers should in the first instance approach their appropriate HR Business Support Manager.

On questions which require expert advice, (e.g. the availability of specific equipment in particular circumstances), HR Business Support Managers may, after consulting with the person with the disability, directly approach other organisations where the required expertise is most likely to be found.

A list of relevant organisations , together with contact names, will be made available by the Equality Manager to HR Business Support Managers . All parties should feel free at any stage to contact the Equality Manager who will advise on questions concerning the implementation of this Code.

## **2. University College Cork x 9 pages**

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### Policy & Code of Practice on the Employment of People with Disabilities

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**Note: This Code of Practice is to be accompanied by the UCC Handbook on the Employment of People with Disabilities. This handbook will be available at a later date.**

#### **Policy**

(This policy is a condensed statement of commitments set out throughout the UCC Code of Practice on the Employment of People with Disabilities.)

UCC is committed to ensuring that people who are capable of effective performance in the posts which they hold or to which they aspire are not disadvantaged or discriminated against by reason of having a disability.

#### **Presenter's Reading Appendices Ability in the workplace**

Consideration of any question concerning the employment of people with disabilities shall proceed from a position of presumed ability until otherwise demonstrated.

UCC, as an employer, is committed to fully complying, not only with the letter of the Employment Equality Act 1998, but with the spirit of its intent.

People with disabilities are entitled to apply for any post in University College Cork for which they are qualified, and to have their applications considered on the basis of their abilities, experience, qualifications and the requirements of the work in question.

Employees with disabilities will be consulted where possible on all aspects of their integration into the UCC workplace.

The University is committed to the positive presentation of information about and for people with disabilities in all aspects of its business. UCC aims to make its general access documents accessible to employees with disabilities.

Information relating to a disability, given in confidence, will not be disclosed to anyone, not even the employee's supervisor/manager/head, without written permission, unless health and safety or legal concerns make it necessary to do so. (Conditions attach to medical reports.)

UCC aims to provide to employees with disabilities the same opportunities to develop full and rewarding careers with the University as are available to other employees.

Every reasonable effort will be made to retain an existing employee who develops a disability.

UCC will endeavour to ensure that, insofar as is practicable, the working environment is such as to minimise problems which employees with disabilities may face.

UCC will endeavour to meet an employee's needs for a workplace **accommodation\*** whenever reasonably possible, both where the accommodation enables the employee to fulfil an essential task and where it enhances the comfort, efficiency and job satisfaction of the employee. Victimisation of an employee with a disability due to their request for an accommodation will not be tolerated by the University.

All appropriate safeguards will be taken to protect the safety, health and welfare of members of staff with disabilities.

Harassment or bullying of an employee on the grounds that they have a disability is unlawful and will not be tolerated by the University.

UCC shall provide equal access to training and development opportunities for employees with disabilities, so that they can further their skills and contribute to the University to the fullest of their potential.

UCC will designate a sufficient number of disability-accessible parking spaces at convenient locations on campus to meet the needs of its staff.

Service animals will be permitted to accompany a person with a disability anywhere on the University campus where safety conditions permit.

All employees of UCC have a role and responsibility in ensuring that the provisions of this policy are adhered to. Specific responsibility in this regard attaches to senior managers, heads of departments, centres and units, and to the Department of Human Resources.

The University aims to provide appropriate training and information in support of this policy as resources permit.

The implementation and effectiveness of this policy will be monitored on an ongoing basis by the Committee on Equality of Opportunity.

Complaints in respect of this policy should, in the first instance, be directed to the department or office directly responsible for the alleged breach. Failing satisfactory outcome, employees may wish to invoke the University's Grievance Procedure.

\*Definition of Accommodation = The use of special equipment, modified duties, assistance from other persons (such as a reader or sign language interpreter), adjusted work schedules, or any other adaptive measures which would enable a person with a disability to perform the duties of a position, participate in job application and promotion processes, or enjoy equal benefits and privileges of employment as other similarly situated employees without disabilities. Note: The University is not bound to providing accommodations which are not reasonable in financial, practical, or other terms.

