

**Irish Congress of Trade Unions**

**Guidance for Trade Union Representatives on  
Negotiating Disability in the Workplace**

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## **Preface**

The Trade Unions affiliated to the Irish Congress of Trade Unions have become increasingly involved in promoting, negotiating and organising on issues related to disability in the workplace. Congress has reflected this activity by the inclusion of disability related policies in successive partnership agreements over the years and by its involvement in a range of programmes and publications promoting disability awareness and increasing employment inclusion for people with disabilities.

In March 2004 Congress organised a seminar on *Combating discrimination and promoting equal opportunities for people with disabilities* for trade union representatives from both the public and private sectors. The seminar ran over two days and speakers contributed from Congress affiliated unions, the Equality Authority, FÁS and the Congress-IBEC Workway project. Congress has assembled some of the main themes from the seminar and published them in this short manual as a support to trade union representatives and negotiators who are addressing disability issues in the course of their work on a day-to-day basis. The manual is not an exhaustive treatment of the topic, rather it complements a range of publications on workplace disability equality by focussing on themes of particular concern to trade unions.

## **Table of Contents**

1. The Employment Equality Act, 1998 and its provisions relating to disability
2. Disclosing a disability
3. Reasonable Accommodation – issues for trade union negotiators
4. Recruitment and career opportunities in the Civil and Public Service for employees with disabilities
5. Private sector companies
6. FÁS supports and assistance to workers with a disability
7. Further information

## **1. The Employment Equality Act, 1998 and its provisions relating to disability**

### **What is the legal framework?**

The Employment Equality Act, 1998 prohibits discrimination in relation to employment on nine specified discriminatory grounds. It also prohibits sexual harassment, harassment and victimisation. The Employment Equality Act, 1998 also imposes obligations on employers to provide reasonable accommodation to employees with disabilities. There are a number of detailed exemptions in the Employment Equality Act, 1998. The 1998 Act has been amended by the new Equality Act, 2010 in July 2010. The Equality Act implements three European Union Equality Directives, namely the Race Directive, the Framework Directive on Employment and Occupation and the revised Gender Equal Treatment Directive of 2002. The Framework Directive applies to the grounds of disability, religion or belief and age, in relation to employment, self-employment and occupational and vocational training. The Race Directive applies to access to and provision of goods and services in addition to employment.

### **What are the nine discriminatory grounds in the Employment Equality Act, 1998?**

The nine grounds are:

- Gender
- Marital status
- Family status
- Sexual Orientation
- Religion
- Age
- Disability
- Race
- Membership of the Traveller Community

The disability ground can give rise to multiple grounds of discrimination, such as disability and the gender ground or disability and the ethnic ground.

All aspects of employment are covered by the Employment Equality Act, 1998 and the Equality Act, 2010:

- Equal pay but not pensions
- Access to employment
- Vocational training
- Conditions of employment – overtime, dismissals, redundancies, disciplinary measures
- Work experience, training
- Promotion, re-grading of posts

The scope of the Employment Equality Act is broad and, subject to certain exemptions, applies to:

- Public and private sector employment
- Employment agencies
- Vocational training bodies
- Trade unions, professional and trade bodies
- Full-time, job-sharing and part-time workers
- Collective agreements

The Equality Act, 2004 widens the scope of discrimination to include self-employed persons and partners in partnerships.

### **What is discrimination?**

Discrimination is less favourable treatment. A person is said to be discriminated against if s/he is treated less favourably than another is, has or would be treated, on any of the nine grounds. Discrimination is based on a comparator but it is not always necessary to identify an employee as a comparator.

Direct discrimination is where a person is treated less favourably on one of the discriminatory grounds such as disability. An example is where a wheelchair user is refused a job because the workplace is not wheelchair accessible. Direct discrimination in the Equality Bill, 2004 is extended to include discrimination by imputation (a characteristic ascribed to a person) and by association.

