

## 10.3 Disability Policy

### Introduction

Teagasc operates a policy of Equal Opportunities for all staff. In order to help meet the diverse needs of both our customers and staff with disabilities, a Disability Policy has been developed by a Working Group of the Teagasc Equality Committee. The purpose of this Policy is to provide a clear statement in relation to staff, customers and clients of Teagasc who have a disability and provide guidance in relation to recruitment, employment, training, development and promotion.

In formulating the Policy the Working Group consulted with the Equality Authority, National Disability Authority, FAS and the Equality Diversity Network of Equality Officers employed by the State and the Public Sector. Input from Teagasc staff with disabilities and other staff are also immersed in this Policy. The Policy is supported by Management who are fully committed to this Policy and an inclusive and diverse work environment. The Policy has also been agreed by the National Partnership Committee comprising representatives of staff, management and trade unions.

The Teagasc policy will develop and sustain positive measures to encourage the recruitment, development and retention of people with disabilities. Every effort will be made to ensure the continued employment of any staff member who becomes disabled while working for Teagasc. In creating this inclusive work environment, we are also facilitating accessibility for our customers, clients and the general public.

Teagasc proposes to base its equality of opportunity in the workplace for persons with disability on four guiding principles:

- Creation of a work culture which focuses on relevant abilities rather than irrelevant disabilities;
- Ensuring that recruitment, selection, assignment and development criteria are framed to seek inclusion of persons with disability.
- Practical facilitation of persons with disability to avail of employment and career opportunities insofar as it is reasonable.
- Design an accessible environment for our customers, clients and the public within Teagasc premises, at Teagasc events and providing Teagasc services.

### Definition of Disability

There is a statutory definition of disability in the [Employment Equality Act, 1998](#) and the [Disability Act 2005](#). [See Appendix 1].

Disability from the Disability Act 2005, means 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. National Disability Authority (NDA) was established in 1999 with the role of assisting government in the co-ordination and development of policy relating to persons with disabilities.

As the Disability Act, 2005 is based strongly on the 'social model' of understanding disability, Teagasc is basing its Disability Policy on this approach. The social model emphasises an inclusive society by providing supports and services to optimise a person's ability to fully engage in society and participate fully in the workforce.

## Disability Act 2005

The Disability Act 2005 is a positive action measure designed to advance and underpin the participation of people with disabilities in everyday life. It is part of a framework of measures, which supports social inclusion. Other essential elements in the legislative framework are:

- [The Employment Equality Acts 1998, 2004](#)
- [The Equal Status Act 2000](#)
- [The Education for Persons with Special Educational needs Act 2004](#)
- [The Citizens Information Act 2007](#)

The Disability Act 2005 establishes a statutory basis for:

- An independent assessment of individual needs and a related service statement
- Access to public buildings, services and information
- An obligation on public bodies to be proactive in employing people with disabilities
- Restricting the use of information from genetic testing for employment and insurance purposes.
- The act also sets a target for the employment of people with disabilities. This is a government led positive action measure to facilitate the integration of people with disabilities into employment. It is Teagasc's aim to ensure that this target is reached.

## Understanding Disability

**Appendix 1** and the definitions above cover a wide range of disabilities. It is important to realise that it is not only people with physical disabilities that fall within the definition of people who are disabled. Some disabilities are obvious (e.g. in the case of wheelchair users), others are not readily apparent (e.g. epilepsy or mental health). The term 'disability' can cover a wide range of circumstances including visual impairment, hearing defects, physical disability, specific learning disabilities and mental health difficulties. See **Appendix 2** for a list of disabilities covered by the term.

While some people with disabilities may require special assistance and/or equipment to reach their full potential, most can be effective staff members without special help. It should also be noted that the same disability could vary in its impact and affect people differently. Accordingly, 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 a question concerning the employment of people with disabilities should proceed from a question of presumed ability.

## Access to Services for Clients, Customers and the General Public

Access will be provided by Teagasc for its services and information to clients with disabilities. The means of gaining access to a Teagasc service will be tailored to meet individual requirements. The principal areas will include provision of information on State Schemes related to farming and provision of training and advice. Teagasc will also assist its clients, and the farming community in contacting agencies and organisations who have a role in providing disability related services and supports.

## **Equal Opportunities & Accessible Services**

Teagasc has a responsibility as an employer for developing and promoting best practice in equality of opportunity for all staff. This does not always mean that everybody must be treated in exactly the same way. It must be recognised that treating everybody the same way may lead to the continuing exclusion of individuals or groups protected by the legislation. Special steps may need to be taken to encourage those who may have been unfairly excluded to come forward for recruitment or to have an equal prospect of promotion within Teagasc. Section 16(3) of the Employment Equality Act, 1998 states that:

*“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 a 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.