## **Code of Practice**

### **1. Introduction**

This Code of Practice on the Employment of People with Disabilities at University College Cork is presented as a further development of the University's policy on equality of opportunity. The purpose of the Code of Practice is to provide a clear statement of policy in relation to people with disabilities.

UCC wishes to derive maximum benefit from the contribution of potentially valuable employees by ensuring that the abilities of workers with disabilities are



never overlooked. The University takes seriously its obligation to ensure that people with disabilities are treated fairly and are afforded equal opportunity. The Irish Government has made a commitment to the employment of people with disabilities in the public service, setting a target minimum of 3% of total staff. University College Cork is committed to playing its part in meeting and maintaining this objective.

This Code of Practice has been developed by the Department of Human Resources as an integral part of human resources policy development, and in response to instruction from the Higher Education Authority. It is intended that the Code of Practice be subject to wide consultation, both within and outside the University. Drafts have been reviewed by key bodies and offices within the University, the Higher Education Equality Unit and the staff of the University. The current draft is intended for consultation with the University's legal advisors, and unions representing UCC staff interests.

It is intended that this Code of Practice is be accompanied at a later date by a UCC Handbook on the Employment of People with Disabilities.

This Code of Practice applies to all staff employed by University College Cork. Whilst it relates only to staff, this is not to say that UCC is not concerned with practice in relation to students and customers with disabilities. Practice in these areas is governed by the responsible bodies and procedures other than those contained in this Code of Practice.

## **2. Employment Equality Act 1998**

The Employment Equality Act 1998 enshrines in law the right of people with disabilities to equal treatment in employment. UCC, as an employer, is committed to fully complying, not only with the letter of the legislation, but the spirit of its intent.

**Comment [CM1]:** Please update this section to reflect current legislation.

The Act defines disability as follows: "Disability" is -

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

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

Section 16 (3) of the 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.

This definition is wide-ranging, and illustrates the misleading nature of generalised statements or assumptions about the capabilities or limitations of people with disabilities in employment. UCC acknowledges the equal rights of people with hidden disabilities, and also that the same disability can vary in its impact and affect people differently.

This UCC policy seeks to treat every one of the University's employees, regardless of disability, as an individual with equal rights. Consideration of any question concerning the employment of people with disabilities will proceed from a position of presumed ability.

It is UCC policy, where possible, to avail of the range of financial and advisory supports available from state agencies and other organisations which serve the interests of people with disabilities.

### **3. Recruitment & Selection**

People with disabilities are entitled to apply for any post in University College Cork, and to have their applications considered on the basis of their abilities, experience, qualifications and the requirements of the work in question.

No unnecessary obstacle will be placed in the way of people with disabilities applying for posts at UCC. Whilst UCC is committed to a policy of hiring the best applicant for the job, regardless of personal characteristics, the University reserves the right to utilise positive action initiatives compliant with the Employment Equality Act 1998, Part IV, Section 33, to recruit people with disabilities.

The advertising of posts, application forms, and information provided to applicants will be monitored to prevent discriminatory content. The specification of requirements which may not be essential and could have the effect of excluding people with disabilities will be avoided. Application materials will be provided in alternative formats by request.

Notification of interview or aptitude tests will include an instruction to applicants on notifying UCC of any particular needs for which prior provision could be made. Accessible interview and test venues, and other accommodations will be made upon request, provided adequate notice is given by the applicant. The University will, where possible and appropriate, utilise such facilities, supports, schemes/grants as are made available by state and other agencies to assist applicants with disabilities in the recruitment process.

Members of UCC interview boards will be familiarised with equal opportunities issues, of which disability awareness and this Code of Practice will be an integral part. All candidates will be interviewed in a manner which concerns only their ability to do the job.

A medical examination or assessment will only be required of candidates where it is a standard condition of employment, regardless of disability.