Indirect discrimination occurs where people are refused, for example, access to a job, not explicitly because of a discriminatory ground, such as disability, but because of a practice or requirement which they find harder to satisfy. For example, a job may be advertised as requiring a drivers license. Job seekers with sight impairment may not qualify for this condition. However if the travel necessary to the job could be done by taxi, a sight impaired person would be entitled to apply. In general, if the practice or requirement is found to have the effect of excluding substantially more, for example, of workers with disabilities, then the employer will have indirectly discriminated against the worker with a disability.

However the employer will not have indirectly discriminated if the practice or requirement can be:

- Objectively justified in the case of the gender ground
- Reasonably justified on non-gender grounds

The Equality Act, 2004 proposes a new standard for indirect discrimination. The required standard will be that:

- The practice or requirement can be ‘objectively justified by a legitimate aim and the means of achieving that aim (are) appropriate and justified.’

For example, a job requirement to stand for long periods of time may affect a larger proportion of persons with a disability, but the requirement cannot be reasonably justified in all the circumstances. In this instance, the standing requirement could be an indirect discrimination against a worker with a disability.

### **What is disability in the Employment Equality Act?**

Disability in Section 2 of the Employment Equality Act, 1998 means:

- *The total or partial absence of a person’s bodily or mental functions, including the absence of a part of a person’s body*
- *The presence in the body of organisms causing, or likely to cause, chronic disease or illness*
- *The malfunction, malformation or disfigurement of a part of a person’s body*
- *A condition, illness or disease which affects a person’s thought processes, perception or reality, emotions or judgement or which results in disturbed behaviour*

Disability 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.

The definition clearly includes disabilities that no longer exist, may never have existed but may exist in the future and disabilities which are attributed to a person. Section 6(1) and (2)(g) of the Act provide that disability discrimination will occur where one person is treated less favourably than another person is, has been, or would be treated, that is, where that other person has no disability or is a person with a different disability.

### **What is reasonable accommodation?**

Section 16(1) of the Employment Equality Act, 1998 provides that an employer is not required to recruit, promote retain or provide training to a person in relation to a position if that person is not fully competent and available to undertake the duties attached to that position. However this provision does not stand alone and must be considered in the context of the reasonable accommodation provision in Section 16(3). This states:

- (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.*

Basically, an employee is considered fully competent to do the job if s/he would be in a position to do it properly once their needs have been accommodated.

### **What does the Equality Act, 2004 say about reasonable accommodation?**

The Equality Act, 2004 amends the provisions in relation to disability contained in Section 16 of the Employment Equality Act so that reasonable accommodation or ‘*appropriate measures*’ includes

- *‘the adaptation of premises or equipment,*
- *patterns of working time,*
- *distribution of tasks*
- *or the provision of training or integration resources.’*

The definition excludes ‘*any treatment facility or thing that the person might ordinarily or reasonably provide for himself or herself*’.

The Equality Act, 2004, replaces the nominal cost threshold for reasonable accommodation (mentioned above) with a new standard of ‘*disproportionate burden*.’ In determining whether an appropriate measure for an employee with a disability would impose a disproportionate burden, there are tests to apply to judge whether the costs are in fact disproportionate or not.

These tests are:

- The financial and other costs entailed
- The scale and financial resources of the employer's business
- The possibility of obtaining public funding or other assistance to meet the costs

## What are Positive Action Measures in relation to disability?

Over and above reasonable accommodation, the Employment Equality Act permits employers to go further and take positive action measures to assist employees with disabilities. These measures are intended to facilitate the integration of people with a disability into the workplace, and to reduce or eliminate the effects of discrimination against persons with a disability. Section 33(1)(b) states:

*‘Nothing in this Part or Part II shall prevent the taking of such measures as are specified in subsection (2) in order to facilitate the integration into employment, either generally or in particular areas or a particular workplace, of.... persons with a disability or any class or description of such persons...’*

The Equality Act, 2004 goes further than this and would replace Section 33 above with:

*‘Nothing in this Part or Part II shall render unlawful measures maintained or adopted with a view to ensuring full equality in practice between employees, being measures –*

- (a) to prevent or compensate for disadvantages linked to any of the discriminatory grounds (other than the gender ground)*
- (b) to protect the health or safety at work of persons with disabilities, or*
- (c) to create or maintain facilities for safeguarding or promoting the integration of such persons into the working environment.’*

The positive actions are extended in Section 35 of the Equality Act, 2004 to work and vocational training. It allows employers to provide for a person with a disability, special treatment or facilities where the provision of that treatment or facilities:

- *‘Enables or assists that person to undertake vocational training, or take part in a selection process or to work, or*
- *provides that person with training or a working environment suited to the disability, or*
- *otherwise assists that person in relation to vocational training or work.’*

## Are there any areas exempted by the law?

There are a number of disability exemptions in the Employment Equality Act, which are altered by the Equality Act, 2004.

