

1. Policy Statement

The principle of equality is enshrined in the Universities Act 1997, in the Charter and Statutes of University College Dublin and in the University's Equal Opportunities Policy. University College Dublin is committed to a policy of equality of opportunity for all its employees and potential employees, and recognises that equitable treatment in the workplace is a fundamental human right for all employees.

2. Purpose

The purpose of this Code of Practice is to provide a statement of policy and guidance in relation to the employment of people with disabilities. The University is committed to ensuring -

- That people with disabilities are not disadvantaged by reason of having a disability, in the jobs which they hold, or to which they aspire to hold.
- That all reasonable efforts are made to meet any special requirements to which some disabilities give rise so as to maximise access to employment in UCD for people with disabilities and to enable staff with disabilities to make the fullest possible contribution to the work of the University.

3. Definition

Under the Employment Equality Act 1998-2004, disability is defined as -

1. total or partial absence of a person's bodily or mental functions, including the absence of a part of a person's body,
2. the presence in the body of organisms causing, or likely to cause, chronic disease or illness,
3. the malfunction, malformation or disfigurement of a part of a person's body,
4. a condition or malfunction which results in a person learning differently from a person without the condition or malfunction, or,
5. a condition, illness or disease which affects a person's thought processes, perception of reality, emotions or judgement which results in disturbed behaviour.

In the context of employment, the term "people with disabilities" means people with physical, sensory or psychological impairments, which may -

- Have a tangible impact on their functional capability to do a particular job; or
- Have an impact on their ability to function in a particular physical environment ; or
- Lead to either direct or indirect¹ discrimination, in obtaining or keeping employment of a kind for which they would otherwise be suited;
- Staff with conditions of which the employer should be aware from a health and safety point of view (e.g. epilepsy grand mal, haemophilia, insulin dependent diabetes, restricted mobility, significant hearing impairment).

4. Scope of the Policy

As part of its commitment to Equal Opportunities, the University aims to provide equality of opportunity in the attraction, employment and training of people with disabilities. UCD is seeking to encourage suitably qualified people with disabilities, to consider University College Dublin as a career choice.

4.1 Recruitment

People with disabilities are encouraged to apply for any post in University College Dublin for which they are qualified and to have their applications considered on the basis of their abilities, qualifications and suitability for the work in question. No unnecessary or irrelevant obstacle will be placed in the way of people with disabilities applying for posts in University College Dublin. UCD will make all reasonable efforts to provide such special facilities and equipment as are necessary to enable applicants with disabilities to participate in competitions for posts for which they would otherwise be suited, unless such provision would place an unreasonable burden on the employer.

The following guidelines will apply in relation to recruitment:

4.1.1 Job Description/Selection Criteria

The job description and selection criteria must be drawn up objectively, using non-discriminatory and work-related criteria. Any requirements which may

¹ Direct discrimination occurs when one person is treated less favourably than another on any of the nine grounds covered in the Employment Equality Acts, 1998 and 2004, i.e. gender, marital status, family status, sexual orientation, religion, age, disability, race, membership of the travelling community.

Indirect discrimination occurs where an employer sets down a provision which cannot be justified and that provision operates to disadvantage one of the nine categories covered and cannot be justified as being reasonable in all the circumstances of the case.

discriminate against disabled applicants and which are not essential for the job should be eliminated e.g.: Stipulating that a driving licence is required may be discriminatory if the job requires only limited travelling which could be done easily using public transport or by making other arrangements.

4.1.2 Advertisements

Through their contacts with organisations, which deal with disability and in their promotional literature, University College Dublin will encourage people with disabilities to consider UCD as a career choice. Both the advertisement and further particulars must not contain any job titles, headlines, illustrations or wording from which an inference could be drawn that disabled applicants would be treated less favourably than non-disabled applicants, or that the University would be unwilling to make a 'reasonable adjustment' in order for disabled applicants to be considered/selected.

4.1.3 Job Application Forms/Curriculum Vitae

The University will regularly monitor the content and format of application forms used in the University to ensure that no discriminatory questions will be used therein.

4.1.4 Equal Opportunities Monitoring Form

Statistics will be gathered to facilitate ongoing analysis of numbers of persons with disabilities.

4.1.5 Interviews

Letters inviting candidates for interview will include the following statement:

'The University is committed to providing all candidates with the opportunity to compete fairly for jobs. If you have any special needs or requirements with regard to the arrangements for this interview and/or the skills test/presentation etc., please mention this to a UCD HR representative when you confirm your attendance'.

Assessment Boards will be briefed on this Code of Practice for the Employment of People with Disabilities and the Equal Opportunities Policy.