#### **4. Workplace Integration**

UCC recognises that some people with disabilities may encounter greater difficulties than other members of staff in adjusting to a new workplace. Particular attention will therefore be given to the placing of employees with disabilities and in monitoring and assisting their performance in the initial stages of employment.

Good communication is the recognised key to overcoming difficulties which arise, and UCC acknowledges that the best source of information about what is necessary for successful integration is the person with a disability. Accordingly, employees with disabilities will, where possible, be consulted on all aspects of their integration into the UCC workplace.

Workplace integration measures will at all times be conducted with due respect to the employee's right to medical confidentiality.

#### **5. Language & Communication**

UCC recognises that language is a powerful and important tool in shaping ideas, perceptions, and ultimately, public attitudes to people with disabilities.

The University is committed to the positive presentation of information about and for people with disabilities in all aspects of its business. Respectful use of precise, descriptive terms will be expected of staff when writing about people with disabilities and issues that affect their lives.

The University is committed to making its web site accessible to the widest possible audience, including staff with visual disabilities, and will encourage sites hosted on the UCC server to be likewise cognisant of access issues and features.

General communications to employees will be conducted via all means necessary (e.g. telephone, email, messenger, etc.) to reach all employees in a format which is accessible to them.

## **6. Confidentiality & Privacy**

It is necessary for the University to collect information for the purposes of monitoring equality and diversity, for instance in relation to meeting the public service target of 3% of the workforce being employees with disabilities and in relation to taking positive action measures in recruitment.

UCC may, at some future time, conduct information gathering at the application or recruitment stage. Applicants would be requested to give information voluntarily regarding their status under the nine grounds covered by the Employment Equality Act 1998, including disability.

Information provided by this means will not appear in an employee's Personnel file or be utilised in any way other than for statistical purposes.

Employees may opt to declare their disability to the Human Resources Department in order to avail of accommodations in equipment, workplace, working times, security and safety arrangements, communication methods, etc. from the central administration of the University.

Information relating to a disability, given in confidence, will not be disclosed to anyone, not even the employee's supervisor/manager/head, without written permission, unless health and safety or legal concerns make it necessary to do so.

Information obtained about employees, whether or not disabled, through medical reports or assessments will be maintained confidentially. The University reserves the right to disclose necessary elements of this information when legally entitled or obliged to do so, and to the following extent:

- to supervisors/managers/Heads, regarding necessary restrictions in the employee's duties and reasonable accommodations,
- to First Aid and safety personnel if the disability may require emergency treatment,
- to Government officials investigating compliance with the Employment Equality Act 1998, upon request.

## **7. Career Development**

UCC aims to provide to employees with disabilities the same opportunities to develop full and rewarding careers with the University as are available to other employees.

The University is committed to providing equal access to training and development opportunities for employees with disabilities so that they can further their skills and abilities, and fully contribute to the organisation.

In assigning duties to employees 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.

Employees with disabilities will not be excluded from promotion on the sole basis that their disability may prevent them from carrying out the full range of duties in the higher grade.

### **8. Employee Retention**

Every reasonable effort will be made to retain an existing employee who develops a disability. Measures which may be taken to retain an employee who has acquired a disability include: accommodations in equipment, working arrangements, etc.; job restructuring; rehabilitation; retraining; relocation of workspace; redeployment to other tasks or units commensurate with their capabilities (including being considered for vacancies within the University for which they are qualified); flexible work arrangements.

A medical examination/assessment may be required by the University before return to work is agreed. These will be treated with the same confidentiality as pre-employment medical examinations.

There are certain conditions under which the University may legitimately not allow an employee to return to work at UCC. These include:

- the individual is not fully or sufficiently recovered from physical or mental injury,
- the individual cannot perform the essential functions of the post they hold or other available posts even with a reasonable accommodation, or
- the individual would pose a significant risk of substantial harm to themselves or others that could not be reduced to an acceptable level with reasonable accommodation.

