UCD Policy: Supporting the Employment of Persons with Disabilities

Owner	EDI Unit	Approval date and body	21/06/2022, UMT

1. Purpose

The University is committed to providing an inclusive environment in which all members of our University community should expect to be able to thrive and be respected and valued for their unique perspectives, and contributions so that people can achieve their fullest potential through real opportunities to participate in, and contribute to, University activities. UCD has developed this policy to ensure it provides equality of opportunity in the attraction, employment, retention, and development of persons with disabilities. It is committed to taking proactive steps to ensure its workplace culture supports employees with disabilities to feel confident and comfortable to disclose disabilities so that supports can be provided to enable employees to thrive at work. The University seeks to create an affirmative and inclusive culture for employees who have or acquire disabilities during their working life.

Note: The University uses the term *disability* reflecting national and European equality legislation and is the umbrella term used for the purpose of this policy to include all individuals that fall under the legal definition as outlined below. Whilst it is acknowledged that not all employees with disabilities identify with this term it is important that they are included under this policy so that employees receive the necessary supports.

This policy supports **UCD's EDI Strategy and Core Objective 4 of UCD's Strategy 2020-2024** is to "attract, retain, and develop an excellent and diverse cohort of students, faculty and employees". The Public Sector also has a target of employing a minimum of

3% of people who have a disability. This statutory target is expected to increase to 6% in 2024.

This policy is underpinned by national legislation and the principles of the UN Convention on the Rights of Persons with Disabilities ratified in Ireland in 2018.

2. Scope

This policy applies to all employees in UCD.

3. Definitions

Disabilities

In the context of employment, the term "disabilities" means employees with physical, sensory, or psychological impairments, which may:

- have a tangible impact on their functional capability to do a particular job; or

- have an impact on their ability to function in a particular physical environment; or

- lead to either direct or indirect discrimination, in obtaining or keeping employment of a kind for which, they would otherwise be suited;

Under the Employment Equality Acts 1998-2015 the "EA Acts", disability is defined 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.

Neurodiversity is sometimes used as an umbrella term for neurological traits in people For example, autism, dyslexia, ADHD (attention, deficit, hyperactivity disorder), dyspraxia, dyscalculia, dysgraphia. Depending on the neurodiverse variation and its intensity, individuals can display strengths in different areas which is an invaluable asset in workplaces. These traits fall under the definition of disability as per the legislation.

Acquired Disabilities

Acquired disability is a disability that has developed during the person's lifetime – that is as a result of an accident or illness rather than a disability the person was born with.

Invisible Disabilities

Invisible disabilities refer to disabilities which may not be visible at a glance but can have a major impact on people's lives. They can arise from conditions such as epilepsy, autism, diabetes, acquired brain injuries and some chronic illnesses. Invisible disability, or hidden disability is an umbrella term that captures a whole spectrum of disabilities or challenges.

Disclosure

When a person with a disability communicates a disability to another person. UCD encourages a culture where employees feel confident to share their disability status in the workplace. Employees may share a disability status with their team or manager to raise awareness but may not request supports at that time. Other reasons for disclosing a disability to your employer may include:

1. **Disclosure to obtain a reasonable accommodation**

It is the policy in the University to ensure that, insofar as is practicable, the working environment is inclusive of employees with disabilities.

- The University will take appropriate measures to assess and where possible meet the needs of employees/potential employees with disabilities in the workplace.

- Reasonable accommodation must only be provided where the provision of such measures would not impose a disproportionate burden on the employer.

- Disclosing a disability is voluntary and it is not required of any employee or job candidate to divulge specific personal information about a disability.

2. Disclosure on health and safety grounds where the disability may increase the risk to the staff member from workplace hazards

There are certain conditions that the University should be informed about so that any attendant risks can be appropriately assessed.

These conditions include but are not limited to: epilepsy grand mal; hemophilia; insulin dependent diabetes; restricted mobility; and significant hearing impairment). Employees are encouraged to disclose such conditions to their HR Partner or the Equality, Diversity and Inclusion (EDI) Unit who will liaise with Safety, Insurance and Risk Compliance (SIRC) Office so that any attendant risks can be appropriately assessed.

Reasonable Accommodation

Reasonable accommodation (RA) can mean some modification to tasks or the structure of a job or the workplace which allows a qualified employee with a disability to do their job and enjoy equal employment opportunities.

Under the EA Acts, employers are obliged to provide reasonable accommodation for employees (subject to some caveats referenced below). In other words, the University must take appropriate measures to enable a person who has a disability to access and participate in employment or undertake training.