<b>Employment Equality Act, 1998</b>	<b>Equality Act, 2004</b>
The Act provides that it is not discriminatory to treat an individual with a disability less favourably where significant increased costs would occur	This increased cost provision is removed and replaced with costs which would not give rise to a ‘disproportionate burden’
Section 35 of the Act allows a particular rate of pay to an employee who is restricted in his/her capacity to do the same amount or hours of work as a person without a disability	Section 35 amended to include: ‘ <i>amount of similar work done, or which could reasonably be expected to be done, during that period by an employee without the disability</i> ’
Garda Síochána, Defence and the Prison Service are exempted on many areas under Section 37	Under Section 37 (2) blanket exemptions no longer apply to the Garda Síochána and the Prison Service provided persons ‘ <i>are fully competent and available to ... (undertake) the range of functions..</i> ’ Special requirements for these services must be a genuine occupational requirement with a legitimate objective

### **What about cases taken under the Employment Equality Act?**

There have been over 20 employment disability discrimination cases decided between the Equality Tribunal and the Labour Court since 1998. It is clear from these that the Labour Court and the Equality Tribunal define disability provisions very broadly and regard disability discrimination as very serious. In a number of disability discrimination cases, the Equality Officers have not only ordered compensation to complainants with disabilities but ordered employers to put anti-discrimination policies in place, or develop a disability Code of Practice or circulate information on the Act among its employees.

## **2. Disclosing a Disability**

### **Should trade unions advise employees to disclose a disability to the employer or not?**

There is no right or wrong answer to this question. It depends on the individual circumstances of each employee. Disclosure is an extremely sensitive issue, which can have substantial consequences for the employee in relation to the employer and, in some instances, to co-workers. There is no obligation on employees to disclose disabilities and there is correspondingly no right of employers to seek or expect information on disability. 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.

What should a trade union representative do if an employee asks whether to disclose a disability?

The trade union representative can explore some of the following questions:

- Is the disability or health condition affecting work performance, work attendance or work relationships? If the answer is no, then it may be unnecessary to disclose
- Will it create pressures or tensions to keep it hidden or do some colleagues know already?
- Have any adjustments to working hours, work station adaptations or moving to a different job or department been considered?
- Is there a positive way of describing the disability or health condition?

### **When is the right time to disclose a disability?**

The right time for an employee to disclose a disability/health condition is before it impacts on work performance, attendance or relationships. Such timing will enable plans, consultation and adjustments to be put in place and allows a co-operative approach to be developed. This avoids leaving 'solutions' entirely to the employer and will send the message that this is a situation requiring negotiation.

### **If the employee has a health condition such as asthma or diabetes, should a trade union advise them to disclose their health condition?**

If the employee is managing their health condition with medication and it is a relatively stabilised health condition there may be no need to disclose it, as it is not affecting work performance or attendance. If the job involves work with sprays or chemicals, these might be incompatible with asthma and the employee might have to disclose their condition. If the employee has unstable diabetes and there is a risk of their becoming weak in the workplace, the employee might be advised to disclose this so that the employer/co-workers can take the correct measures if this were to occur. If an employee has a condition that poses a hazard or risk the onus is on the employee to disclose their health/disability situation.

