Code of Practice applying to the Employment of People with Disabilities

1. INTRODUCTION

Trinity College Dublin, the University of Dublin is an equal opportunities employer and is committed to the continued development of employment policies, practices and procedures which reflect our inclusive ethos and traditions, and which ensure that Trinity does not discriminate on grounds such as gender, marital status, family status, sexual orientation, religion, age, disability, race, or membership of the travelling community. All staff are protected from bullying and harassment under the Trinity Dignity and Respect Policy.

This is a Code of Practice for Trinity Academic and Professional staff and prospective members of staff, which outlines how Trinity's Equality Policy should be interpreted as regards the employment of people with disabilities.

Trinity is committed to:

- Ensuring that people with disabilities are facilitated to perform effectively in the posts that they hold, and that they will not be disadvantaged by reason of having a disability;
- Creating a supportive workplace environment that allows employees with disabilities to achieve their full potential;
- Maintaining the proportion of staff with disabilities at a minimum of 3% of total staff, in compliance with statutory requirements;
- Actively encouraging applications from people with disabilities;
- Removing barriers that prevent full access and participation in Trinity life for people with disabilities.

Trinity recognises that its human resources are its most valuable asset and every reasonable effort will be made to enable staff who become disabled while employed in Trinity to remain within its employment.

2. RELEVANT LEGAL INFORMATION

The Employment Equality Acts 1998 - 2016 enshrine in law the right of people with disabilities to equal treatment in employment. As an employer Trinity is committed to complying fully, not only with the letter of the legislation, but also with the spirit of its intent.

The Disability Act 2005 makes additional requirements on public bodies to promote the employment of people with disabilities and to employ at least 3% of staff with a disability.

Disability definition

For the purposes of this Code of Practice, the definition of disability derives from the Employment Equality Acts 1998 - 2016. There is other relevant legislation that may also be applicable, such as the Equal Status Acts 2000 - 2016, and the Disability Act 2005. For full definitions please see Appendix 2: Definitions.

Discrimination

Equality legislation protects employees and prospective employees from direct and indirect discrimination, harassment or victimisation, on any of the nine grounds, including disability.

See the Trinity Equality Policy for the full definition of discrimination, harassment and victimisation: http://www.tcd.ie/equality/policy/equality-policy/

Discrimination can also be defined as the failure to provide reasonable accommodations to a person with a disability (see below).

Reasonable Accommodation

For the purpose of this document and all Trinity policies relating to staff with disabilities, a reasonable accommodation is defined as any action that helps alleviate a substantial disadvantage. For a full definition please see Appendix 1: Definitions.

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 proposed measures would impose a disproportionate burden on the employer.

Trinity has approved centralized funding available for the provision of reasonable accommodations for staff with disabilities.

3. DISCLOSURE OF A DISABILITY

Trinity seeks to create an environment where employees or applicants for employment may disclose their disabilities with confidence and receive a supportive response.

Disclosure of personal and medical information is confidential and no information disclosed will be provided to a third party without an individual's consent.

All employees or future employees with a disability are encouraged to discuss their specific needs with their manager so that the necessary measures and accommodations can be implemented to facilitate the employee in effectively carrying out their duties. For advice and support in advance of disclosing a disability to their manager, employees can contact the Disability Officer for staff in the Trinity Disability Service.

Prospective employees are encouraged to inform the Human Resources Representative on their interview panel in Trinity if they require special arrangements at the interview stage or at offer stage.

Trinity is required to collect information on the number of employees or applicants with a disability to ensure compliance with its legal obligations under the Disability Act 2005. This information will be collected confidentially and voluntarily for statistical purposes.

Trinity also encourages all employment applicants to disclose their disability on the Trinity diversity monitoring form as part of the Trinity e-recruitment process. This information will be collected confidentially to inform inclusive policy in Trinity.

A staff member may consult Appendix 1 for further guidance on procedures relating to disclosure, or discuss issues relating to the Code with the contacts listed at the end of this document.

4. RECRUITMENT AND SELECTION

People with disabilities are entitled to apply for any position in Trinity for which they are qualified and are entitled 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 Trinity Equality Policy.

