**Disability in the University**

**An Employee Guide to Disability and Reasonable Accommodations**

Contents

[**Introduction** 2](#_Toc512605987)

[**What is disability?** 2](#_Toc512605988)

[**What is disclosure?** 3](#_Toc512605989)

[Do I have to disclose my disability? 6](#_Toc512605990)

[What are the advantages of disclosing my disability? 6](#_Toc512605991)

[What if I don’t disclose? 7](#_Toc512605992)

[What if I don’t give permission to disclose to others? 7](#_Toc512605993)

[Confidentiality: What information can be shared? 7](#_Toc512605994)

[**QUICK GUIDE: Disclosure Conversations** 8](#_Toc512605995)

[Talking to your Manager/EDI Unit 8](#_Toc512605996)

[**Responsibilities & Rights** 9](#_Toc512605997)

[**Reasonable Accommodation** 11](#_Toc512605998)

[What is Reasonable Accommodation? 11](#_Toc512605999)

[Examples of what may be considered a Reasonable Accommodation 11](#_Toc512606000)

[**QUICK GUIDE: Reasonable Accommodation** 12](#_Toc512606002)

[**The Reasonable Accommodation Request Form** 13](#_Toc512606003)

[**Conclusion** 13](#_Toc512606004)

[**Appendix** 14](#_Toc512606005)

[Legal Definitions of Disability 14](#_Toc512606006)

[The Employment Equality Act 1998 – 2011 14](#_Toc512606007)

[Reasonable Accommodation – Legal Requirements 15](#_Toc512606008)

[The Equal Status Acts 2000-2011 16](#_Toc512606009)

[The Safety, Health and Welfare at Work Act 2005 (Section 8 & 10) 16](#_Toc512606010)

# Introduction

UCD is committed to providing an accessible and welcoming working environment for all our employees. The university seeks to create a workplace which provides the necessary support for our diverse range of employees to reach their full potential.

This guide has been produced to support all employees who have a disability or acquire a disability while working in the University to access any adjustments or reasonable accommodations they may need.

**Simple Steps for Success**

Whether you had an existing disability when you joined the University, or you acquire a disability over the course of your working life, in most cases you will continue to work and add value to your team, provided some simple steps are taken.

Often the steps needed to be taken by you and/or the University to stay in work are very simple, do not take a lot of effort, and may cost little or nothing. The University recognises the significant benefit of retaining you as an experienced, knowledgeable and skilled employee represents.

In some cases, for the university to provide the relevant and appropriate supports for you, you will need to disclose that you have a disability. Please remember any information you disclose is completely private and confidential and will not be shared without your explicit written consent.

It is important that you utilise the policies and systems that will guide you in disclosing your disability and requesting a reasonable accommodation.

**What you will find in this guide**

This guide will make it easier for you to manage your disability in the workplace by:

1. Providing you with a process for requesting reasonable accommodations.
2. Highlighting the relevant legislation which impacts on you as an employee with a disability.
3. Answering some common questions related to the disclosure of a disability.

Please take time to familiarise yourself with this information. It is important to recognise that this is a guide only and that the information contained within it is not exhaustive. You may need to seek out additional advice from experts either internally or externally.

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# What is disability?

The term ‘disability’ includes a wide range of conditions. Within Irish Equality Legislation, disability is broadly defined to include people with physical, intellectual, sensory, learning and/or cognitive or emotional disabilities and a range of medical conditions (further information on this can be found in the appendix).

The ESRI estimates that 18% (almost 1 in 5) of Irish people have a disability. Disability is therefore a very common part of the human experience and of life on campus.

As our society ages and with ever greater medical and technical advances, the rates of disability will increase. More people with disabilities than ever before are entering and part of the workforce.

The University will assist in identifying how structures, processes and policies related to you, may be adjusted or accommodated where reasonable to ensure that you are enabled to carry out your role in the University. In addition, they will seek to ensure that you also have the same opportunities to contribute and participate to the best of your ability, as any other member of their team.

