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**irish congress of trade unions**

# **Code of Practice for Trade Unions on People with Disabilities**

**May 2005**



## Introduction

This Code of Practice is intended as a tool to give practical effect to the provisions of the Employment Equality Act, 1998 and Equality Act, 2004, and the Equal Status Act, 2004, which prohibits discrimination on any of the following nine grounds: Gender; Marital Status; Family Status; Age; Disability; Sexual Orientation; Religion; Race; Membership of the Traveller Community.

The Code is intended for use by trade union organisations to enable them fulfil their duties as employers under the Employment Equality Act, 1998 and Equality Act, 2004, and in particular under the Equal Status Act, 2004.

The Code aims to contribute to developing equality for people with disabilities and ensuring that they are recognised and treated as having equal status with all other persons. It is the policy of *insert organisation* to promote equality of opportunity for people with disabilities and to ensure that their needs can be safely accommodated within our work environment, in all practices and procedures.

*Insert organisation* is embracing the

challenge of providing services to people with disabilities. Significant progress has already been made towards providing the necessary structure and service to our members with disabilities.

*Insert organisation* will continue its efforts to adapt policies, structures, services and physical premises to ensure equality of opportunity resulting in greater participation of people with disabilities in *insert organisation* both as employees and service users.

*Insert organisation* will meet the costs provided they are not of a disproportionate nature relative to our resources. We will seek to ensure that any changes are done in consultation with people with disabilities.



## Definition of Disability

For the purposes of this Code the definition of disability adopted is as set down in the Employment Equality Acts 1998 and 2004 and is as follows –

- (a) Total or partial absence of a person's bodily or mental functions, including the absence of a part of the person's body,
- (b) Body organisms causing or likely to cause chronic disease or illness
- (c) Malfunction, malformation, or disfigurement of a part of a person's body,
- (d) Condition of malfunction that results in a person learning differently,
- (e) 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:

Examples of different types of disability

include mobility, visual, auditory, speech, dexterity, mental psychiatric illness and learning difficulties. Whilst some forms of disability can be obvious, others are not readily apparent. The same disability can vary and can affect people differently.

## Structure of the Code

This Code is divided into two parts reflecting the distinctive roles of:

- (i) Trade Unions as Service Providers
- (ii) Trade Unions as Employers



## Trade Unions as a Service Provider

### Designated Union Official

*Insert organisation* will designate a suitably qualified Union Official with responsibility for the implementation of this Code of Practice.

### Recruitment of Members

*Insert organisation* will ensure that their recruitment process actively encourages people with disabilities to join *insert organisation*. In this regard, the adaptation of recruitment materials and the Rule Book of the organisation will be examined and amended, where necessary, to ensure that it incorporates equal opportunity for people with disabilities.

### Union Services

*Insert organisation* offers a wide range of services i.e. representation; advice; information etc. to our members. *Insert organisation* will review current service provisions to,

1. (a) assess their particular relevance, identify gaps and barriers in relation to members with disabilities.
- (b) identify appropriate measures to be taken to adapt existing services to meet the needs of people with disabilities.
- (c) identify the need for new services, as appropriate.
- (d) review handbooks, promotional materials, etc. to assess their appeal to members with disabilities.
2. Develop an Action Plan to design and implement adaptations to existing services or the introduction of new services, as appropriate.
3. Assess and provide the resources to achieve the Plan within two years.
4. Monitor and Review progress on a biennial basis.



## Participation

*Insert organisation* will ensure that the structure and operation of the organisation actively encourages and provides access for members with disabilities and facilitates participation at all levels of the organisation.

## Communications

*Insert organisation* will ensure that their members are regularly made aware of policies and work in progress in all areas of the trade union. *Insert organisation* will ensure that all relevant union journals, circulars and policy documents will be available in a particular format on request. This format will include CD Rom, Large Print, Audio Tape, Braille etc. *Insert organisation* will also ensure that their website is accessible to all.

## Education and Training

*Insert organisation* will include on all of their equality training and education activities the development and delivery of disability awareness training for union members, activists and officials. *Insert organisation* will actively promote the participation of

members with disabilities on relevant training courses.