### **9. Buildings, Accommodations\* and Equipment**

(\*Definition of Accommodation = The use of special equipment, modified duties, assistance from other persons (such as a reader or sign language interpreter), adjusted work schedules, or any other adaptive measures which would enable a person with a disability to perform the duties of a position, participate in job application and promotion processes, or enjoy equal benefits and privileges of employment as other similarly situated employees without disabilities. Note: The University is not bound to providing accommodations which are not reasonable in financial, practical, or other terms.)

UCC will endeavor to ensure that, insofar as is practicable, the working environment is such as to minimise problems which employees with disabilities may face.

Whilst most employees with disabilities can operate effectively without requiring modifications to their working environment, modified facilities may be required by some. UCC will endeavour to meet these needs whenever reasonably possible, both where the accommodation enables the employee to fulfil an essential task and where it enhances the comfort, efficiency and job satisfaction of the employee.

By recognising that the abilities of a person with a disability include the abilities facilitated by assistive devices and accommodations, the University aims to ensure compliance with the terms of the Employment Equality Act 1998 with regard to 'reasonable accommodation', and ensure equal participation in the UCC workforce for employees with disabilities.

UCC aspires to being sensitive to barriers which particular physical environments may place in the way of people with certain disabilities, and aims to progressively remove such barriers.

The University will consider what alterations might reasonably be carried out to existing premises in order to improve accessibility. Progress in this, however, may be constrained by the wide variations in the premises occupied by the University, by preservation restrictions, and by financial considerations.

UCC will take the requirements of people with disabilities into account in the assessment of premises for purchase and rental purposes, and will undertake disability access reviews of all new building and environment designs as an integral part of the planning process.

In addition to mobility and sensory access, attention will be paid to barriers arising in terms of attitude, services and communications.

Accommodation will be by request of the employee concerned, at any stage during their employment at the University, and they will be fully included in discussions on appropriate accommodation. However, the final decisions on whether there is a need for accommodation and what appropriate accommodation will be provided, rest with the University. UCC may avail of internal or external expertise in the consideration of accommodation requests, and may utilise available grants or subsidies.

The University reserves the right to request medical corroboration of the need for accommodation as it sees necessary.

Victimisation of an employee with a disability due to their request for an accommodation will not be tolerated by the University.

## **10. Safety, Health & Welfare at Work**

UCC will encourage departments to make specific provision for employees with disabilities in their departmental safety statements. All appropriate safeguards will be taken to protect the safety, health and welfare of members of staff with disabilities.

Workplace environment risks will be assessed for all members of staff, particularly staff with disabilities and including those who have acquired a disability.

Harassment or bullying of an employee on the grounds that they have a disability is unlawful and will not be tolerated by the University. The UCC Duty of Respect and Right to Dignity Policy applies.

In the development of evacuation plans for individual campus buildings, the needs of people with disabilities will be incorporated, and employees with disabilities may be consulted if appropriate. External and internal expertise may also be utilised. Consideration will be given to installing multi-modal alarm systems, providing reference to designated assisted rescue areas, and measures that will assist people with visual impairment in an evacuation situation.

In some situations a general evacuation plan for the building, whilst accounting for some of the more common difficulties encountered by people with disabilities, may not meet the needs of an individual. Assistance in drawing up a personal evacuation plan will be provided to any employee with a disability requesting assistance.

It is UCC policy that employees with disabilities not be exempt or excluded from evacuation drills. Rather, it is a priority concern that any particular arrangements which may be required for the evacuation of employees with disabilities be fully tested and utilised at each drill.

## **11. Events & Training**

Staff with disabilities should have the same opportunities as staff without disabilities to develop full and rewarding careers at UCC. UCC will provide equal access to training and development opportunities for employees with disabilities so that they can further their skills, and contribute to the University to the fullest of their potential.

All events run for the benefit of the staff in UCC in general will be accessible to all staff who wish to attend wherever reasonably possible. All registration and advertising materials should state that the event is accessible to people with disabilities. It is suggested that these materials carry an invitation to participants to request accommodations or identify their needs well in advance of the event, to enable their needs to be met.