*“The Term reasonable accommodation is generally understood to mean the provision of enhanced equipment (whether this refers to computer aids or specially adapted furniture) and improved access arrangements. It may be that the person would need some special treatment or facility to assist them in performing the job. It would be expected that they would be facilitated with some flexibility measures not normally extended to other non-disabled persons employed in that role. This might mean having time-off to make arrangements that facilitate them in the management of their disability.*

*A refusal or failure to provide for special treatment or facilities shall not be deemed reasonable unless such a provision would give rise to a disproportionate cost to the employer.”*

If disability is a barrier Teagasc will work to adopt measures to help remove such obstacles that may exist, thereby providing equal access to employment opportunities and services.

## **Accommodation, Equipment and Facilitation**

Teagasc has prepared a Response Plan to the Disabilities Act 2005. This can be obtained from any member of the Disability Committee. In particular the Director made the following statutory appointments:

Access and Inquiry Officer. The role of the Access officer is to provide and arrange for and co-ordinate the provision of assistance and guidance to persons with disabilities in assessing Teagasc services. The role of the Inquiry officer is to independently investigate complaints under certain sections of the Disabilities Act, 2005.

Teagasc will be flexible in exploring what changes or reasonable adjustments can be made to the workplace, which would help overcome the affects of disability. Teagasc will provide reasonable accommodation and remove any barriers that may exist for people to access facilities and services. Such accommodation may include the provision of special treatment and facilities, to ensure that the person is both competent and capable of doing the job. This may include changes in the provision of aids and adaptations as well as physical changes to buildings.

Access arrangements to Teagasc premises will be reviewed on an on-going basis in relation to the requirements of people with disabilities. It will be necessary to identify alterations to premises necessary to improve accessibility. Teagasc is in the process of upgrading all their offices throughout the country to facilitate wheelchair access.

The realisation of a staff members full potential in the workplace often depends on work organisation and the provision of work facilities. The same principle relates to people with disabilities, the only difference being the need for staff and management to be open to a greater diversity of work organisation, and to consider affording additional assistance to enable people to realise their abilities and contribute to their potential as effective members of staff.

Fire safety procedures are used in all Teagasc buildings. Fire drills are held regularly and any issues relating to people with disabilities will be addressed as a matter of priority. Further details and advice regarding fire safety procedures may be obtained from your local safety officer.

### **Public Events**

In order to ensure that people with disabilities are catered for at all public events run by Teagasc all publications for these events will include the following wording: “**Special needs catered for....**”

### **Recruitment, Training & Promotion**

Teagasc welcomes and encourages applications for positions from people with disabilities. Teagasc will work with FAS and any other agencies where appropriate, who are involved in the training and placement of people with disabilities. See Appendix 3 for details of the Recruitment, Training & Promotion of staff with disabilities.

### **Implementation of the Disability Policy**

All Teagasc staff have a role in ensuring that they adhere to the provisions of the policy. Staff have a responsibility to make themselves familiar with the procedures in this policy and to treat their disabled colleagues, customers and clients with the same dignity and respect that should be properly accorded to other colleagues, customers and clients at all levels in the organisation.

Responsibility required by Managers/Supervisors to:

- Familiarise themselves with this Teagasc Policy
- Uphold it as an integral part of their work
- Be mindful of any special needs expressed by disabled staff
- Bring this policy to the attention of all staff.
- Intervene in any instance where discriminatory behaviour is observed or brought to their attention

VHI Corporate Solutions providers of the Employment Assistance Programme for Teagasc will have a role in supporting The Disability Policy where appropriate via:

- Counselling services for staff with disabilities to help them both adjust to their circumstances and reach their full potential as staff members (on a voluntary and confidential basis)
- Provide practical supports and facilitation for staff with disability in relation to work and other arrangements.

Staff with disabilities will be consulted at least once a year on what the organisation can do to make sure they develop and use their abilities at work. These commitments will be reviewed each year, recording what has been achieved, planning ways to improve and informing staff of progress.

## Redress, Monitoring and Review

**Staff** who believe that they have suffered any form of discrimination (or who wish to seek clarification on these issues) can get information from, or contact, any of the following people (who will assist by referring them to the appropriate procedures):

- Your Line manager/Supervisor; or any Manager/Supervisor within your business unit;
- HR Advisor;
- Trade Union Representative

If a staff member is unable to resolve their grievances informally, a formal complaint may be lodged in writing with any manager (Reference Grievance Procedure).

**Customers and clients** who feel that they have not been afforded the commitments made in this Policy can make a complaint to the Unit Manager. If a customer/client is unable to resolve their grievances informally, a formal complaint may be lodged in writing with the Access Officer.

Enquiries and complaints will be dealt with seriously and promptly. Confidentiality and discretion will be observed insofar as it is practicable. Both the Human Resource Department and Equality Committee will update this Policy on a continuous basis to keep it in line with legislative developments and experience of its operations. The Policy will be publicised to all staff during meetings, through the t-net and also through staff communication channels such as Staff Info, E-bulletin and Newsletters.

