

CODE OF PRACTICE FOR TRADE UNIONS



PREFACE

Congress — Congress is the largest civil society organisation on the island of Ireland, representing and campaigning on behalf of some 797,399 working people. Women now make up 51% of the membership. There are currently 55 unions affiliated to Congress, north and south of the border.

Congress seeks to achieve a just society – one which recognises the rights of all workers, including those with a disability, to enjoy the prosperity and fulfillment which leads to a good quality of life. Quality of life embraces not just material well-being, but freedom of choice to engage in the arts, culture and all aspects of civic life. This vision applies in the context of Ireland, Europe and the wider world and challenges the existing economic order.

Congress strives to achieve economic development, social cohesion and justice by upholding the values of solidarity, fairness and equality.

Even a casual glance backwards at history will inform of the many gains and advances that have been won for all in society, by trade unions – safer working conditions, paid holidays, maternity leave, the minimum wage, paid overtime, to name but a few. The list is virtually endless and many of the most basic rights that people now take for granted have been hard won over many years. Of course the greatest danger is that we begin to do precisely that – take them for granted. The single most effective way to protect established rights and break new ground in pursuit of greater equality for all in society is

through the trade union movement. A single voice can be drowned out or dismissed. That becomes a little more difficult when over 797,399 people speak out as one.

The Congress Disability Committee hopes that this code will be of practical use to unions seeking to achieve equality for people with disabilities. More information on Congress and disability issues is available at <http://www.ictu.ie/equality/disability.html>

Congress would like to thank FÁS for its support in the development of this code.

INTRODUCTION TO THE CODE

This Code of Practice is intended as a tool to give practical effect to the provisions of the Employment Equality Acts 1998 to 2011 and the Equal Status Acts 2000 to 2011, which prohibit discrimination on any of the following nine grounds: gender; civil status; family status; age; disability; sexual orientation; religion; race; and membership of the Traveller community.

This Code of Practice also has a specific focus on mental health and illness within the wider definition of disability. The World Health Organisation has estimated that one in five people in society are affected by mental health problems, and it is emerging as one of the leading health problems in the world. The NESF

has identified mental health as an area that needs policy developments, and this Code of Practice aims to provide support and guidance to trade unions and employees with mental health problems. It is important to remember that when we talk about people with disabilities, this does include people with mental health problems and that any publications, policies or procedures relating to people with disabilities should also include a specific focus on mental health and illness.

The Code is intended for use by trade union organisations to enable them fulfill their duties as employers under the Employment Equality Acts 1998 to 2011, and in particular under the Equal Status Acts 2000 to 2011.

The Code aims to contribute to developing equality for people with disabilities and mental health problems and ensuring that they are recognised and treated as having equal status with all other persons.

It is the policy of insert organization 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 organization will also take every opportunity to increase the social inclusion of people with disabilities and people with mental health problems in their workplace.

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 to 2011 and is as follows:

- A the total or partial absence of a person's bodily or mental functions, including the absence of a part of the 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 of malfunction that results in a person learning differently from another person.
- 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.

This 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 or 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.

It is important to note that mental health problems and mental illness is included in the definition of disability in the Employment Equality Acts 1998 to 2011. This means that the rights and entitlements given to people with disabilities are also extended to those with mental health problems. In general, there is a lack of awareness of this, and *Insert organisation* will take every opportunity to promote awareness of this definition of disability and the different types of disability that are included under it.

Using the definitions set out in a Vision for Change (2006) the term *mental health* problem has been used throughout this document to describe the full range of mental health difficulties that might be encountered, from the psychological distress experienced by many people, to serious mental disorders and illnesses that affect a smaller population.

The term *mental illness* is used to refer to specific conditions such as schizophrenia, bipolar disorder and depression.

STRUCTURE OF THE CODE

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

- i **trade unions as service providers**
- and*
- ii **trade unions as employers.**

TRADE UNIONS AS SERVICE PROVIDERS

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 any disability to join *insert organisation*. In this regard, the adaptation of recruitment materials and the Rule Book of the union 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 to our members, for example: representation; advice; information etc. *Insert organisation* will review current service provisions to:

- 1 a assess their particular relevance, identify gaps and barriers in relation to members with disabilities and with a specific focus on mental health and illness.
- b identify appropriate measures to be taken to adapt existing services to meet the needs of people with all types of 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 action 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 organization actively encourages and provides access for members with disabilities and mental health problems 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 the development and delivery of disability awareness training for union members, activists and officials on all of our equality training and education activities. This training will look at all types of disability, with particular attention to mental health and illness, and the physical and social barriers to inclusion in the workplace. *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 our building maintenance plan a monitoring and review process to ensure that our 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 16 of the Employment Equality Acts 1998 to 2011 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')¹ being provided by the person's employer.'

¹ See Appendix 1 for an explanation of appropriate measures.

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 Acts 1998 to 2011 and the Equal Status Acts 2000 to 2011. The wording of the advertisements should encourage applications from people with ability to do the job.

Advertisements should indicate that accommodations will be provided to candidates who ask for them.

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 web page of *Insert organisation*, as well as relevant journals.

Job Application Forms

Where job application forms are used, they will contain clear instructions and seek only information that is relevant to the actual requirements of the job. The application form will comply with the provisions of the Employment Equality Acts 1998 2011 and the Equal Status Acts 2000 to 2011.

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, for example, 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 its legislative duties in this regard.

Interview Boards

When applicants are being called to interview they will be asked to indicate whether special facilities, arrangements 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. The questions posed will focus on requesting information on relevant work-related educational attainments, skills, knowledge and abilities.

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 and mental health problems. 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 including mental health and illness, and there is correspondingly no right of employees to seek or expect information on disability or mental health problem.

However, 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 or 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 or her placement and any problems anticipated and any facilities which may be required to optimise job performance. Many people with a disability or mental health problem 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 or mental health problem. Appropriate measures include:

- the adaptation of premises and equipment.
- different patterns of working time.
- the distribution of tasks.
- the provision of training.

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 or 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 time frame 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 and people with mental health problems as to those without them.

Insert organization 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 or 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

If a staff member becomes disabled, every effort will be made to ensure that they retain the same or similar job. Where this is not feasible, retraining for other suitable jobs within *Insert organization* 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 (e.g. people with hearing impairments may need special warning mechanisms', people with mobility problems may need evacuation chairs).

Insert organisation will ensure that such facilities and arrangements will be put in place.

Staff with disabilities will not be excluded from fire and 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, or 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

Insert organisation will ensure appropriate reference to and use of a wide range of grants available through FÁS to support for employees with disabilities in employment and for employers. These are all available at <http://fas.ie/en/Equality/Disability/default.htm> and include :

- Workplace Equipment and Adaptation Grant.
- Personal Reader Grant.
- Employee Retention Grant.
- Employer's 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. Progress reports will be made regularly to the Congress Biennial Conference. Congress is also developing a code to reflect legislation in Northern Ireland.

APPENDIX I

Employment Equality Acts 1998 to 2011 (as amended by the Equality Act 2004)

‘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.

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