## **12. Designated Parking Spaces**

UCC aims to designate a sufficient number of disability-accessible parking spaces at convenient locations on campus to meet the needs of its staff.

Holders of disabled parking permits are automatically entitled to use the designated spaces. Individuals who do not possess disability parking permits, but who wish to utilise the designated spaces for reasons of disability, either short or long-term, may request a permit to use designated parking. A doctor's letter may be requested in support of a permit request.

UCC reserves the right to clamp or tow any cars utilising designated parking without displaying either a disabled parking permit or a UCC designated parking permit.

### 13. Service Animals

Service animals will be permitted to accompany a person with a disability anywhere on the University campus where it is safe for them to do so, and where the animal and handler meet the following requirements:

- Animals must be licensed in accordance with legal requirements and must receive appropriate routine vaccinations.
- Animals must be in good health.
- Animals must be on a leash or appropriate restraint at all times.
- The handler must be in full control of the animal at all times.
- The animal must be in use as a service animal to assist a person with a disability when in areas of the campus where animals are not otherwise allowed.

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### 14. Implementation & Monitoring

All employees of University College Cork have a role and responsibility in ensuring that the provisions of this code are adhered to. Specific responsibility in this regard attaches to senior managers, heads of departments, centres and units, and to the Department of Human Resources.

The implementation and effectiveness of this Code will be monitored on an ongoing basis by the Committee on Equality of Opportunity.

### 15. Complaint Procedure

University College Cork is committed to fairness and transparency in its adherence to this Code of Practice. However, should a complaint arise, the complainant should follow the appropriate procedure to have their concern addressed by the University.

Applicants for positions or promotions within UCC who feel that the Code has been violated should, in the first instance, address their complaint to the Department of Human Resources. Failing satisfactory outcome, internal applicants may wish to invoke the University's Grievance Procedure. External candidates should contact the Director of Human Resources.



Employees with or without disabilities who feel aspects of the Code other than those in relation to recruitment and selection have been violated should, in the first instance, address their complaint to the department or office directly responsible for the alleged breach of the Code. Failing satisfactory outcome, employees may wish to invoke the University's Grievance Procedure.

Shortcomings, improvements or oversights in the Code of Practice should be addressed to the Committee on Equality of Opportunity, which has responsibility for monitoring the implementation and effectiveness of the Code of Practice.

| **President G. T. Wrixon 26th March 2002**

**Comment [CM2]:** Please check out with UCC that it is okay to still include this on the web and in these presenter reading appendices.

### | **Appendix 3**

**Comment [CM3]:** Please update to reflect current legislation.

An amendment\*22 has been made to the notion of nominal cost as a result of Council Directive 2000/78/EU. Employers must now 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:

- (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;
- the possibility of obtaining public funding or other assistance, and 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'

#### **Appendix 4**

##### **Examples of reasonable accommodations include:**

- rearranging office furniture;
- installing a higher than average desk for a staff member using a wheelchair;
- adapting standard equipment or providing something specially designed, e.g., 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 (e.g., 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 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.

**[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].<sup>6</sup>

**[Example:**

**Name:** 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, bookkeeping, 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.

<b>Cost of accommodations:</b>	File holder
€20	
	Electric hole punch      €104

Finbar was eligible to apply for the FÁS WEAG grant].

[**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].<sup>9</sup>

[**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].<sup>10</sup>

[**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 chemotherapy. The treatment will last six weeks.]

#### **Examples of Reasonable Accommodation:**

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.

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 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.

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.

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 €27.00 <sup>15</sup>

### **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.

**Appendix 5:**

The Aisling Foundation was founded in 2000 by Caroline Casey to raise funds for the Indian Challenge. The 1,000km elephant trek across India helped capture the attention of corporate Ireland and highlight the abilities and capabilities of someone with a disability.

From its establishment, The Foundation has attracted an exceptionally high level of both business and news media coverage for its adventurous and positive focus as it promotes and enhances a truly positive image of disability.

Ref [www.theabilityawards.com](http://www.theabilityawards.com)