## Physical Access to Trade Union Offices/Premises

*Insert organisation* will take the necessary steps in undertaking structural alteration or renovation of an existing building to ensure that it is brought up to an acceptable standard to facilitate access by people with disabilities within the next two years.

*Insert organisation* will include in their building maintenance plan a monitoring and review process to ensure that their premises continue to facilitate access by people with disabilities.



## Trade Unions as Employers

For the purposes of this Code the context of employment of people with a disability as set down in Section 9 of the Equality Act 2004 will apply where it states:

*'For the purposes of this Act as 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 reasonable accommodation (in this subsection referred to as 'appropriate measures')<sup>1</sup> being provided by the person's employer.'*

### Advertisements

All advertisements will clearly state that *Insert organisation* is an equal opportunities employer and that the position is open to candidates from within all nine grounds of the Employment Equality Act 1998 and Equality Act 2004 and the Equal Status Act 2004. The wording of the advertisements should encourage applications from people with ability to do the job. The questions posed will focus on requesting information on relevant work-related educational attainments, skills, knowledge and abilities.

Advertisements should indicate that accommodations will be provided to candidates on receipt of notification for same.

Wording will be included in the advertisement to allow an applicant the option to outline non-mainstream but equivalent educational qualifications and relevant work experience.

Where advertisements are to be placed in the public media, they will be placed in such a way as to ensure that no groups or individuals are disadvantaged in terms of accessibility. Consideration will be given to the various formats of advertising available such as, print, radio, the webpage of *Insert organisation*, as well as relevant journals.

### Job Application Forms

Job Application forms where they are used will contain clear instructions and only seek information that is relevant to the actual requirements of the job. The application form will comply with the provisions of the Employment Equality Act 1998 and 2004 and the Equal Status Act 2004.

<sup>1</sup> See Appendix 1 with regard to interpretation of appropriate measures.



The text and content of any application will be reviewed before each set of vacancies in the light of the competencies required for the position and to ensure that they remain in conformity with best practice in relation to equal opportunities.

The Job Application Form will state that the accommodation of special needs will be provided to candidates who may require them.

Job Application forms, where they are used, will be available in a number of formats i.e. for electronic dispatch on computer to assist candidates with sight impairments who are using assistive technology with voice activated readers on their computers; in hard copy, large print, and Braille.

In the event that *Insert organisation* uses an external recruitment agency for the purpose of recruiting staff, *Insert organisation* will make known to the agency our policy and request that they implement it during their selection procedures. *Insert organisation* will also advise the Recruitment Agency of their legislative duties in this regard.

## Interview Boards

When applicants are being called to interview they will be asked to indicate whether special facilities, arrangements and/or equipment are necessary to enable them to participate in the interview.

Appropriate adjustments will be made, where necessary, to facilitate people with disabilities and to allow them to compete on an equal basis. Disability car parking arrangements and the location of lifts will be specified in the letter of invitation to all to be interviewed.

The interviews will focus on the candidate's skills, talents, qualifications and capacities for the job for which they have applied. Members of the Interview Board will be given training or instruction on disability awareness and the policy of *Insert organisation* with regard to equal opportunities. The Interview Board will be fully briefed on the criteria for the position being advertised and the need to ensure absolute fairness in respect of the applicants.



Short listing criteria will not directly or indirectly discriminate against people with disabilities.

It should be noted by the Interview Board in the context of an internal application within *Insert organisation* that some people may not want other colleagues to know about their disability and their permission will be sought before any personal information is made known.

## Disclosure

*Insert organisation* concurs with best practice in that there is no obligation on employees to disclose a disability, and there is correspondingly no right of employees to seek or expect information on disability. Early disclosure of disability facilitates the planning and design of appropriate accommodation. The decision to disclose disability is up to the individual.

If a disability represents / might represent a health or safety risk or hazard in the workplace, an employee is obliged to disclose it so that the employer can make a risk assessment as to whether new or additional health or safety measures need to be put in place.

## Integration into the Workplace

Awareness training on disability and equal opportunities will be provided for managers/supervisors and work colleagues.