# What is disclosure?

In the context of disability in the workplace, disclosure is the decision of an employee to inform their manager or employer that they have a disability. Disclosure is viewed in many cases, especially in relation to employment, as one of the most challenging aspects of having a disability. One of the most personal decisions you make as a person with a disability is whether to tell someone about your disability. UCD recognises that this can be a difficult decision on your part. Therefore, it is extremely important that you are aware that we seek to create a supportive environment which encourages you as an employee with a disability to disclose.

Disclosure is welcomed by UCD as this ensures that the appropriate supports and accommodations can be put in place to allow you, as a person with a disability to participate fully and equally in all aspects of the University.

Disclosure of personal and medical information is **strictly private and confidential** and no information you disclose can be provided to a third party without your written consent.

You can provide formal confirmation that you are disclosing your disability via the Reasonable Accommodation Request Form which can be found on [www.ucd.ie/equality/support/disability/](http://www.ucd.ie/equality/support/disability/).

UCD will place no unnecessary or irrelevant obstacles in the way of you as a person with a disability applying for positions, training and development or promotions. UCD will make all **reasonable efforts** to provide the necessary/specific supports requested/required by you.

**Disclosing**

UCD recognises that disclosure of a disability requires thought and preparation and it is a personal decision.

It is important that you take the time to decide the following:

* **When do I disclose?**
* **How do I disclose?**
* **Who do I disclose to?**
* **What information do I disclose?**

If you are already working in UCD and have recently acquired your disability we recognise that making the decision to disclose may take time. You may initially choose not to disclose your disability. However, you should consider both the benefits and disadvantages of not-disclosing when making your decision, as non-disclosure can at times be counter-productive in the long term if you require accommodations.

**When and how do I disclose?**

You may disclose your disability either prior to or post-employment or at different stages of the recruitment & selection process.

**Opportunities to Disclose during the Recruitment Process**

* On your CV
* On invitation to interview (if you require a reasonable accommodation)
* At any time during your interview
* When you receive the job offer

If you disclose a disability during the interview process you cannot be discriminated against based on this. The assessment of applications from people with disabilities will occur taking the provision of reasonable accommodation into account; this puts you on an equal footing with all other candidates.

All candidates will be assessed on the same criteria, using a clear job description which identifies the core skills and competencies of the job

A needs assessment[[1]](#footnote-1) is never part of the recruitment process and will only be used after the offer of a job has been made to you.

If your disability is visible you may wish to anticipate concerns and answer those specifically

**For example**: *‘We have not discussed my disability or how it might impact on the job?’*

*‘I have the skills required to do the main duties of the role, but sometimes (due to functional limitations) I have some difficulties which are overcome when I have the following accommodations’*

**Stress your ability**. If you can only stand for one hour it is much better to say, ‘*I can stand for one hour’* rather than ‘*I cannot stand for more than one hour,’* both statements describe the same situation but the first focuses on what you can do rather than what you cannot do.

Prior to receiving a job offer you will be requested to complete a medical form for the Occupational Health Physician if the role has a duration of over 12 months and you will be required to confidentially disclose a disability to the Occupational Health Physician who will assess your fitness to work.

The University will only be informed of a disability if it will directly impact on a person’s capacity to carry out the role and in relation to the level of reasonable accommodation required.

If the role is for a period of less than 12 months, you will be not required to complete a medical form for the Occupational Health Physician. You can still choose to disclose your disability as outlined above and request accommodations by following the procedures outlined below.

**Opportunities to Disclose for Existing or New Employees include:**

* When you are diagnosed with a disability
* When and if problems arise because of your disability
* When returning to work having acquired a disability

You need to make the decision as to whether reasonable accommodation on the job is required – if it is needed then there are personal advantages to disclosure.

You must remember that accommodations in the workplace are only provided when you disclose your disability and you request a needs assessment. You can find information on how to disclose and request a needs assessment for a reasonable accommodation in the next sections.

