



UNIVERSITY OF
LIMERICK
OLLSCOIL LUIMNIGH

Staff Dis/Ability Policy

1 Introduction

1.1 Purpose

The University of Limerick (UL) implements a policy of equality of opportunity for all staff. UL recognises that staff with disabilities are an integral part of the University of Limerick community, and that accessible and appropriate provision is a core element of the overall service, which the University of Limerick seeks to provide. This Policy sets out the University of Limerick policy for providing an inclusive and equitable working environment that fosters an employment experience of the highest quality for all. This is a fundamental component to the University of Limerick's Equality and Human Rights Strategy.

1.2 Scope

1.2.1 *To whom does the policy apply?*

This Policy applies to staff members with a disability or prospective staff members with a disability who may require reasonable accommodation, support, and guidance to ensure that they have equal access to opportunities at the University of Limerick.

1.2.2 *In what situations does the policy apply?*

This Policy applies to all University staff during their employment and to prospective staff members when applying for a position with the University of Limerick.

1.2.3 *Who is responsible for ensuring that the policy (and any associated procedure) is implemented and monitored?*

While it is everyone's responsibility to ensure UL is an inclusive environment, the HR Director is responsible for ensuring that the Policy is implemented as approved, with line managers playing a key procedural role.

1.3 Definitions

1.3.1 *Disability*

There is no definitive list of conditions that constitute a disability. Disability can be visible or invisible and may or may not be disclosed. There are some notable definitions, which have been used in legislation outlined below.

The Disability Act 2005

The Disability Act 2005 defines disability as *"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."*

The Equality Acts (Employment Equality Act/ Equal Status Acts) 1998 - 2015

The Equality Acts (Employment Equality Act/ Equal Status Acts) 1998 - 2015 defines disability as follows:

“Disability” is -

- 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.”*

It will be noted that the definition covers a very wide range of disabilities, so wide, indeed, as to render misleading most generalised statements or assumptions about the capabilities or limitations of people with disabilities in employment. While some disabilities are obvious (e.g., as in the case of wheelchair users), others are not readily apparent (e.g., epilepsy or mental ill-health). Furthermore, the same disability can vary in its impact and affect people differently. Finally, while some people with disabilities may require special assistance and/or equipment to realise their full potential, most can be fully effective employees without special help. Accordingly, this Policy and its implementation should avoid the use of stereotypes and every person with or without a disability should always be treated as an individual with equal rights. Consideration of any question concerning the employment of people with disabilities should proceed from a position of presumed ability.

1.3.2 Reasonable Accommodation

The Employment Equality Acts 1998-2015 oblige employers to make reasonable accommodation for people with disabilities. Reasonable accommodation is where an employer makes a change to the tasks or structure of a job or makes changes to the workplace to allow the employee with a disability

- Have equal opportunities when applying for work
- Be treated the same as co-workers
- Have equal opportunities for promotion
- Undertake training

Employers must also make accommodations to enable people with disabilities to return to work having acquired a disability, as well as to participate in the job application process and enjoy benefits and privileges accorded to other employees.

1.3.3 Disclosure

Disclosure is making a disability known or revealing a hidden disability. Once the University of Limerick is aware of the disability, reasonable accommodations can be implemented to ensure the University of Limerick complies with equality and health and safety legislation.

2 Context

2.1 Legal and Regulatory Context

2.1.1 *Disabilities Act 2005*

This Act was enacted on 1 September 2005 and includes several positive action measures designed to advance and underpin participation by people with disabilities in everyday life. Part 3 of the Act contains several obligations specifically related to public bodies, including the University of Limerick that are in effect since 31 December 2005.

Under the Act, 3% of jobs in public service bodies are reserved for people with disabilities.

2.1.2 *Safety, Health & Welfare at Work Act 2005*

Under the Safety, Health and Welfare at Work Act 2005 employers must ensure the safety, health, and welfare of all employees in their workplace. Special mention is made of employees with disabilities. Employers must consider their needs. Risk assessments carried out should take account of any risks for staff with disabilities.

2.1.3 *Employment Equality Acts 1998-2015*

The Employment Equality Acts 1998-2015 require employers to take reasonable steps to accommodate the needs of current and prospective employees with disabilities.

Section 16 (3) of the Act provides that:

- 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.
- 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.
- 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.

3 Policy Statements

3.1 Principles for Staff Disability Policy

3.1.1 *Ensuring an inclusive and equitable working environment through accessible and appropriate provision for all staff members.*

The University of Limerick recognises the value and need for a diverse and inclusive workforce. Diversity in all its forms amongst our staff members is core to the success of the institution. The University recognises that our staff members with disabilities represent a valuable source of talent, experience and knowledge. The University of Limerick positively welcomes job applications from people with disabilities and provides reasonable accommodations to support their needs. UL is committed to the social model of disability, to removing barriers to access and to providing a truly inclusive and equitable working environment that fosters an employment experience of the highest quality for all.