### **3. Reasonable Accommodation - issues for trade union negotiators<sup>1</sup>**

#### **The legal background**

The legal concept of reasonable accommodation in the western world first emerged in the United States in response to discrimination on religious grounds. In 1967 the United States Equal Employment Opportunities Commission issued guidelines implementing section 703 of the 1964 Civil Rights Act. The guidelines referred to employers making '*reasonable accommodations to the religious needs of employees and prospective employees where such accommodations can be made without undue hardship on the conduct of the employer's business.*' From the United States the concept of reasonable accommodation spread to Canada and more recently to Europe in the Framework Directives based on Article 13 of the Treaty of Amsterdam.

In a practical sense, reasonable accommodation is not new. Over time employers have provided artificial lighting, cloakrooms, rest periods – all to facilitate the comfort and efficiency of the workplace. However, the duty imposed by the obligation on employers to reasonably accommodate is not the provision of particular measures, rather it is to ensure that persons with disabilities are given an equal chance to participate in the workforce. It is not therefore, some sort of welfare provision, neither is it a form of affirmative or positive action.

#### **The limits of reasonable accommodation**

The duty to accommodate is not unlimited. Employers have to determine only what is or are reasonable accommodations or appropriate measures that will avoid a disproportionate burden in the particular context of the individual employer. Reasonable accommodation thus varies from employee to employee and from employer to employer.

In most instances, employers can only make a reasonable accommodation for employees if they know that an employee has a disability. They are not obliged to make adjustments in the workplace for employees when they could not be reasonably expected to know about the disability or the nature of the adjustment required. It is a reasonable expectation on the part of employers that they would be informed if an employee has a degenerative condition so that the employer can plan a series of adjustments. If there is a disability disclosed which impacts on employment or the workplace, the employer needs to assess whether, or to what extent, it places the employee at a disadvantage. In this regard it falls to the individual employee to disclose a disability to the employer prior to expecting a reasonable accommodation.

#### **The Reasonable Accommodation Process**

Reasonable accommodation under the Employment Equality Act, 1998 or the Equality Act, 2004 is not an outcome fixed in advance. It can be better viewed as a three party or even four-sided process engaging employer, employee with a disability, trade union and experts in the area. The process reaches an agreement between the employer and the employee at a point identifiable as the least costly, but effective, accommodation that the employee is willing to accept and the relative merits of the appropriate measure the employee is willing to tolerate.

In relation to Irish case law, before both the Labour Court and Equality Officers, the decided cases indicate that a great reliance is placed on the weight that is given to expert evidence. The Equality Officers and Labour Court expressed views as to what was appropriate expertise

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<sup>1</sup> This section draws from a research study 'Reasonable Accommodation – a Comparative Analysis of the Positive Obligation Placed on Employers to Accommodate Individuals with Disabilities,' by Martin Durack, commissioned by the ICTU in 2003.

and named organisations such as FÁS or the National Association for Deaf People or requested the employer to hold objective and verifiable criteria for determining the relevance of any medical condition to employment. Trade Union negotiators therefore should be informed and ready to call on reliable expertise in cases of implementing adjustments in the workplace and in disputes related to the adequacy of the adjustments.

The Labour Court and Equality Officer's decisions to date indicate that there is no disability or medical condition that, de facto, excludes an employee from a particular job or occupation. The employer is expected to:

- carry out an assessment of the employee's particular job,
- the disability or medical condition of the employee
- to have regard to the core or essential functions of the job
- to show that adjustments, including redeployment, are either not possible or create a disproportionate burden for the company

At each point in the process, the trade union representative should obtain and record information which throws light on the capacity of the employee to carry out the job with adjustment or appropriate changes or to be re-deployed to a different job.

The Labour Court heard that an employee was dismissed after she disclosed in a medical examination that she had epilepsy. This constituted a *prima facie* case of direct discrimination. The Labour Court referred to the fact that where there were both essential and secondary functions in a job, then accommodation should have been examined. The employer in the case had undertaken no form of safety assessment that could have identified the extent, if any, to which the working environment presented a danger to the employee and how any such danger could be ameliorated. No consideration was given to reasonable or special facilities that would accommodate the employee's needs. She won her case.

The employer is only relieved of the obligation to provide accommodation or appropriate measures when it can be shown that the worker is not fully competent and fully capable of performing her duties and could not have had her needs reasonably accommodated. Employers are furthermore not obliged to provide treatments or facilities which the employee might ordinarily or reasonably provide for himself.

