

Policy Name: Employment of People with Disabilities

Policy Title:	Employment of People with Disabilities Policy
Description:	To outline how Marino Institute of Education’s Equality Policy should be interpreted regarding people with disabilities who are currently on the staff, or who may be applying for positions.
Author (Position):	Human Resources
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Employment of People with Disabilities Policy

1. Context

The Marino Institute of Education (MIE) is an equal opportunities employer and is committed to the continued development of employment policies, procedures and practices which do not discriminate on grounds such as gender, civil status, family status, sexual orientation, religion, age, disability, race, membership of travelling community. All staff are protected from bullying and harassment under the [Dignity and Respect Policy](#).

2. Purpose

This is a Code of Practice for staff and employment applicants which outlines how MIE's [Staff Equality Policy](#) should be interpreted regarding people with disabilities who are currently on the staff, or who may be applying for positions at MIE.

3. Benefits

People with disabilities will be facilitated to give effective performance in the roles that they hold, and will not be disadvantaged by reason of having a disability.

4. Principles

- 4.1. MIE recognises that its employees are its most valuable asset.
- 4.2. Every reasonable effort will be made to enable staff who become disabled while employed, to remain within its employment.
- 4.3. People with disabilities will be facilitated to give effective performance in the roles that they hold, and will not be disadvantaged by reason of having a disability.
- 4.4. Every reasonable effort will be made to create a supportive workplace environment which allows employees with disabilities to develop their full potential¹.
- 4.5. Applications from people with disabilities will be actively encouraged
- 4.6. Barriers that prevent full access and participation in the life of MIE for people with disabilities will be removed.
- 4.7. Disclosure of a Disability
 - i. MIE seeks to create an environment where employees may disclose their disability with confidence of a supportive response².

¹ See [Staff Equality Policy](#)

² See [Consent to Disclose and Share Disability Information](#)

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- ii. Disclosure of personal and medical information is confidential and no information disclosed will be provided to a third party without an individual's consent at any time³.
- iii. All employees or future employees with a disability are encouraged to discuss their specific needs with their Head of Department so that the necessary measures and accommodations may be implemented to facilitate the employee in fulfilling their position. Prospective employees are encouraged to inform the Chair of their interview panel in MIE if they require special arrangements, at the interview stage or at offer stage.

5. Definitions

The Employment Equality Acts 1998-2015 ([Employment Equality Act, 1998](#), [Equality Act 2004](#), [Civil Law \(Miscellaneous Provisions\) Act 2011](#), [Equality \(Miscellaneous Provisions\) Act 2015](#)) enshrine in law the right of people with disabilities to equal treatment in employment. MIE, as an employer, is committed to fully complying, not only with the letter of the legislation, but the spirit of its intent. See also [Appendix 1](#) of this Policy.

5.1. Disability definition

For the purposes of this Code of Practice the definition of disability applicable will be that contained in the Employment Equality Acts 1998-2015 ([Employment Equality Act, 1998](#), [Equality Act 2004](#), [Civil Law \(Miscellaneous Provisions\) Act 2011](#), [Equality \(Miscellaneous Provisions\) Act 2015](#)). There is other relevant legislation which may be applicable such as the Equal Status Acts 2000-2015 ([Equal Status Act, 2000](#), [Equality Act, 2004](#), [Equal Status \(Amendment\) Act 2012](#), [Equality \(Miscellaneous Provisions\) Act 2015](#)) and in the [Disability Act 2005](#).

5.2. Discrimination

Equality legislation protects employees and prospective employees from direct and indirect discrimination, harassment or victimisation, on any of the nine grounds, including disability. Discrimination is defined as the treatment of a person in a less favourable way than another person is, has been, or would be treated in a comparable situation on any of the nine grounds which exist, existed, may exist in the future, or is imputed to the person concerned. Discrimination can also be defined as the failure to provide reasonable accommodation to a person with a disability (see below).

³ See [Disability Privacy Notice](#)

5.3. Reasonable Accommodation

For the purpose of this document and all MIE policies relating to staff with disabilities, a reasonable accommodation might be any action that helps alleviate a substantial disadvantage. An employer is required by equality legislation to take appropriate measures to enable a person who has a disability to have access to employment, to participate or advance in employment, and to undertake training, unless the measures would impose a disproportionate burden on the employer.

6. Policy

6.1. Recruitment and Selection

People with disabilities are entitled to apply for any position in MIE 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. All applications will be assessed under the [MIE Equality Policy](#) as it applies to recruitment.

MIE commits to the following:

- i. No unnecessary or irrelevant obstacle will be placed in the way of people with disabilities applying for posts. No candidate with a disability will be excluded from a competition by virtue of an inability to fulfil non-essential functions of the position. Candidates will be assessed on their ability to fulfil the essential functions of the position.
- ii. MIE will actively encourage applications from people with a disability and may implement relevant targeted recruitment strategies⁴.
- iii. Job descriptions⁴, person specifications and advertisements will not include unnecessary requirements which could unfairly exclude applicants with a disability. All advertisements will explicitly state that MIE is committed to a policy of equal opportunities in employment⁵. Information relating to vacancies will be provided in a clear and accessible format, and in alternative formats upon request.
- iv. MIE will make all reasonable efforts to provide necessary specific supports to enable applicants with disabilities to participate in competitions for posts for which they would be suited. All interview attendees will be asked if they have any specific support requirements in advance of an interview⁴.

⁴ See [Recruitment Policy](#)

⁵ See [Staff Equality Policy](#) and [MIE Equality Policy](#)

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- v. Nominating committees will be advised of the Code of Practice contained in this policy document and will be advised of their responsibilities in regard to the implications of this Code of Practice in the selection of staff in advance of each interview.