4.2 Reception and Integration into the workplace

It must be recognised that people with disabilities may encounter greater difficulties than others in adjusting to a new workplace. Good communication is a key requirement in overcoming difficulties that may arise. Full and frank discussion of the problems, which some staff with disabilities may encounter, is essential if difficulties are to be minimised. The following guidelines will

apply in relation to the reception of staff with disabilities and their integration into the workplace -

- In deciding on the placement of a recruit with a disability, regard should be given to any particular issues that may require attention. For example, staff with mobility problems should, where possible, be located close to accessible toilets and entrances.
- The person who will be the new recruit's superior should be informed of the recruit's circumstances and should be involved in any discussions concerning special difficulties which might arise and special facilities which might be required.
- The probationary period should be managed in such a way as to take account of any particular difficulties which may be encountered by an employee with a disability.

4.3 Career Development and Training

Staff with disabilities will have the same opportunities as other staff to develop full and rewarding careers in UCD. The following guidelines will apply in relation to career development -

- In assigning duties to staff with disabilities, care should be taken to ensure, to the greatest extent possible, that they are given the same opportunities as other staff to acquire the range of skills and experience necessary for future career development.
- Staff with disabilities will be offered the same access to training as other staff and measures will be taken to ensure they are not inhibited from availing of such opportunities by problems of physical or sensory access to training centres or conference rooms or by the format of training materials.
- Staff with disabilities will have equal access to promotional opportunities.
- Staff with disabilities will be offered appropriate opportunities to broaden their experience, acquire new skills and to develop their full potential.

4.4 Accommodation and Equipment

Modifications to the working environment may be required to ensure that some people with disabilities can operate effectively. In certain cases mechanical aids can greatly enhance the comfort and efficiency of the staff concerned. It is the policy in UCD to ensure that, insofar as is practical, the working environment is such as to minimise problems which face staff, inclusive of staff with disabilities.

The following guidelines will apply in relation to accommodation and equipment -

- UCD will take the requirements of people with disabilities fully into account in their assessment of buildings for development.
- In undertaking any significant structural alteration to or renovation of an existing building, UCD will, insofar as is practicable, include in the works such alterations as are necessary to bring the building concerned up to an acceptable standard of accessibility for people with disabilities, and at a minimum in accordance with Part M of the Building Regulations, August 2000.
- Managers should consult staff with disabilities about any equipment, which might enhance their efficiency and effectiveness in performing their duties, and adopt a positive approach to reasonable requests for such equipment.

4.5 Safety, Health and Welfare at work

The University has obligations under the health and safety legislation to make every effort, insofar as is reasonably practicable, to provide a safe and healthy working environment for its entire staff. The new employee's manager should be informed of the employee's particular circumstances insofar as they have an effect on work practices, and how the employee will fulfil their duties and responsibilities. The Safety Office will advise the unit where the person with a disability works, of their particular obligations under Health, Safety and Welfare at Work legislation. This advice takes the form of hazard identification and control measures exercise for the person with disabilities in their work environment.

The University will liaise with its Occupational Health Providers in meeting the requirements of this policy.

4.6 Support for staff who become disabled

Experiencing gradual loss of function or becoming disabled can lead to uncertainty, insecurity and loss of confidence for an individual. A flexible, understanding and supportive approach will enable the newly disabled member of staff to continue to contribute to the University. An existing member of staff, newly disabled or facing disability, may have no idea what his/her future needs will be with regard to possible adjustments to premises, equipment or working arrangements etc. The individual and (if requested) his/her trade union representative should be involved (including when he/she is on sick leave) in any decisions that directly affect his/her working life.

In accordance with the provisions of this policy, the University will make all reasonable accommodations to meet the requirements of a staff member who becomes disabled and to provide the appropriate supports, and as far as is practicable, make necessary adjustments to their working conditions.

5. Policies and Procedures

5.1 Dignity and Respect Policy

Complaints of discrimination (direct or indirect), on the grounds of disability, may be dealt with under UCD's Dignity and Respect Policy.

5.2 Implementing this code

All staff in UCD have a role in ensuring that the provisions of this Code are adhered to. Special responsibility in this regard attaches to Heads of Colleges, Heads of Schools, Managers and Supervisory Staff, who will be supported in this role by UCD HR.

There are a number of resources within the University that will provide support and assistance in the implementation of this Code, including the Health and Safety Officer, Occupational Health Providers, Employee Assistance Programme, and UCD HR.

In giving effect to the provisions of this Code, Colleges & Schools are likely to require advice and assistance on a wide range of issues. UCD HR will advise on questions concerning the interpretation and implementation of this Code. Queries should be directed to UCD HR.

The implementation of this Code will be monitored on an on-going basis

5.3 Legal Interpretation

- In the event of any ambiguity or inconsistency or conflict arising between any of the provisions of this policy and any of the provisions of the Employment Equality Act 1998-2004, the provisions of the Act will prevail.
- This policy constitutes a statement of intent on the part of the University. However, its provisions save to such extent as may be required by law, shall not constitute a legally binding or enforceable commitment, contract or agreement whether expressed or implied.
- In order to comply with its statutory obligations the University will record on personnel records those employees who have a disability, as defined under the Employment Equality Act 1998-2004.