The concept of reasonable accommodation applies also to the interview stage as the following Dublin case of 2002 describes:

When Anne H. arrived at the hospital for interview, the entrance to the administrative building consisted of steps and was not accessible to her wheelchair. Cars blocked the wheelchair accessible ramp. She eventually gained access to the administrative building via the main entrance to the hospital. It was then necessary for her to use a lift to get to the interview room. However the lift was not working. After some time, the interview took place in a waiting room which was not set up for interview. She alleged direct discrimination against her by the Health Board and was awarded damages by the Office of the Director of Equality Investigations – The Equality Tribunal.

## **Negotiating reasonable accommodation measures**

Appropriate measures for employees with disabilities should be effective and practical and be such that the employer's place of business or the workstation is adapted to the specific disability of the employee concerned.

Appropriate measures include:

- Adaptation of premises and equipment
- Patterns of working time
- Distribution of tasks
- Provision of training
- Integration of resources

The requirement to adopt one or more of the appropriate measures is an obligation placed on the employer up to the point where implementing the obligation places a disproportionate burden on the employer.

#### **4. Recruitment and Career Opportunities in the Civil and Public Service for Employees with Disabilities**

##### **Who are the Civil Servants with a disability?**

Two thirds of civil servants with a disability are currently working at Clerical Officer level, compared with less than half of those without a disability. This fact came to light in 2003 in a large-scale study commissioned by the Civil Service Equality Unit under the auspices of the Department of Finance. Civil servants with a disability face a variety of issues arising from differences in disabilities. Some have a physical disability, some have a sensory disability, while others have a long-standing health condition such as asthma or epilepsy. A fact of especial interest is that one third of civil servants with a disability acquired that disability since joining the civil service.

Contrary to perceptions, the majority of civil servants with a disability entered the Civil Service through an Open Competition alongside other candidates with no disability. Overall, candidates with a disability entered the Civil Service with a lower level of educational attainment than candidates without a disability. It is only in recent years that access to second level education has been mainstreamed and that access to third level education has become more of a reality. Existing Civil Servants who entered the Civil Service with a disability have come from an educational past with few educational opportunities. This makes issues of career progression, training and promotion of particular importance for Civil Servants with a disability. An important number of Civil Servants with a disability are now studying for a Degree or Post-graduate qualification, suggesting a high level of motivation and capacity for promotion.

##### **What is the current position on the 3% target for the employment of employees with a disability?**

The current system of reporting, based on employer data, on the 3% target for the employment of people with disabilities in the Civil and Public Service suggest that the employment target is hovering in and around 3%. However, other surveys of the Civil or Public Service, using different measurement methods, suggest that the figure is around 7% to 8%. This can arise because employees have hidden disabilities or medical conditions or have not disclosed a disability to their employer or do not regard their condition as disabling.

Employees with disabilities in the Public Service, as opposed to the Civil Service, are clustered in the lower pay bands of the Public Service. Like their colleagues in the Civil Service, they are clustered in the lower grades attracting lower pay. Codes of Practice for equal opportunities for employees with disabilities, are intended to address these issues.

##### **Are Civil Servants with a disability getting promoted?**

No is the answer from research. Civil Servants with a disability are clustered in the entry ranks of the Civil Service at Clerical Office grade. Most of the candidates with a disability who entered the Civil Service at Clerical Officer level through special competitions are still there at Clerical Officer level and have not progressed at all over the years. So Civil Servants with a disability have much less mobility in their jobs compared to their co-workers. The aspirations for promotion among Civil Servants with a disability are the same as other employees and Civil Servants. Civil Servants with a disability are applying for promotion but are not so successful.