**What is a Needs Assessment?**

According to AHEAD, a ‘Needs Assessment’ is a ‘*structured process which identifies any accommodations/adjustments an employee may require, if any, to undertake all/some core aspects of a job – safely and successfully*.’

A needs assessment is carried out with an Occupational Health Practitioner to understand the duties you carry out in your work and any difficulties your disability presents in completing these duties. The purpose of the needs assessment is to determine what reasonable accommodations may be considered to assist you in completing your duties. A Needs Assessment is confidential, and all information collected comes under the Data Protection Legislation.

UCD’s Occupational Health will carry out a Needs Assessment. They may consult with your specialist or organisations specialising in your disability. This will be conducted in consultation and with your permission.

The University recognises that it is important to distinguish disability from sickness. It is considered that people with disabilities are generally as healthy as non-disabled people and their absences from work due to sickness are usually the same as other employees. If you are returning to work after a period of sick leave, please liaise with your HR Partner and refer to UCD’s sick leave process.

Your manager, Equality Diversity and Inclusion Unit and HR Partner, along with key stakeholders, will play an important role in providing and delivering these practical supports required by you.

**Who do I disclose to?**

Your manager should be your first point of contact if you wish to disclose a disability and request a needs assessment for a reasonable accommodation to be considered.Your manager has a key responsibility for your general well-being and ensuring you have access to the full range of opportunities that go with your job. It is advised that you arrange a meeting with your manager to allow the time and space to have the discussion.

Following your request to your manager for a needs assessment, your manager will forward this request to the EDI Unit for the needs assessment to be arranged.

Should you prefer a confidential conversation to discuss your disability prior to disclosing to your manager, you can contact the EDI Unit or HR Partner in the first instance.

The needs assessment process is outlined in more detail below. The EDI Unit will contact you prior to arranging the needs assessment with the University’s Occupational Health provider.

Once the recommendations for reasonable accommodations have been received following the needs assessment, it may be necessary to share these recommendations with other key stakeholders in the University such as the SIRC office, HR, Estate Services, Campus Accessibility etc. Permission will be required by you to share this information.

**What information do I disclose?**

When disclosing to your manager, you do not need to share the detailed medical nature of your disability as they do not require this information.

Disability is only important if it affects (or can potentially affect) your capacity to perform the **essential** functions of the job. If you wish to request a needs assessment for a reasonable accommodation to be put in place, you will need to confirm this with your manager and complete **Section 1-3** of the Reasonable Accommodation request form (known as “form” hereafter.) Other helpful information can include:

* How your disability affects your capacity to perform the essential functions of the role
* What supports you may require

The important information to convey is the impact (or potential impact) of your disability on your ability to carry out the activities associated with your job. It is also helpful to discuss any support or reasonable accommodations that you feel might assist you in carrying out your duties. If you require a reasonable accommodation, you will need to confirm this with your manager, complete **Section 1-3** of the Reasonable Accommodation request form (known as “form” hereafter.) and complete a needs assessment with an Occupational Health Practitioner.

Your manager will forward this request to the EDI Unit to arrange the needs assessment. The EDI Unit will contact you discuss the form in further detail prior to arranging the needs assessment.

**You may also wish to provide the following additional information to the EDI Unit and/or your manager to assist with the Needs Assessment:**

* General information about your disability
* Any examples of accommodations that have worked for you before
* Any examples of accommodations that you think may work for you in the future

## Do I have to disclose my disability?

**You have *no* obligation to disclose, if:**

* there is no impact on your job or the work environment
* you do not require any accommodations to the workplace
* you do not require any changes to the organisation of work or assistance

**You *are requested* to disclose, if:**

* Your disability presents a health and safety hazard/risk to you or others in the workplace; you are requested to disclose – to ensure your safety and the safety of others.