Trinity commits to the following:

- No unnecessary or irrelevant obstacle will be placed in the way of people with disabilities applying for posts in Trinity. No candidate with a disability will be excluded from a competition due to 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;

- Trinity will actively encourage applications from people with disabilities and may implement targeted recruitment strategies;

- Job descriptions, person specifications, and advertisements will not include unnecessary requirements that could unfairly exclude applicants with a disability. All advertisements will explicitly state that Trinity is committed to a policy of equal opportunities in employment. Information relating to vacancies will be provided in a clear and accessible format, and in alternative formats upon request;

- Trinity 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 specific support requirements in advance of an interview. Nominating committees will be advised of this Code of Practice and the employment policy, and will be advised of their responsibilities in regard to this Code of Practice in the selection of staff in advance of each interview;

- All Human Resources interview representatives will receive training in relation to this Code of Practice and the agreed process for supporting applicants with a disability. Human Resources representatives will brief/train members of interview panels on best practice in interviewing candidates with disabilities.

5. WORK ENVIRONMENT

It is Trinity policy to ensure that, as far as is reasonably practicable, the working environment minimises the obstacles facing staff with disabilities. Under the Disability Act 2005, Trinity must ensure integrated access to public buildings and services and must also ensure that information is made available to people with and without disabilities.

Trinity 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, Trinity will, as far as 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. REASONABLE ACCOMMODATION

Trinity will ensure that both new and current staff with disabilities are facilitated to perform effectively in the posts that they hold by providing reasonable accommodations where necessary.

It is acknowledged that an employee may disclose their disability either at the recruitment stage or once in employment. Managers/Heads of School/Department/Area should adopt a positive approach to disclosure of a disability and requests for reasonable accommodations from both new and current staff.

The manager/Head of School/Department/Area will work with the employee and the Disability Service to identify the most appropriate means of support, by means of a needs assessment, and ensure the implementation of these within a reasonable time-frame. The Disability Service will facilitate the needs assessment, which will consider additional supports, environment accessibility, safety and ingress and egress. Trinity will require disability/medical evidence for the needs assessment.

The manager/Head of School/Department/Area will commit to reviewing the reasonable accommodations provided on a regular basis with the employee and the Disability Service.

For full details relating to reasonable accommodations procedures and requests please consult Appendix 2.

7. STAFF DEVELOPMENT

Staff with disabilities should have the same opportunities as other staff to develop full and rewarding careers in Trinity. Trinity 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

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contribute to Trinity life. All training and development plans and programmes will be monitored/reviewed to ensure equality of opportunity for staff with disabilities. Responsibility and accountability for this lies with the Learning and Development Manager, the Director of CAPSL, and the Equality Committee.

Trinity commits to the following actions 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 their future career development;
- 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 prevented from availing of such opportunities for reasons of physical or sensory access to training centres, conference rooms, format of training materials, etc.

8. EVENTS

The following provisions apply to Trinity events and commit to ensuring that staff with disabilities can participate in all aspects of Trinity life:

- Trinity will ensure, where possible, that all events run for the benefit of staff in general will be accessible to all staff who wish to attend;
- To enable staff with disabilities needs to be met, it is recommended that materials relating to training and events carry an invitation to participants to request in advance any reasonable accommodations required for the event.

9. RETENTION

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

Employees who acquire a disability are encouraged to inform their managers 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.

10. TRAINING AND AWARENESS

Trinity will seek to promote a disability-positive work environment by providing training in the implementation of this policy to all relevant staff, Heads of School/Department/Area and managers. 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, Trinity will ensure that an equality and disability element is included in general training programmes.

Human Resources, the Disability Service and the Equality Committee have particular responsibility for ensuring that these training commitments are implemented.

11. SAFETY AND EVACUATION PROCEDURES

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

- Trinity has established programmes of work aimed to continually improve the accessibility of the campus for those staff, students and visitors with disabilities;
- In addition to access, Trinity gives due consideration to the problems of egress from buildings faced by people with disabilities, since during an emergency evacuation lifts will not operate and there will be heavy usage of evacuation routes;
- Heads of School/Department/Area are responsible for ensuring that there are adequate arrangements for the safe evacuation of staff with disabilities - this will be addressed as part of the needs assessment of the staff member;
- The Trinity Head of Safety will have special regard to the health and safety of Trinity staff with disabilities.

12. MONITORING AND IMPLEMENTING THIS CODE

All Trinity staff play a role in ensuring that the provisions of this Code are adhered to. Specific responsibility in this regard attaches to Heads of School/Departments/Areas, supervisors,

group leaders and managers, Human Resources, the Disability Service, the Director of Estates Office, the Director of Diversity and Inclusion, and the Equality Officer.

The implementation of this Code will be monitored by the Equality Committee annually by way of a report following an annual meeting of all stakeholders to be organised by the Policy lead – Human Resources in advance of the last Equality Committee meeting annually.