### **What do Civil Servants with a disability need to support equality of promotion?**

Civil Servants with a disability have identified some of their needs:

- Encouragement and support from their managers in taking up promotional opportunities
- More access to qualifications and adapted access to education and training opportunities
- Improvement in access to all offices and working conditions
- Change in the perception that they cannot work at a higher level in the Civil Service

### **What should Public Service bodies be doing to promote equality of opportunity between employees with and without disabilities?**

A 2003 study of the public service found apathy and inaction in many public service bodies in relation to disability:

- 60% of public service bodies had no action plan on disability
- More than 50% had no written policy on disability
- Many are not using or distributing a Code of Practice on disability
- Majority of public service bodies are inactive on reasonable accommodations and adjustments for employees or candidates with a disability

### **Should disability prevention be discussed with employers?**

The prevention of disabilities arising from workplace hazards and injuries is extremely important as part of the integration of disability into workplace health and safety committees and actions. Serious accidents and injuries occur in some branches of industry and agriculture every year. An example of such a branch is the construction industry. The Construction Industry Federation and SIPTU have been working together to make construction sites safer for all building workers. A SAFE PASS certificate of mandatory health and safety training is now in place for all construction workers including those working for employment agencies and sub-contractors.

### **What questions should trade unions be asking?**

Trade unions should ask three questions:

- The Reporting Question  
What proportion of employees have a disability at different grade levels?
- The Practice Question  
What steps in practice have been taken in the last year to improve access or provide accommodations to employees with a disability or long standing health conditions?  
  
Do processes exist to improve opportunities for employees with disabilities?
- The Awareness Question  
What documents or briefing and awareness sessions on disability have been provided in the last year with a view to improving comprehension of disability and increase awareness of disability-related issues in the workplace?

## 5. Private Sector Companies

### How do you deal with disability in the private sector?

The numbers of employees with a disability in private companies appears to be quite small. A large number of private sector companies have access to up-to-date information on legislative compliance with the Employment Equality Act, 1998. A number of Unions have also published training and other information booklets on dealing with disability in private sector companies. The Irish Business and Employer Confederation has 1,700 member companies who can call on IBEC for advice. In addition the Small Firms Association (SFA) has published information sheets on equality to assist firms in complying with the law and has launched an equality initiative with its members.

IBEC and Congress are co-operating together in a joint partnership initiative of disability actions called *Workway* which began in 2001. The *Workway* project teams have their own staff in different regions of the country. The initiative provides opportunities for employers to increase disability awareness. A special *Workway* website provides access to a wide range of disability themes, as well as a link to Irish and international Codes of Practice and Guidelines ([www.workway.ie](http://www.workway.ie)). ICTU and IBEC, through *Workway*, published a *Disability and Employment Guidelines* in 2004 which provides practical advice on a whole range of disability topics encountered in the workplace.

## 6. FÁS Supports and Assistance to Workers with a Disability

### The FÁS Gateway

FÁS took over responsibility for the vocational training, occupational guidance and employment services to people with disabilities in 2001, following the dissolution of the National Rehabilitation Board (NRB) in 2000. This completed the structural integration of labour market services for people with disabilities into the mainstream or open market of training and employment services. The *FÁS Operational Plan 2002-2005* gave this change a framework when it declared FÁS Employment Services to be the gateway to all FÁS services for people with disabilities. This guarantees personalised, independent occupational guidance on career and training options for a FÁS customer with a disability.

FÁS operates within the social model of disability. The ‘problem’ of disability no longer rests with the individual, but with the environment in which we live. It is the steps of the bus, not the wheelchair that causes a person to be disabled. The model also asserts that disabled people are the best judges of their own interests rather than professionals making decisions for them.

### Negotiating supports for employees with disabilities

A wide range of grants are available to support employees with disabilities in employment. Following discussion of their needs with an employee with a disability, trade unions can indicate to employers the type of grant applications which the employer might request from FÁS. The grants enable employers to provide reasonable accommodations/appropriate measures in compliance with the Employment Equality Act, 1998 and the Equality Act, 2004.

Some of these supports are:

- **Workplace Equipment and Adaptation Grant**  
This grant aids an employer/employee on the additional costs of adapting a workplace or workplace equipment to a maximum contribution of Euro 6,350.
- **Personal Reader Grant**  
The grant is paid to a blind or visually impaired person in employment who requires job-related reading up to a maximum of 640 hours per year. This approximates to more than two hours a day throughout the year.
- **Employee Retention Grant**  
This significant grant is designed to assist employers to retain employees who acquire disabilities. Such employees can be offered retraining so that they can be offered alternative duties or continue at their existing duties. Stage 1 of the Grant provides for up to Euro 2,500 to buy-in expertise to develop an individualised Retention Strategy. Stage 2 funds the employer up to Euro 12,500 to implement and manage the Retention Strategy. A total of Euro 15,000 is therefore available for retention of employees who acquire a disability.