## What are the advantages of disclosing my disability?

* Potential access to accommodations – enables you to perform to the best of your ability and receive the supports you need
* Aids in identifying support structures that are available to you
* Helps the university to improve our processes regarding the provision of reasonable accommodations

If you are unsure of whether to disclose your disability, we recommend speaking to the EDI Unit in confidence, contacting your relevant disability organisation or utilising resources such as the Ahead [guide to disclosure](http://www.google.ie/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC0QFjAA&url=http%3A%2F%2Fwww.ahead.ie%2Fuserfiles%2Ffile%2FDiclosure_Online_08_04_11.pdf&ei=M-J0U9TcLqWK7AbypYH4CA&usg=AFQjCNHwj_pHUMrEqJLeVNdp64bLQbDQjw&sig2=8Fc2nPnIT_WRwIDAI3E05Q&bvm=bv.66699033,d.ZGU) for independent advice on the advantages and disadvantages of disclosing your disability.

## What if I don’t disclose?

If you do not inform the University or your manager that you have a disability and it is not reasonable for your manager to know that you have a disability - then they as your employer are not deemed to know, therefore they are not liable if reasonable accommodations are not provided.

You can decide to disclose your disability and request a needs assessment at any time throughout your employment in UCD.

## What if I don’t give permission to disclose to others?

The University will not disclose information about your disability without your express permission. However, if you decide not to make relevant information available to others this may impact on the type and level of accommodation you may receive.

## Confidentiality: What information can be shared?

As an employee with a disability, you have the right to keep information about your disability private. It is not necessary or allowed for others to inform your colleagues about your disability, or your need for accommodations, unless your express permission has been given.

While colleagues may be aware of the accommodations, especially if you are taking extra breaks/ availing of flexi-time, they are not entitled to know why these have been provided unless you have given written permission for this. Under Irish employment legislation UCD is required to keep employee’s disability and medical information confidential.

***Confidentiality of Reasonable Accommodation Request Forms***

A copy of the form will be maintained by the EDI Unit. This is stored in a secure file, in line with the Data Protection Legislation and University policy. These will be signed and dated by you and your manager.

***Your Safety– exception to confidentiality***

If your manager or EDI Unit has a good reason to believe that your safety, or the safety of another person, may be endangered unless information is shared – they have a duty of care to disclose and seek specialist advice.

## QUICK GUIDE: Disclosure Conversations

## Talking to your Manager/EDI Unit

* It can be helpful to do some preparation in advance of disclosing a disability about how much information you want to provide and any support or accommodations that might be helpful to you.
* Practice having your disclosure conversation, so you know what you want to say and anticipate possible questions.
* If you can, provide some options and strategies for workplace adjustments.
* There is no need to disclose detailed medical and/or personal information.
* Discuss the impact of possible symptoms and side effects of any medication on the workplace (if you think it is important or relevant).
* If you are nervous about disclosing your disability to your manager/EDI Unit, remember that your manager/EDI Unit is there to support you.
* UCD has put this Reasonable Accommodation process in place to make all reasonable efforts to provide the necessary/specific supports requested/required by you.

You can disclose your disability at any point throughout your career.

**The University encourages employees to disclose when you first realise that difficulties are being encountered.** It is better to disclose and request accommodations to ensure you can fulfil your full potential at work.

**Note:** If a performance issue arises you can request reasonable accommodations or adjustments to address the issue.

# Responsibilities & Rights

**As an Employee with a disability you have the responsibility to:**

* Disclose a need for accommodations if any work-related adjustments are to be considered
* If going for promotion to inform the interview panel of any interview accommodations in a timely manner
* If attending training/development courses inform the course trainer of any training or accommodations you may need. This should be done in a timely manner.