Reasonable accommodation must only be provided where the provision of such measures would not impose a disproportionate burden on the employer. The financial cost to the University, the scale and financial resources of the University, public funding or other assistance are examples of some of the factors that may be considered in this regard.

Campus Accessibility

The University is committed to developing an accessible campus for employees with a disability. The University has a Campus Accessibility Officer to advise and guide the University in its duties under the Disability Act 2005. The Act requires public bodies to ensure that buildings and services are universally accessible to employee, students and visitors with disabilities.

Personal Emergency Evacuation Plan

Upon request plans are prepared for employees who require a Personal Emergency Evacuation Plan to ensure they exit campus buildings quickly and safely in case of an emergency.

Risk Assessment

A person with a disability (in common with every other employee) has an obligation to ensure their own safety and the safety of others at the place of work. This obligation may extend to engaging in risk assessments, consulting with the University (or any qualified professional) regarding the implementation of measures and highlighting any concerns as they may arise to the University from a health and safety perspective.

Section 5 of this policy includes information on Safety, Health and Welfare regarding covid-19 return to work under 'supports.

Returning from Sick Leave

Employees returning from sick leave may require reasonable accommodations. HR Partners support employees and managers on the identification and implementation, where possible, of reasonable accommodations.

Universal Design

Under the Disability Act 2005, 'universal design' means the design and composition of an environment, electronic systems, any electronics-based process of creating products, services or systems so that it may be accessed, understood and used by persons of any age or size or having any particular physical, sensory, mental health or intellectual ability or disability.

3. Principles

- Ensure that people with disabilities are supported to thrive and are not disadvantaged by reason of having a disability, in the jobs which they hold, or which they aspire to hold;

- Ensure the University meets national targets for the employment of people with disabilities;

- Ensure all reasonable efforts are made to meet requirements to which some disabilities give rise and enable employees with disabilities to make the fullest possible contribution to the work of the University;

- Create a work culture where employees feel encouraged and comfortable to disclose their disability status:

- Embed the principles of universal design;

- Adhere to the principles of the Equality, Diversity and Inclusion policy and support the achievement of the UCD Equality, Diversity and Inclusion Strategy 2018-2020-2025, and;

- Ensure that legal responsibilities are discharged.

4. Roles and responsibilities

All employees in the University have a role in ensuring that the provisions of this policy are upheld. As members of our community, we are all expected to work to develop and maintain a high degree of respect in our diverse community and to participate in creating a positive and inclusive environment. College Principals, Heads of School/Unit, Line Managers and College Vice Principals for EDI are required to implement the policy in their area and will be supported in this role by Human Resources.

4.1 Managers

Managers have the responsibility to:

- Implement and promote this policy and accompanying guidelines to support the recruitment, career progression and access to the reasonable accommodations process for employees with disabilities;

- Raise awareness and understanding of, visible and invisible disabilities, make it clear that employees cannot be discriminated against as a result of a disability and the University will treat any complaints regarding discrimination in a serious manner;

- Lead by example; create a culture of trust where employees feel comfortable disclosing a disability status;

- Ensure employees disclosure are treated confidentially and reassure employees of this; if a manager has a good reason to believe that the safety of the employee who has disclosed a disability, or the safety of another person, may be endangered unless information is shared – managers have a duty of care to disclose and seek specialist advice.

- Include discussion about reasonable accommodation and supports in local induction;

- Support employees access a needs assessment for a reasonable accommodation and put reasonable accommodations in place once agreed and check in periodically on how these are working;

- Ensure a safe work environment in collaboration and with support from relevant UCD units;

- Undergo any relevant training and awareness raising made available to managers on supporting employees with disabilities and broader EDI training.

- Ensure all policies and processes are aligned to UCD Accessible Documents Guidelines Link;

4.2 Employees

Employees have the responsibility to:

- Create a culture of inclusion for colleagues, make it clear that employees with a disability cannot be discriminated against as a result of a disability;

- Feel comfortable sharing information with line managers on any disability, difficulties, or health condition(s) that impact their work. The University encourages the sharing of this information to enable colleagues to be supported effectively, while maintaining confidentiality;

- Maintain open and on-going communication with their manager in relation to reasonable accommodations;

- Request a Personal Emergency Evacuation Plan from the Safety Office should you require a plan to ensure you can exit campus buildings quickly and safely in case of an emergency.