13. GRIEVANCES

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 Trinity grievance procedures. For particular grievance procedures please contact Human Resources.

Applicants for employment with a complaint relating to the non-implementation of this policy should contact to the Talent Acquisition Manager in Human Resources.

Grievances referring to the non-implementation of the Disability Act 2005 in relation to access to services and information provided by a Public Body should contact the Access Officer, or one of the two Inquiry Officers appointed to investigate complaints. Please refer to the procedures outlined at http://www.tcd.ie/disability/links/Complaints.php.

The Equality Committee is responsible for monitoring the implementation and effectiveness of this policy, and any suggestions regarding the contents of the policy should be addressed to this body via the Equality Officer.

14. USEFUL CONTACTS

Disability Officer for staff in Trinity

Declan Treanor
Room 3055, Arts Building
01 896 3475
dtreanor@tcd.ie
www.tcd.ie/disability

Human Resources

House 4

01 896 3333

hr@tcd.ie

http://www.tcd.ie/hr/

Equality Officer

Aoife Crawford

Secretary's Office Annexe

01 896 3282

equality@tcd.ie

www.tcd.ie/equality

Employee Assistance Programme (EAP)

Inspire Workplaces Counselling Services

1800 817 433

www.inspirewellbeing.ie/workplaces

Trinity Health Centre

House 47

01 896 1556

www.tcd.ie/collegehealth/

15. TRINITY POLICIES

The following policies relevant to this code can be found at: http://www.tcd.ie/about/policies
and https://www.tcd.ie/diversity-inclusion/policies/

Equality Policy

Dignity and Respect Policy

Accessible Information Policy

Policy on the Provision of ISL Interpretation

Appendix 1: Definitions

Employment Equality Acts 1998 - 2016

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 judgment 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, Employment Equality Act 1998 - 2016)

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.

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.

Appendix 2: Procedures for reasonable accommodation

Medical and personal information will be treated confidentially.

Stage of Process	Role of the Disability Service	Role of the staff member with disability	Role of the manager
Disclosure of disability	Staff member arranges meeting with the Disability Office in the Disability Service (DS) to discuss disclosure options, in confidence. (Optional)	Meet manager and raise impairment/disability issue Disclose disability (if undisclosed).	Meet member of staff. Respond positively to disclosure and discuss options.
Activating needs assessment process		Seek and provide medical documentation to confirm disability for the needs assessment meeting with the Disability Officer. Arrange meeting with Disability Officer directly.	
Needs Assessment	Disability Officer and staff member meet to discuss disability needs and issues in work. The job description, work duties, work environment, accessibility, safety and egress considerations are addressed as part of the individual's needs assessment.		Provide detailed job description and access to work areas. Disability Officer and manager meet to discuss needs and issues in work.
Reasonable Accommodations	DS recommends supports and provides specific information about supports that may be available.	Agree to reasonable accommodations.	Agree to reasonable accommodations as practicable within a reasonable timeframe.

			Arrange/implement accommodations.
Report of Needs Assessment	Disability Officer draws up draft report.	Review report and suggest changes. Staff member signs final report.	Review report and suggest changes. Manager signs final report.
	Agreed final report circulated by the DS to staff member, manager and Human Resources, if required.		
Review	Review annually with staff member, if requested.	Staff member to report any issues to managers and DS. Staff member to arrange to meet DS to review reasonable accommodations if required. Onus on staff member to activate.	Review regularly with staff member.
Feedback	Review the code of practice with the Equality Committee.	Provide feedback to help further develop the code of practice.	Provide feedback to help further develop the code of practice.

Note: Throughout the code 'manager' is used to refer to the employee's line-manager - be they Head of School/Department/Area, Manager, Supervisor, etc.

Employee/Staff member is used to refer to all categories of Trinity staff (academic, administrative, support, etc.)

Appendix 3:

Terms of Reference for the Reasonable Accomodation Needs Assessment

Terms of Reference

Reasonable accommodations will be provided where necessary to ensure that both new and current staff with disabilities are facilitated to perform effectively in the posts that they hold. In order to ascertain those reasonable accommodations an assessment will be carried out by the Disability Service in accordance with the Code of Practice. This assessment is solely to assess the accommodations required to allow an employee who has disclosed a disability to perform effectively in the posts that they hold.

This assessment does not deal with workplace issues or interpersonal difficulties employees may be experiencing. Such matters should be dealt with through the management structure and advice on this should be obtained from Human Resources.

Signed Employee: _____   Date: _____

Signed Manager: _____   Date: _____