**As an Employee with a disability you have the right to:**

* Keep information about your disability private
* Have information about your disability treated with due respect and confidentiality
* Choose to disclose your disability at any time during your employment
* Receive appropriate reasonable accommodations
* Be considered for promotion, training and development opportunities based on your skills and merit
* Have respectful questioning regarding your disability for the purpose of reasonable accommodations

**Line Management has the responsibility to:**

* Promote a climate of trust and encourage employees with disabilities to disclose their disability
* Raise awareness and understanding of disability amongst their employees and be cognisant that many disabilities are invisible
* Help guide the employee around available supports, reasonable accommodations and the processes involved
* Assist with any reasonable accommodations to be put in place
* Promote positive attitudes towards you and any employee with a disability
* Act as the primary contact for you – including taking a lead on ensuring reasonable accommodations are put in place once agreed
* Make it clear that employees with a disability cannot be discriminated against as a result of their disclosure and the University will treat any complaints regarding discrimination in a serious manner
* Ensure a safe work environment.
* Lead by example

**The EDI Unit has the responsibility to:**

* Provide information confidentially to employees around requesting a needs assessment
* Contact the employee following a request from the manager to arrange a needs assessment to discuss the nature of the disability
* Arrange the needs assessment with the University’s Occupational Health Physician
* Liaise with the employee, manager, HR Partner around the recommendations for reasonable accommodations

**Your HR Partner has the responsibility to:**

* Provide information confidentially to employees around requesting a needs assessment if requested
* Discuss reasonable accommodation recommendations with the manager, EDI Unit, the individual and other identified key stakeholders
* Support the manager around putting a reasonable accommodation in place
* Support the manager in carrying out reviews of reasonable accommodations that have been put in place.

# Reasonable Accommodation

## What is Reasonable Accommodation?

Under Employment Equality legislation employers are obliged to take appropriate measures to enable a person who has a disability to access and participate in employment or undertake training – unless these measures would result in a disproportionate burden for the employer.[[2]](#footnote-2)

Reasonable Accommodation (RA) can be defined as some modification to tasks or the structure of a job or the workplace at nominal cost which allows a qualified employee with a disability to fully do their job and enjoy equal employment opportunities. Reasonable Accommodation can vary from something as simple as rearranging office furniture, to providing Assistive Technology or providing for changes to working hours.

## Examples of what may be considered a Reasonable Accommodation

Successful accommodations are often minor, requiring little or no expense

Some simple examples of Reasonable Accommodations may be:

* Rearranging furniture
* Changing the level of a desk
* Buying a piece of equipment
* Adapting standard equipment
* Adjusting training materials
* Accepting that there may be alternative ways of accomplishing a given task
* Providing company information in appropriate formats
* Allowing flexi-time, part-time work, job share

**Please Note:**

Reasonable Accommodation does not include any treatment, facility or item that you might ordinarily or reasonably provide for yourself, for example; a wheelchair or reading glasses.

## QUICK GUIDE: Reasonable Accommodation

The following are the key steps which should be taken by you and your manager when you request a needs assessment and reasonable accommodations. Further information and guidance can be found in the Employee Guide on [www.ucd.ie/equality/support/disability/](http://www.ucd.ie/equality/support/disability/) .

1. Complete the Request Form

Meet with your manager who will explain the process for requesting a needs assessment and accessing Reasonable Accommodations – Complete Section 1 -3 of the form.

1. Participate with the Workplace Needs Assessment

Your manager will send the completed form and contact the EDI Unit to arrange a workplace needs assessment.

The EDI Unit will contact you to obtain further information about the disability and arrange for the appropriate needs assessment to take place. This needs assessment will identify the reasonable accommodations which you may require in relation to the work environment, accessibility, access etc.

**Note:** The Workplace Needs Assessment should usually be completed *within three weeks* of a referral being made to the EDI Unit by the manager.

1. Communicate Accommodations

A meeting will be scheduled with you, your manager, EDI Unit, HR Partner and any other relevant parties identified by you in section 3 of the form to discuss the possible accommodations to be put in place and when they will be implemented by. You will be consulted and involved throughout the entire reasonable accommodation process.

1. Confirmation of Implementation

Your manager will ensure agreed accommodations are implemented and keep you informed around timelines for implementation

While UCD will endeavour to ensure all recommendations are met, should issues arise with non-implementation, you should raise the issue with your manager or HR Partner.

