

Part 5 of the Disability Act 2005: Employment of People with Disabilities in the Public Service in 2010

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The Legislative Requirements

- Part 5 of the Disability Act 2005 ("the Act") sets out the obligations on public service bodies with regard to the employment of people with disabilities.
- Three interlinked requirements:
 - Public bodies must, insofar as practicable, take **all reasonable measures** to promote and support their employment of people with disabilities.
 - Public bodies shall ensure, unless there are good reasons for not doing so, that at **least 3%** of their employees are people with disabilities.
 - Public bodies must **report on an annual basis** to a statutory monitoring committee in their parent Department on the number of people with disabilities in their employment and the measures they are taking to promote and support their employment. The monitoring committees in turn submit their reports on such compliance to the Minister of their parent Department and the National Disability Authority (NDA).

Implementation 2006 - 2011

- Development of monitoring system
- On going reflection on experiences, and modifications of system
- Annual reports to Minister
- Actions based on annual reports

Defining disability

What counts as disability?

The Disability Act 2005 defines disability as:

‘disability, in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment’.

Collecting the Data

- The disability status of **all employees** should be recorded at 31 December each year.
- The NDA has prepared a special form on which this information can be recorded.
- This information should be stored safely and securely, and only nominated officials should have access to it.
- Figures can be kept up to date by tracking the disability status of employees who leave, and by establishing the disability status of
 - new employees
 - employees who acquire a disability

NDA guidance documents on www.nda.ie

- Frequently Asked Questions (FAQs), on disability status
- Frequently Asked Questions on statistical monitoring
- Guidelines for developing the narrative statement for reporting
- Model paragraph for Personnel Manuals
- Information leaflet for staff

In MS Word, HTML and Irish versions

The Process in 2011

- Meeting of MC secretaries with NDA in April
- On-going liaison April – June
- **Almost** all returns sent by statutory deadline of 30th June
- Improved timeliness facilitated analysis
- Issues raised and discussed but change to statutory aspects (eg definition of disability) or agreed forms not anticipated
- Meeting of MC Chairs with NDA, 24th November: emphasis on exchanging experiences
- Report to Minister on 29th November
- Report on NDA website December 2011

Summary of 2010 findings

- Total number of bodies reporting was 276
- Public sector moved further away from 3% target, for first time since 2005
- Overall share down from 2.9% to 2.7%
- Staff with disabilities down by 632 to 5,748 people (6,380 in 2009)

Summary of 2010 findings

- Staff with disabilities disproportionately affected by decline in public sector employment, (down by 9.9% as compared with overall decline of 4%)
- Proportion of public bodies meeting the target up marginally, (53.5% (2009) to 59%)

Summary of 2010 findings

- Government Departments continued to exceed the target at 4.1%
- Most categories of public bodies met target
 - Public bodies staffed by civil servants (3.5%)
 - Local government (3.5%)
 - Commercial bodies (3.6%)

BUT NOT

- Non-commercial bodies (1.7%)

Summary of 2010 findings

- Positive measures help achievement of 3% target
- Room for improvement in using such measures
- Examples:
 - Access audits: 183 public bodies reported
 - Code of Practice: 159 public bodies reported
 - Formal workplace policies: 147 public bodies reported
 - Reasonable accommodation policies: 123 public bodies reported

Summary of 2010 findings

- Small increase in number of public bodies which provided work experience for people with disabilities, from 50 (2009) to 63 (2010) public bodies
- Small increase in retention policies from 20 (2009) to 49 (2010) public bodies

Data Issues

- Disclosure and organisational culture
- Data collection issues such as low response rates to staff censuses in some public bodies
- Focussed efforts with large organisations to ensure more complete data

Strategies for Improvement

- **Retention** the key in current situation: people with disabilities disproportionately affected by ECF and other measures (demographic profile)
- **Recruitment** still a channel for achieving the target: some staff recruited in 2010 mainly in Institutes of Technology, health sector and transport sector
- **Work experience** opportunities also useful

Recent NDA initiatives

- Targeted programme of supports for 8 large bodies
 - Data improvement
 - Retention, recruitment, work experience
 - Positive measures
 - Barriers encountered
- Learning from positive experiences
- Exchange of ideas
- Publications on Retention
- eLearning course

Programme of Targeted Supports in 2012

	Number of staff	% with Disabilities
1. DIT	2,723	1.0%
2. HSE	68,948	1.2%
3. Cork IT	1,375	1.5%
4. Dublin City Council	6,618	2.1%
5. Iarnród Éireann	4,292	2.1%
6. Dublin Bus	3,423	2.1%
7. Dublin Airport Authority	2,259	2.2%
8. Garda Civilian Staff	2,609	2.4%