## **Negotiating Recruitment Supports for Candidates for Employment**

Trade unions representatives or Joint Union and Employer Equality Committees can promote the employment and job retention of people with disabilities by putting a range of supports into the workplace with the back up of FÁS.

- **Employers PRSI Exemption**  
Employers recruiting a person with a disability are not liable for the Employer's PRSI contribution for two years after recruitment.
- **Priority Listing**  
Persons with disabilities preparing to enter the workforce can be given priority listing for FÁS training courses.
- **Job Interview Interpreter Grant**  
This grant is paid to a person who is deaf or has a speech impairment to pay the costs of an interpreter during job interviews. The interpreter can be a friend or family member or a professionally qualified interpreter from Irish Sign Link.
- **Customised Training**  
Customised training may be paid for up to Euro 640 for an employee with a disability to avail of non FÁS training, where FÁS itself does not provide that training.
- **Benefits Retention**  
Employees with a disability can retain their Disability Benefit or Invalidity Pension while attending FÁS training or Community Employment schemes with the written permission of the Department of Social and Family Affairs.
- **Technology and Training**  
Any technology or adaptations required for a trainee to avail of FÁS training will be provided, if such a need is indicated at the interview.
- **Part-time employment**  
Employers can recruit employees in receipt of Disability Allowance who may earn up to Euro 125 a week while still in receipt of Disability Allowance. This permits employers, with the approval of the Department of Social and Family Affairs, to employ a person with a disability for up to 17 hours a week on the minimum hourly wage.

## **Disability Programmes in the Workplace**

Trade unions can engage in dialogue with employers to promote specific disability-related programmes in the workplace, which are supported by FÁS. There are three main programmes in operation:

- **Training and Awareness**  
Disability awareness programmes can be run in the workplace with the support of FÁS disability awareness grant aid to employers. In the first year training grants of up to 90% of eligible costs can be provided up to maximum of Euro 20,000 in a single calendar year. Up to 80% of eligible disability training costs can be paid in the second or third year.

- **Supported Employment Programme**  
The Supported Employment Programme provides job support, including a job ‘coach’ to persons with a disability who are ‘ready’ for employment and are available to work for up to 18 hours a week. The job coach helps the person to find a suitable employer and to settle into employment. FÁS provides this employment service through 24 sponsoring organisations across Ireland.
- **Employment Support Scheme**  
The Employment Support Scheme provides wage subsidies to employers where an employee’s work performance is 60% to 80% of the average performance. The employee with a disability is paid the full-rate for the job with normal deductions and similar conditions to other employees. The wage subsidy can be up to 50% of the employee’s salary.

## 7. Further Information

To obtain Official Forms under the Employment Equality Act, 1998 to notify a case of discrimination:

- go to the Website of the Office of Director of Equality Investigations - the Equality Tribunal at [www.odei.ie](http://www.odei.ie)
- click on section marked FORMS.
- Print out forms ODEI 1, ODEI 3 and ODEI 4.

or

Call to:  
ODEI  
3 Clonmel Street,  
Harcourt Street,  
Dublin 2

or

telephone ODEI at LoCall: 1890 344 424

Form ODEI 3 provides for a request for material information from the employer so that you can gauge whether to proceed with a formal complaint of discrimination.

When and if the employer replies to FORM ODEI 3, trade unions and other experts may advise that the employee proceeds to a formal complaint using FORM ODEI 1.

An important number of free brochures on the Employment Equality Act, 1998 are available from

The Equality Authority  
2 Clonmel Street  
Dublin 2

or

LoCall: 1890 245545

or

Website: [www.equality.ie](http://www.equality.ie)

Irish Congress of Trade Unions  
31-32 Parnell Square  
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