1. Follow up

Your manager, with the support of the HR Partner if required, will agree a schedule of follow up meetings with you to ensure that accommodations are still working satisfactorily (typically after 2 weeks, 6 weeks, 3 months and then every 6-12 months). Where changes are needed, the steps 1-5 will be re-visited.

1. Maintaining Confidentiality & Communications

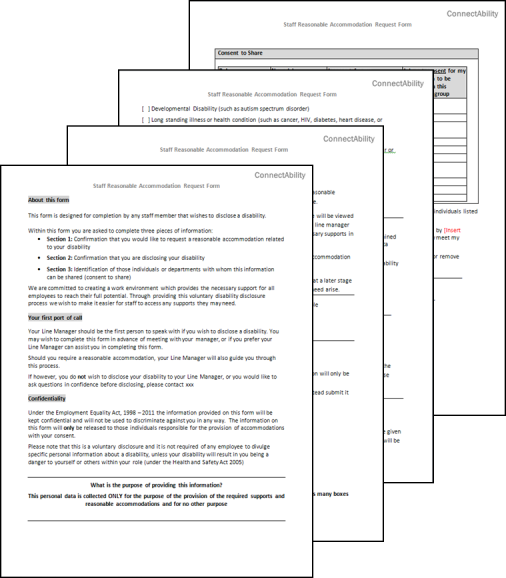
At all times confidentiality will be maintained in accordance with your wishes and as outlined form. Throughout the process open communications will be maintained with you. You will be updated on progress and consulted on any changes which may need to be implemented. Accurate records at every stage of the assessment process will be maintained and reasons for decisions made will also be recorded.

## The Reasonable Accommodation Request Form

To ensure that reasonable accommodations can be accessed consistently and fairly by you, a simple form has been developed to formally place a request for a needs assessment and reasonable accommodations.

Should you have an existing or acquired disability, we encourage you to request any accommodations which you require through your manager.

Your manager will ensure that you are informed about the availability of reasonable accommodations.

**The Form**

The Reasonable Accommodation Request Form consists of four simple sections

* **Section 1:** Disclosing a Disability and requesting a Needs Assessment - Confirmation that you are disclosing a disability and requesting a needs assessment for a reasonable accommodation to be put in place.
* **Section 2:** Nature of disability – further information to be disclosed confidentially in order to get more information to assist with the needs assessment by UCD’s Occupational Health Physician.
* **Section 3:** Consent to Release Information - Identification of those individuals or units with whom you have agreed that this information can be shared (consent to share)
* **Section 4:** Your manager with the support of the HR Partner if required will review Reasonable Accommodations put in place on a regular basis to ensure that they are working satisfactorily. These would occur typically between 2-6 weeks, 3 months and then every 6-12 months.

The Reasonable Accommodation Request form can be found on [www.ucd.ie/equality/support/disability/](http://www.ucd.ie/equality/support/disability/).

Alternatively, you can request a copy of the form and / or guidance on completing the form from your manager, the EDI Unit or HR Partner.

# Conclusion

UCD is committed to ensuring that our workplaces value and include all employees. We recognise that our employees with disabilities represent a valuable source of talent, experience and knowledge. We are committed to ensuring that those employees with disabilities are enabled to do carry out their role in the workplace and can continue to contribute at the best of their ability, with the necessary supports to put them on an equal footing with colleagues.

Appendix

## Legal Definitions of Disability

## The Employment Equality Act 1998 – 2015

Under the Employment Equality Act (1998 to 2015) and the Equal Status Act 2000 to 2015) disability is defined very broadly in section 2(1) of the Employment Equality Act and includes most disabilities.

“Disability” means—

(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, disease or illness which affects a person’s thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour, and includes 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.[[3]](#footnote-3)

The Employment Equality Act promotes equality, prohibits discrimination (with some exemptions) across nine grounds, prohibits sexual harassment, harassment and victimisation; requires appropriate measures for people with disabilities in relation to access, participation and training in employment; and allows positive action measures to ensure full equality in practice across the nine grounds.