The Policy will be available to clients and customers in all offices and on the Teagasc Web Site [www.teagasc.ie](http://www.teagasc.ie) which is AA compliant in line with requirements of the National Disability Authority guidelines. These procedures do not detract from an individual's rights under statutory legislation.

## Appendix 1

### Definition of Disability

For the purpose of the Employment Equality Act, 1998, **disability means:**

1. the total or partial absence of a person's bodily or mental functions, including the absence of 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 the 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; and shall be taken to include a disability which presently exists, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person.

For the purpose of the Disability Act 2005, which deals, inter alia, with Teagasc's legal obligations as a public body to provide accessible services, premises and information, to provide assistance to people with disabilities wishing to access Teagasc's services; to engage in procurement of accessible goods and services; and to employ a target proportion of people with disabilities (currently 3%), the definition of disability is:

“disability, in relation to a person, means 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”

## Appendix 2

The following is a list of disabilities that are covered by the terms of the Employment Equality Act, however this is not a comprehensive listing of possible conditions:

- Physical Disability (e.g. disability affecting mobility/co-ordination) Chronic illness (e.g. heart condition, bronchitis)
- Sensory Disability (Visual or hearing impairment)
- Blood disorders (haemophilia, chronic anemia)
- Mental health difficulty (e.g. schizophrenia)
- Emotional Health Difficulty (e.g. depression phobias)
- Severe or specific Learning Difficulty (intellectual/mental handicap) Drug/Alcohol Dependency
- Other e.g. diabetes, dyslexia, epilepsy, problems with digestion, skin complaints, severe asthma, acute back pain, arthritis or rheumatism, severe allergies, other progressive illnesses (incl. cancers, MS etc)

## Appendix 3

### Recruitment, Training & Promotion

Teagasc is committed to Government policy on the employment of people with disabilities in the Public Service. Teagasc will play its full part in ensuring that this objective is achieved and maintained.

Teagasc will consider any measure of flexibility, which might reasonably be employed to facilitate a prospective employee with a disability.

Job advertisements include the undertaking that “Teagasc is an Equal Opportunities Employer”. Recruitment advertising will welcome applications from people with disabilities and is flexible in accepting alternative methods of making a job application e.g. by telephone, email or audio tape.

Advertisements, job descriptions, person specifications, application forms and psycho-metric tests will be monitored to ensure that they do not disadvantage people with disabilities.

Candidates who are called for tests or interviews will be asked whether they have any particular needs for which Teagasc can make prior provision. We will endeavour to ensure that where possible, any special arrangements which may be needed are made available e.g. ensuring that the place of interview is accessible; make provision for an interpreter for someone with a hearing impairment or speech difficulty.

Selection interviews will be conducted in a manner that emphasises abilities, achievements and individual qualities. Questions concerning an interviewee's disability will be restricted to areas relevant to the work situation. Interviewers shall not make assumptions about an individual's ability to perform certain tasks.

Where the suitability of a person with disability for employment is concerned the candidate must be:

- (a) *capable of performing the job and/or*
- (b) *capable of performing the job on the basis of reasonable accommodation*

*Notwithstanding the requirement not to discriminate, it is perfectly legitimate not to appoint someone if:*

- (a) *they are deemed to be medically unfit;*
- (b) *other candidates have better competencies;*
- (c) *they are not capable of doing the job with reasonable accommodation*

It is Teagasc policy that applicants are selected for particular posts on the basis of their competencies for the advertised role. Interview Boards will not make assumptions about the suitability of individuals for certain types of work based on any criteria not relevant to the job.

The primary criteria for employment, placement or promotion will be a staff member's ability to do the job viz. to meet the requirements in terms of mental or physical capability, for discharging the demands of the job substantially and effectively.

### **Training & Promotion of Existing Staff**

Employees with disabilities will be given the same opportunities as other employees to acquire the range of skills and experience necessary for future career development and enhancement. They will be offered the same access to training and development opportunities as other employees. All reasonable measures will be taken to ensure they are not inhibited from availing of such opportunities for reasons of physical or sensory access to training centres, conference rooms, format of training materials etc. Training plans will be "disability proofed" to ensure equality of opportunity for employees with disabilities. Staff with disabilities will be encouraged through positive action initiatives to apply for promotion. Staff with disabilities will not be excluded from promotion solely because their disability may prevent them from carrying out the full range of duties in the higher grade.

Losing the services of an employee who becomes disabled deprives an organisation of a considerable asset and investment in terms of their skills, experience, training and the loyalty and commitment they have shown. Any employee who becomes disabled will be given the fullest support to maintain or return to a role appropriate to their experience and abilities. In these circumstances, the Teagasc Medical Adviser will have a discretionary role. This may include considerations such as when someone can return to work, what facilities are needed and issues concerning job restructuring, redeployment, rehabilitation, re-training, relocation and flexible working arrangements.

Version	Revision Date	Summary of Changes	Policy Owner
1.0		n/a	HR