- Participate in a referral to Occupational Health and associated reasonable adjustments process if required, to pursue any agreed actions and support recommendations;

- Keep their line manager informed of any changes to their health that impacts on their ability to do their job, or requires a review of previously agreed adjustments.

- Raise their awareness and understanding of diverse abilities and disability through disability awareness and broader EDI programmes available;

- Raising concerns or grievances; Most concerns are capable of being resolved on an informal basis without recourse to the formal grievance process. Employees with disabilities are encouraged to speak to their manager to resolve any concerns informally. Advice and support is available from the relevant HR Partner and the EDI Unit. Further information on supports are available in the accompanying guidance document.

- Comply with legislation.

4.3 Human Resources

- Ensure that Occupational Health and Employee Counselling services are accessible for all employees.

- Support employees and provide information and advice if an individual discloses disability and/or is seeking an assessment for reasonable accommodation.

- Offer advice and support for managers in supporting employees with disabilities, accessing a needs assessment for reasonable accommodations, and how to promote a culture of inclusion within their area of responsibility.

- Upon request plans are prepared for employees who require a Personal Emergency Evacuation Plan to ensure they exit campus buildings quickly and safely in case of an emergency.

- Liaise with managers over return-to-work arrangements following a period of absence.

- Provide training for managers to ensure they have a level of awareness of how to support employees with disabilities.

- Advising on changes in legislation and current best practice guidance in respect to disability in the workplace.

- Developing working relationships with specialist services as appropriate.

5. Related Documents
5.a Supports

- Campus Accessibility Officer: Link
- Dignity & Respect Service: Link
- Dignity and Respect Support Colleagues: Link
- Disability Supports webpage: Link
- Disability Sub-Group: Link
- Employee Disability Network: Link
- HR Partner Team: Link
- Mental Health and Wellbeing Directory of Supports: Link
- Mental Health and Well Being Webpage Link
- Reasonable Accommodations Process: Link
- Safety, Insurance, Operational Risk & Compliance Office (SIRC): Link
- Staff Disability Network Online Forum: Link
- UCD Equality, Diversity & Inclusion (EDI) Unit: Link
- Line managers

For specific information on other key areas including teaching and assessment, UCD Estates and UCD HR issues related to covid-19, visit the relevant UCD webpage. For example, visit UCD Estates webpage for issues related to estates and covid-19.

Advice on all aspects of the policy and policy related documents and forms through Human Resources ext. 4900 or by emailing HRHelpdesk@ucd.ie

5.b Legislation and Policies

- **Disability Act 2005** Link

  This policy is underpinned by national equality legislation and the Disability Act 2005 (the "Act") which places a statutory obligation on public service providers to support access to services and facilities for people with disabilities. The Act includes a statutory obligation to in so far as practicable take all reasonable measures to promote and support the employment of persons with disabilities.

- **Employment Equality Act 1998-2015** Link

  The EA Acts promote equality and prohibit discrimination (with some exemptions) across nine grounds, sexual harassment, harassment and victimisation. The EA Acts impose specific duties on the University with regard to people with disabilities.

  The EA Acts require appropriate measures to be put in place for people with disabilities in relation to access, participation and training in employment and they allow affirmative action to be taken to ensure equality in practice across the nine grounds.

  The EA Acts impose specific duties on the University with regard to people with disabilities. Under the Acts the university is prohibited from unlawfully discriminating against people with disabilities by failing to provide reasonable accommodation.

- **Irish Human Rights and Equality Act 2014** Link

- **Safety, Health and Welfare at Work Act 2005** Link

  Under the Safety, Health and Welfare at Work Act 2005 (the "2005 Act"), the University must ensure, as far as is reasonably practicable, the safety, health and welfare at work of all its' employees. This extends to ensuring that places of work, where necessary, are organised to take account of persons at work with disabilities, in particular as regards doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by those persons.

- **U.N. Convention on the Rights of Persons with Disabilities 2006** Link

  Article 27 of the UN Convention on The Rights of Persons with Disabilities provides that "State Parties recognize the right of persons with disabilities to work on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities." The Convention was ratified by the Irish Government in 2018.

- UCD Equality, Diversity & Inclusion Policy Link
- Mental Health and Wellbeing policy Link
- UCD Dignity and Respect Policies Link
- GDPR Privacy Statement -Applicant: Link
- GDPR Privacy Statement -Employee: Link
- Grievance Procedure Policy UCD: Link
- UCD HR Data Retention Statement: Link

All policies and policy related documents and forms are subject to amendment. Please refer to the UCD Governance Document Library website for the official, most recent version.