The University of Limerick is committed to equality and diversity, accessibility and inclusion for all employees, including staff with disabilities. UL will seek to ensure staff with disabilities have access to the full range of employment, training, promotion, and career development opportunities available in the University of Limerick. UL will seek to ensure that staff with a disability are provided with the same opportunities to contribute and participate within existing roles or roles they aspire to. UL also commits that all reasonable accommodations are made to meet the requirements to which some disabilities give rise to, to maximise access to employment in the University of Limerick for people with disabilities and to enable all staff to have equal access to opportunities at the University. The University aims to create a culture where staff members feel confident to disclose a disability.

4 Related Procedures for Staff Disability Policy

4.1 Disclosure

4.1.1 A person with a disability has the choice whether they tell the University of Limerick about their disability.

4.1.2 The University of Limerick wishes to highlight the benefits in disclosing a disability. Whether you have an existing disability, or you acquire a disability over the course of your working life, the University will assist in providing reasonable accommodations to ensure that you are enabled to carry out your role in the University.

4.1.3 When to disclose - existing or new employees

- When diagnosed with a disability
- When and if problems arise as a result of the disability
- When returning to work having acquired a disability
- At anytime.

4.1.4 Where a staff member chooses to disclose a disability, they should contact their line manager detailing the nature of the disability and outlining the supports they may

require or an employee may choose to only disclose their disability to HR. Support is available to the staff member and the line manager from Health & Safety in the Human Resources Division. Human Resources may refer an employee to occupational health to assist in determining the appropriate workplace accommodations/supports that may be required. Disclosure of personal and medical information is confidential and no information disclosed will be provided to a third party without the employee's consent.

4.2 Recruitment

- 4.2.1 The University has a clearly stated policy on all recruitment advertisements welcoming applications from all sections of the community.
- 4.2.2 For candidates applying for jobs at the University of Limerick the job advertisements will clearly outline the competencies required for the job.
- 4.2.3 Applicants may disclose their disability either prior to or post-employment or at different stages of the recruitment and selection process such as:
- On the confidential Employment Equality Form
 - During the Recruitment Process
 - On the e-Recruitment application form or attached CV
 - On invitation to Interview
 - At any time during the interview
 - On receipt of the job offer
 - During Induction.
- 4.2.4 Interview boards will be briefed on disability awareness and on the Employment Equality Acts by Human Resources at the Selection Board Meeting. All reasonable efforts to provide special facilities and/or equipment as are necessary to enable applicants with disabilities to participate at interview will be provided.
- 4.2.5 Consideration of any question concerning the employment of people with disabilities will proceed from a position of presumed ability. The focus will be on the ability of the individual and understanding what might be impacted because of the disability and working with the individual to understand and facilitate supports and reasonable accommodations that may be required.

4.3 Managing Disability in the Workplace

- 4.3.1 The University strives to provide reasonable accommodations for staff with an existing disability or who acquire a disability during their employment. The intent of reasonable accommodation is to assist a member of staff with a disability to continue in post and to aspire to reaching their full potential in current or subsequent positions.
- 4.3.2 Reasonable accommodations are determined on a case-by-case basis following a needs assessment and in accordance with the individual's certified disability/specific difficulty. Staff must in the first instance discuss the supports required directly with their manager. Additional advice/support is available from the Human Resources Division and the Health and Safety Unit. The Health & Safety Unit can assess the safety needs

of persons with disabilities and provide specialist advice in this area. It is the goal of the University to ensure adequate accessibility for all, and this is being continually improved upon.

4.4 Staff Development

- 4.4.1 Staff with disabilities will be provided with the same opportunities as all staff to develop full and rewarding careers at the University of Limerick. UL will provide equal access and accessibility (may include assistive technology) to training and staff development opportunities for staff with disabilities so that they can further their skills and abilities and fully contribute to life at UL.
- 4.4.2 In assigning duties to staff with disabilities, care shall be taken to ensure, to the greatest extent possible, staff with disabilities are given the same opportunities as other staff to acquire the range of skills and experience necessary for their future career development.
- 4.4.3 Staff with disabilities will be offered the same access to training as all other staff and measures will be taken to ensure that they are not prevented from availing of such opportunities for reasons of physical or sensory access to training centres, conference rooms, format of training materials, etc.

4.5 Grievance

- 4.5.1 Any member of staff who has a concern that this policy is not being appropriately implemented should raise this through the management structure in accordance with the University of Limerick Grievance procedures.
- 4.5.2 Applicants for employment with a complaint relating to the non-implementation of this Policy should contact to the Recruitment Manager in Human Resources.

5 Related Documents

University of Limerick Equality and Human Rights Strategy
Grievance Policy

6 Document Control

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