The Employment Equality Act 1998 – 2015 imposes specific duties on the university with regard to people with disabilities. Under the Act the university is prohibited from unlawfully discriminating against people with disabilities by failing to provide reasonable accommodations. This means that the university must provide reasonable accommodations.

**The Scope: Aspects of employment that are covered:**

* Advertising
* Equal pay
* Access to employment
* Vocational training and work experience
* Terms and conditions of employment
* Promotion or re-grading
* Classification of posts
* Dismissal
* Collective agreements

**The Act applies to:**

* Full-time, part-time and temporary employees
* Public and private sector
* Vocational training bodies
* Employment agencies
* Trade unions, professional and trade bodies
* Self-employed contractors
* Partners in partnerships
* State and local authority office holders

## Reasonable Accommodation – Legal Requirements

The requirement to provide reasonable accommodations for people with disabilities applies to each stage of employment:

* Recruitment, selection and appointment
* Training and career development
* Probation, progression and promotion
* Performance management and
* Any other employment benefit

An employer is obliged to provide reasonable accommodation unless the measures would impose a disproportionate burden on the employer

1. **What are appropriate measures?**

They are effective and practical measures to adapt the employer’s place of business including:

* The adaptation of premises and equipment
* Changes to patterns of working time
* Distribution of tasks or
* The provision of training or retraining

The employer is not obliged to provide any treatment, facility or thing that the person might ordinarily or reasonably provide for him or herself.

1. **What is Disproportionate Burden? (Council Directive 2007/78EU)**

In determining whether the measures would impose a disproportionate burden, account is taken of:

1. The financial and other costs entailed
2. The scale and financial resources of the employer’s business; and
3. The possibility of obtaining public funding or other assistance
4. **What is Positive Action?**

Employers can take steps with a view to ensuring full equality in practice between employees on all of the nine discriminatory grounds.

## The Equal Status Acts 2000-2015

The Equal Status Acts promote equality and ban discrimination across nine categories. The Act requires reasonable accommodations for people with disabilities and also a broad range of positive actions.

**Who is protected under the Acts?**

The Acts apply to anyone who:

* Buys or sells a wide variety of goods
* Uses or provides a wide range of services
* Provides or uses accommodation (landlords, tenants, hotels and so on)
* Attends or manages a pre-school, school or other educational establishment

Clubs such as sports clubs are treated slightly differently under the Equal Status Acts.

**‘Reasonable Accommodation’ under the Equal Status Act 2000 - 2015**

‘Reasonable Accommodation’ means providing adjustments or facilities to make sure that people with a disability can avail of particular goods and services.

Individuals and organisations must do all that is reasonable to meet the needs of a person with a disability:

* People or organisations selling goods or providing services
* People and organisations selling or letting accommodation or providing accommodation
* Schools, colleges and other educational institutions
* Clubs

This involves making reasonable change in what is done and how it is done where, without these changes it would be very difficult or impossible for a person with a disability to obtain these goods or services (Unless it costs more than a nominal cost) A nominal cost will be different for each person or organisation as it depends on the size of the business and its budget.

The State provides grants for the provision of special treatment and facilities. If the service provider/contractor/sub-contractor is in the private sector, there may be an onus on them to avail of these grants.

## The Safety, Health and Welfare at Work Act 2005

Under the Safety, Health and Welfare at Work Act, an employer shall ensure that places of work, where necessary, are organised to take account of persons at work with disabilities, in particular with regard to doors, passageways, staircases showers, washbasins, lavatories and workstations used or occupied directly by those persons.

If you require this booklet in an alternative format (for example braille, large print or e-text) please contact [edi@ucd.ie](mailto:edi@ucd.ie)

1. For information on a ‘Needs Assessment’ go to page 5. [↑](#footnote-ref-1)
2. Source: Ahead – Demystifying Disability in the Workplace [↑](#footnote-ref-2)
3. [↑](#footnote-ref-3)