A meeting with the new recruit, the Designated Union Official and the new recruit's Line Manager will be arranged in advance of the person taking up duty. The purpose of this meeting will be to discuss with the new recruit his/her placement and any problems anticipated and any facilities which may be required to optimise job performance.

Many people with a disability can operate effectively without modification to their work area.

However, specific facilities are required by some. *Insert organisation* will ensure as far as practicable the working environment is adapted to meet the specific needs of the individual with a disability. Appropriate Measures include:

- Adaptation of premises and equipment
- Patterns of Working Time



- Distribution of Tasks
- Provision of Training
- Integration of Resources

*Insert organisation* recognises that good communication between the employer and the new recruit is the key to a successful outcome; therefore it is essential that the new recruit is integrated into whatever workplace arrangements prevail. Where such arrangements involve teamwork, managers should ensure that employees with disabilities 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 managers should ensure that employees with disabilities are involved in staff meetings and service/event planning. This degree of involvement should also extend to social events, informal employee gatherings and sporting activities.

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

### Mentoring

If deemed necessary, and subject to agreement with the new employee with a disability *Insert organisation* will put in place a mentoring system with a specific timeframe for new employees with disabilities. The mentoring system will operate during working hours or work-related social events. Employees with disabilities may also be trained as mentors.



## Career Development

The opportunity of career advancement should be as open to people with disabilities as to those without them. *Insert organisation* will ensure that staff with disabilities will be given to the greatest extent possible, the same opportunities as other staff to acquire the range of training skills and experience necessary for future career development. Any impediments which inhibit availability of training or other staff development measures, such as physical/sensory access to training centres, conference rooms, format of training materials, etc. will be identified and removed. An appropriate communications system will be identified such as the provision of a sign language interpreter.

Staff with disabilities will be encouraged to apply for promotion. *Insert organisation* will ensure that career development for individuals with disabilities will include the following options:

- The inclusion of career and skill development in induction programmes
- Expanding the existing role of the employee
- Moving the employee to a different role

- Varying the type of support they provide

**Retention of Staff who become Disabled**  
Every effort will be made, in the event of a staff member becoming disabled, to ensure that they retain the same or similar job. Where this is not feasible retraining for other suitable jobs within *Insert organisation* will be actively considered.

## Health and Safety

*Insert organisation* will ensure that staff with responsibility for safety are advised that special arrangements may be required for some staff and members with disabilities in the event of an emergency evacuation of the premises (i.e. people with hearing impairments may need special warning mechanisms', people with mobility problems may need evacuation chairs). *Insert organisation* will ensure that such facilities/arrangements will be put in place. Staff with disabilities will not be excluded from fire/evacuation drills and training.

## Work Experience

*Insert organisation* may offer work experience to a person with a disability.

## Confidentiality of Information

With the consent of the job / seeker / employee / person engaged in work experience any relevant information relating to a disability, reduction function or impaired health status will be assembled and kept by *Insert organisation*, in a manner which maintains confidentiality.

## Supports for Employees with a Disability

Organisations will ensure appropriate reference to and use of a wide range of grants available through FAS to support employees with disabilities in employment. Some of these include:

- Workplace Equipment and Adaptation Grant
- Personal Reader Grant
- Employee Retention Grant
- Employers PRSI exemption
- Job Interview Interpreter Grant
- Employee Support Scheme

## Monitoring and Review of Process

Procedures will be agreed for evaluating and monitoring the operation of this code of practice to ensure that it is effective. All employees of *Insert organisation* have a role in ensuring that the provisions of this code are adhered to. Specific responsibility in this regard attaches to Managers.

*Insert organisation* will ensure the promotion of equality for its members through collective bargaining, publicity material and campaigning, representation, union organisation, and structures, education and training, organising and recruitment, the provision of all other services and benefits and all other activities.

## Conclusion

The roll-out and use of this Code by affiliated organisations will be overseen by the Congress Disability Committee. A progress report will be made to the Congress Biennial Conference 2007.

Insert date



## APPENDIX 1

### Equality Act 2004 (No. 24)

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"appropriate measures', 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) without prejudice to the generality of paragraph (a), 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;".

Insert Date