6.2. Work Environment

- i. It is the policy of MIE to ensure that, as far as is reasonably practicable, the working environment is such as to minimise the obstacles facing staff with disabilities.
- ii. MIE commits to ensuring that the work environment is accessible to staff with disabilities wherever possible. While it is recognised that major constraints exist due to the historic nature of many of the buildings on campus, when undertaking any significant structural alteration to or renovation of an existing building, MIE will, insofar as it is reasonably 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.

6.3. Reasonable Accommodation

- i. MIE will ensure that people with disabilities, both new and current staff, will be facilitated to give effective performance in the posts that they hold by providing reasonable accommodation where necessary.
- ii. It is acknowledged that an employee may disclose their disability either at the recruitment stage or once in employment. Heads of Departments should adopt a positive approach to disclosures of a disability and accommodation requests, from both new and current staff.
- iii. The Head of Department will work with the employee to identify the most appropriate means of support, by means of a needs assessment, and ensure their implementation within a reasonable time frame. MIE will require disability/medical evidence for the purpose of the needs assessment. Funding for reasonable accommodation will be provided.
- iv. The Head of Department will commit to reviewing on a regular basis the accommodations provided for the employee.

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6.4. Staff Development

6.5. Staff with disabilities should have the same opportunities as other staff to develop full and rewarding careers in MIE⁶. MIE will provide equal access to training and staff development opportunities for staff with disabilities so that they can further their skills and abilities and fully contribute to College life. All training and development plans and programmes shall be checked to ensure equality of opportunity for staff with disabilities.

MIE commits to the following actions in relation to career development:

- i. 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 their future career development.
- ii. Staff with disabilities should be offered the same access to training as all other staff, and measures should be taken to ensure that they are not inhibited from availing themselves of such opportunities for reasons of physical or sensory access to training centres, conference rooms, format of training materials, etc.

6.6. Events

The following provisions apply to MIE events and are a commitment to ensuring that staff with disabilities can participate in all aspects of College life:

- i. MIE will ensure, wherever reasonably possible, that all events run for the benefit of staff in general will be accessible to all staff who wish to attend.
- ii. It is recommended that materials relating to training and events carry an invitation to participants to request any accommodation required in advance of the event so as to enable their needs to be met.

6.7. Retention

MIE acknowledges that any employee can develop a disability at any stage during their working life or may have, or develop, a disability that is progressive in nature. Every effort will be made to retain these employees and assist them in returning to, or continuing in, employment through the provision of reasonable accommodation.

⁶ See [Staff Equality Policy](#) and [MIE Equality Policy](#)

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Employees who acquire a disability are encouraged to inform their Head of Department so that the appropriate measures may be put in place to support their employment. The employee will be involved, where possible, at every stage of this process.

6.8. Training and Awareness

MIE will seek to promote a disability positive work environment by providing training in the implementation of this policy to all relevant staff and Heads of Departments. Disability awareness training will be made available to areas and Departments who wish to build disability confidence in their staff.

In addition to these targeted measures, MIE will ensure that an equality and disability perspective is introduced into its general training programmes.

6.9. Safety and Evacuation Procedures

MIE commits to the following actions for safety and evacuation procedures:

- i. MIE has established programmes of work aimed at continually improving the accessibility of the campus for those staff, students and visitors with disabilities.
- ii. In addition to access, MIE gives due consideration to the problems of egress from buildings faced by people with disabilities, given that during an emergency evacuation⁷, lifts will not operate and there will be heavy usage of evacuation routes.
- iii. In order to cater for those with disabilities (such as sight, hearing or mobility impairment), Heads of Departments are responsible for ensuring that there are adequate arrangements for the safe evacuation of such staff. This will be addressed as part of the needs assessment of the staff member.
- iv. The MIE Head of Buildings and Health & Safety will have special regard to the health and safety of Institute staff with disabilities.

7. Responsibility

7.1. All MIE staff have a role in ensuring that the provisions of this Policy are adhered to. Specific responsibility in this regard attaches to The President, Heads of Departments and the HR Department.

⁷ See [Fire Evacuation Procedure](#) and [Personal Emergency Evacuation Plan \(PEEP\) Form](#)

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7.2. The responsibility for maintenance of this policy rests with HR.

8. Related Documents

- 8.1. [Staff Equality Policy](#)
- 8.2. [MIE Equality Policy](#)
- 8.3. [Fire Evacuation Procedure](#)
- 8.4. [Personal Emergency Evacuation Plan \(PEEP\) Form](#)
- 8.5. [Recruitment Policy](#)
- 8.6. [Dignity and Respect Policy](#)

Appendix 1 – Definitions

Employment Equality Acts 1998-2010

The Acts define 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.

Other legal definitions may apply in certain circumstances, such as the Disability Act 2005 definition for monitoring purposes.

Reasonable Accommodation (source Part II Section 16).

Nothing in the Act requires an employer to recruit or promote a person who is not fully competent and fully available and capable of undertaking the duties attached to the position. For the purposes of the Act a person who has a disability is considered fully competent and capable on reasonable accommodation (referred to as appropriate measures) being provided by the person's employer.

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An employer is obliged to take appropriate measures to enable a person who has a disability:

- To have access to employment
- To participate or advance in employment
- To undertake training, unless the measures would impose a disproportionate burden on the employer.

Appropriate measures are practical measures to adapt the employer's place of business including:

- The adaptation of premises and equipment,
- Patterns of working time
- Distribution of tasks or
- The provision of training or integration resources

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

In determining whether the measures would impose a disproportionate burden, account is taken of the financial and other costs entailed, the scale and financial resources of the employer's business, and the possibility of obtaining public funding or other assistance.